



JUDICIAL INVESTIGATION COMMISSION

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

October 20, 2008

Re: JIC Advisory Opinion 2008-12

Dear

In a recent letter to the Judicial Investigation Commission you asked for an advisory opinion. You stated that you are currently in private practice and serve as a part-time Mental Hygiene Commissioner in _____ County. You have served as a Commissioner since February 2006. Effective November 1, 2008, you will be employed by the _____ County Public Defender as a felony trial attorney. You have resigned your appointment as a Mental Hygiene Commissioner effective October 31, 2008, in advance of your employment as an Assistant Public Defender. You indicated that you will not be serving as an officer, director or nonlegal advisor to the _____ County Public Defender, but will be one of its employees. There will be no overlap between your employment by the _____ County Public Defender and your service as a _____ County Mental Hygiene Commissioner. You asked whether there would be any conflict between your present position as a _____ County Mental Hygiene Commissioner and your continued service there until October 31, 2008, and your future role as an attorney for the _____ County Public Defender beginning November 1, 2008.

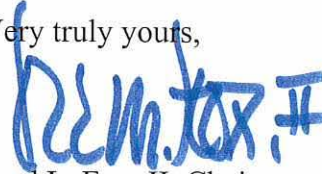
After reviewing the Code of Judicial Conduct, the Commission could find nothing which would prevent you from maintaining your position as Mental Hygiene Commissioner in _____ County until you begin your employment with the _____ County Public Defender's Office. Obviously, your employment as a Mental Hygiene Commissioner and as an attorney for the Public Defender could not overlap and according to your letter will not do so.

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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 blue ink, appearing to read "Fred L. Fox, II". The signature is stylized with a large "F" and "L" and a distinct "II" at the end.

Fred L. Fox, II, Chairperson
Judicial Investigation Commission

FLF:nb