



JUDICIAL INVESTIGATION COMMISSION

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

January 4, 2011

Re: JIC Advisory Opinion 2011-01

Dear Mr.

In a recent letter to the Judicial Investigation Commission you asked for an advisory opinion. You stated that the parties to a divorce action in _____ County have asked you to serve as mediator in their contested custody case. You have been serving as a temporary family court judge throughout various counties in this state, including _____ County. You are aware that you are prohibited from practicing law and serving as a temporary family court judge in the same county. You wrote to inquire whether you are permitted to serve as a temporary family county judge in a given county and also serve as a mediator (in a case in which you are not otherwise associated) in the same county if requested by the parties.

After reviewing your correspondence and the Code of Judicial Conduct, it is the opinion of the Commission that you should not serve as a mediator in a county in which you also sit as a temporary family court judge. The possibility remains that any action you take, or statements you make as a mediator, may be at least perceived to direct how you do or could proceed when serving in your judicial capacity. The opportunity for such mis-perception exists and could cloud the perception of your activities as a judicial officer in that county.

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 cursive script, appearing to read "Ronald E. Wilson".

Ronald E. Wilson, Chairperson
Judicial Investigation Commission

REW:nb