



JUDICIAL INVESTIGATION COMMISSION

City Center East - Suite 1200 A
4700 MacCorkle Ave., SE
Charleston, West Virginia 25304
(304) 558-0169 • FAX (304) 558-0831

March 21, 2011

Re: JIC Advisory Opinion 2011-03

Dear Judge

In a recent letter to the Judicial Investigation Commission you asked for an advisory opinion. You stated that your wife is the CEO and President of Hospice of _____ and a member of a local bank's board of directors, and has been for many years. She was recently asked to become an officer of the _____ County Democratic Women's Club. Before accepting the position you wanted to know if there was any prohibition or reason why your wife could not serve in that capacity. You also asked if she would have to resign from the bank board position.

As you know, judges are not permitted to serve on bank boards or to be officers in political organizations. Judges are also prohibited from engaging in any fund-raising for any organization. The Commission has reviewed the first part of your advisory opinion request and it is their opinion that because of the fund-raising activities involved as the CEO and President of Hospice of _____ it would be better if your wife did not serve in that capacity. It would also be better if she were not to become an officer in the _____ County Democratic Women's Club. She would not need to resign from her position as a member of a bank board, however, you should keep in mind that you would be recused in all cases involving that bank. Whether this would cause difficulty is something you could assess when reviewing your docket and the number of cases involving that bank in court.

You also stated that you are currently the executor of an estate and hope to wrap that up in the next couple of months. You asked whether there was any problem in that situation. The Commission feels that it would be okay for you to wrap up your work as the executor since that can be done quickly.

The Honorable
March 21, 2011
Page Two

You also state that you own 25% of the office building that is occupied by your former law firm. Reading the various ethics opinions, it appears that you need to sell your interest. You asked whether that would be acceptable over a period of time. You state the amount of money owed to you by the firm for your share will be _____ dollars and based on your type of corporation you would need to have the liquidity to pay that amount out right and they would have to borrow, which you prefer to avoid if they are allowed to be paid over time. Since no one in the firm will be appearing in front of you as judge, it is the opinion of the Commission that the firm could pay you over a period of 5-years to give you the share you are owed.

You also state that the firm will owe you money earned in 2010 and in the early part of 2011 prior to your swearing in. You asked over what period of time that may be paid and state that it may not be calculated until early 2012. The Commission again feels that these fees and amounts owed to you can be paid over a 5-year period.

It is hoped that this opinion fully addresses the questions which you have raised. If there is any further question regarding these matters, 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, Chairperson
Judicial Investigation Commission

REW:nb