



JUDICIAL INVESTIGATION COMMISSION

Post Office Box 1629
Charleston, West Virginia 25326-1629
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March 8, 2010

Re: JIC Advisory Opinion 2010-02

Dear Magistrate

In recent correspondence to the Judicial Investigation Commission you asked for an advisory opinion. You stated that you are a Magistrate in _____ in the Courthouse Annex and your wife is employed as a secretary for the law firm of _____ also in _____. She works for _____ Attorneys. The question regarding you hearing any cases before you involving _____ was decided by your Circuit Judge who ordered that you not hear or participate in any cases of _____.

You state that now _____ the younger brother of _____ has rented an office in the _____ law firm. He only rents an office and has no other rights or use of other firm personnel including your wife for his law practice. You asked for guidance in determining whether you should hear cases involving _____.

After reviewing your correspondence it is the opinion of the Commission that you should speak with the Circuit Judge regarding this matter. You might also show him the disclosure form which magistrates use in this State. This discussion should determine whether the Judge wants to state a position regarding the attorney appearing in front of you as magistrate.

If you have any further question regarding this matter do not hesitate to contact the Commission.

Very truly yours,

A handwritten signature in black ink that reads "Fred L. Fox, II".

Fred L. Fox, II, Chairperson
Judicial Investigation Commission

FLF:nb