



JUDICIAL INVESTIGATION COMMISSION

Post Office Box 1629
Charleston, West Virginia 25326-1629
(304) 558-0169 • FAX (304) 558-0831

July 20, 2007

Re: JIC Advisory Opinion 2007-16

Dear

In a recent letter to the Judicial Investigation Commission you asked for an advisory opinion. In that correspondence you stated that your fiancé, and you have resided together since 2001. She is taking a position as legal assistant with a local attorney, She will be dealing only with personal injury cases. and his associate, , also handle criminal cases and various other civil cases. You asked whether under these circumstances you must recuse yourself from any and all cases involving and his associate,

The Commission has reviewed your request for an advisory opinion. The inquiry which you make is controlled by the language of Canon 3E(1) of the Code of Judicial Conduct. That Canon states:

Canon 3. A judge shall perform the duties of judicial office impartially and diligently.

E. Disqualification. (1) A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, . . .

The Canon then sets forth specific instances when disqualification would be appropriate. However, the commentary to the Canon states, "Under this rule, a judge is disqualified whenever the judge's impartiality might reasonably be questioned, regardless whether any of the specific rules in [this Section] apply."

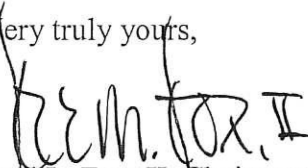
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Based upon the language set forth in the Canon, it is the opinion of the Commission that Canon 3E(1) would require that you recuse yourself in any cases involving _____ and his associate,

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Fred L. Fox, II". The signature is stylized with a large, looped "F" and "L".

Fred L. Fox, II, Chairperson
Judicial Investigation Commission

FLF,II:nb