



JUDICIAL INVESTIGATION COMMISSION

Post Office Box 1629
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December 7, 2010

Re: JIC Advisory Opinion 2010-19

Dear Judge

In a request to the Judicial Investigation Commission for an advisory opinion you asked whether you should recuse yourself in a case. You asked whether the circumstances in your letter would require your recusal or at least disclosure to all parties and counsel. You state the new counsel has made an appearance in a highly volatile custody case over which you are presiding. The new counsel was a former client of yours in a custody matter over ten years ago. Although he and you do not have a social relationship, you have from time to time, inquired as to the welfare of his children following the completion of his custody matter.

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

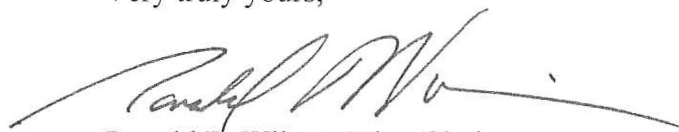
The commentary to this Canon states that "Under this rule, a judge is disqualified whenever the judge's impartiality might reasonably be questioned, regardless whether any of the specific rules in Section 3E(1), apply."

December 7, 2010

Page Two

Based upon the information which you have provided in your letter and the language contained in Canon 3E, it is the opinion of the Commission that you should recuse yourself from this matter. 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 black 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