



JUDICIAL INVESTIGATION COMMISSION

Post Office Box 1629
Charleston, West Virginia 25326-1629
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October 5, 2010

Re: JIC Advisory Opinion 2010-14

Dear Judge

Your recent request for an advisory opinion was reviewed by the Judicial Investigation Commission at its meeting. In that request you stated that an attorney who appears in front of you on a regular basis had previously represented you in litigation and you asked for how long you should disclose that fact when the attorney is in your court.

To address this question the Commission has reviewed Canon 2 and Canon 3 of the Code of Judicial Conduct. Canon 2 states in relevant part:

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.

Canon 3 states in relevant part:

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, . . .

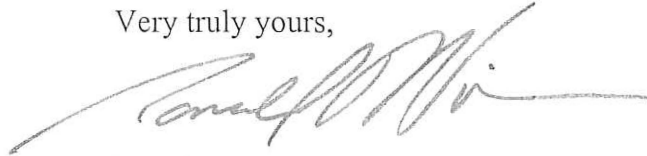
Based upon the relevant language contained in these Canons, it is the opinion of the Commission that the safe practice for you is to disclose the prior representation by the attorney when he appears in your court.

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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