



## JUDICIAL INVESTIGATION COMMISSION

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

February 5, 2009

Re: JIC Opinion 2009-02

Dear

In a recent letter to the Judicial Investigation Commission you asked for an advisory opinion. You stated that you are one of the newly elected magistrates. Recently a police officer relative of yours inquired if getting arrest or search warrants or hearing cases involving him would involve a conflict of interest or problem. The individual posing the question is a third cousin and bears the same last name.

To address the question which you have raised, the Commission has reviewed Canon 3E of the Code of Judicial Conduct.

The Commission could find nothing in Canon 3E which would cause you to have a conflict in those situations in which the individual may appear in front of you. Any relationship which you have would be outside the third degree of relationship set forth in Canon 3E and would therefore not pose a reason for you to recuse yourself in those matters.

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

Very truly yours,

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

Fred L. Fox, II, Chairperson  
Judicial Investigation Commission