



**JUDICIAL INVESTIGATION COMMISSION**

Post Office Box 1629  
Charleston, West Virginia 25326-1629  
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October 31, 2005

Re: JIC Advisory Opinion 2005-21

Dear

The Judicial Investigation Commission at its recent meeting reviewed an advisory opinion dated August 9, 1994, in which an opinion was given to a Family Law Master who had previously been an attorney with the Child Advocate's Office. It addressed cases the Family Law Master could hear which had been pending when he served in the Child Advocate's Office. Basically, the opinion said that any case in which the Family Law Master had been involved as an attorney for the Child Advocate's Office would require his recusal when it came before him as a Family Law Master. A copy of this opinion is enclosed for your review.

The Commission has reviewed that opinion and determined that it should still be dispositive in certain matters involving the recusal of the Family Court Judge. If the Family Court Judge had been involved in a case while an attorney with the Child Advocate's Office, that judge would be required to recuse himself/herself if that case came before the court at any subsequent time. If there is any further question regarding this matter do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Fred L. Fox, II".

Fred L. Fox, II, Chairperson  
Judicial Investigation Commission

FLF,II:nb

Enclosure