



## JUDICIAL INVESTIGATION COMMISSION

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February 4, 2005

Re: JIC Advisory Opinion 2005-02

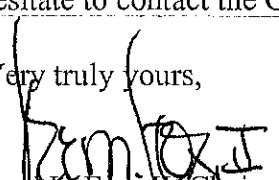
Dear

In a recent letter to the Judicial Investigation Commission you asked for an advisory opinion. You stated that on December 28, 2004, you entered a Decree of Divorce in a case involving two parties each of whom were represented by counsel. The parties are the parents of three children, all of whom are minors. You asked in your correspondence whether there would be any ethical impropriety if your wife, who one year ago opened a private counseling practice, served as counselor to one of the parties and/or their children. You stated that the Decree of Divorce contains no order requiring either party or any of the children to engage in counseling. You had no knowledge that your wife would be contacted about providing counseling services. You further stated that if your wife served as counselor to a party or the children, you would seek recusal in the event that either party in the future filed a petition for modification or contempt or other relief.

The Commission has reviewed the request for an advisory opinion. Based upon the facts as set forth in your letter, the Commission can find no ethical impropriety on your part. The counseling services of your wife were not ordered by the Court and the request for her counseling was done independent of any involvement by you or the Court. You state correctly that if the case were to come before you for subsequent action you would need to recuse yourself from any further involvement.

It is hoped that this opinion fully addresses the questions which you have raised. If there is any further question regarding this matter, do not hesitate to contact the Commission.

Very truly yours,

  
Fred L. Fox, II, Chairperson  
Judicial Investigation Commission

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