



JUDICIAL INVESTIGATION COMMISSION

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

May 10, 2010

Re: JIC Advisory Opinion 2010-07

Dear Judge

In recent correspondence to the Commission you asked for an advisory opinion regarding whether it would be ethically appropriate for you to grant the authority to serve as surety on bailbonds in the Judicial Circuit. The principals of are , and is the of who is your secretary. is married to and they do not reside in the same household as

You also stated that is married to and has been employed by the County Commission for many years. specific duties involve managing the twelve hour holding facility where prisoners are held awaiting daily court action. She receives the prisoners from the Regional Jail transport team and supervises them until they have completed their court hearing and are returned to the

Regional Jail. She has direct contact with the prisoners and would have an indirect financial interest by virtue of being married to one of the principals of

You stated that you have taken no action on the petition of and you have concerns that it might create an appearance of impropriety if the company was granted bonding authority in your circuit. They have not been authorized in another judicial circuit to the best of your knowledge.

To address the question which you have raised, the Commission has reviewed Canon 2 of the Code of Judicial Conduct. Canon 2 states in relevant part:

May 10, 2010
Page Two

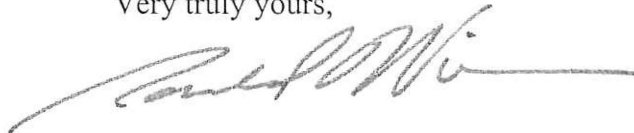
Canon 2. A judge shall avoid impropriety and the appearance of impropriety in all of the judge's activities.

A. A judge shall respect and comply with the law, shall avoid impropriety and the appearance of impropriety in all of the judge's activities, and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

The Commission after reviewing your correspondence and the relationships set forth in it as they pertain to your secretary feels that you should not grant the authority to act as surety on bailbonds in the Judicial Circuit. Based upon the relationship your secretary has with individuals involved with the company and the contact one of the relatives has with prisoners awaiting court action, the appearance of impropriety could be created by such action.

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 "Ronald E. Wilson", with a long horizontal flourish extending to the right.

Ronald E. Wilson, Vice-Chairperson
Judicial Investigation Commission

REW:nb