



## **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 2011-05

Dear Judge

In a recent letter you asked for an advisory opinion regarding the status of your law clerk. You stated that she has served as law clerk since October 8, 2008, and wished to continue her current employment. She has recently become engaged and is due to be married in April to a man who is an attorney practicing in your circuit. The attorney is employed at the law offices of another attorney located within your circuit. You said that you understand the Rules to prohibit the law clerk from performing any work on cases in which her fiancé is involved. Thus far and for purposes of compliance with the Rules of Ethics you have determined "work" to include the drafting of judicial opinions for any court case in which the attorney is involved. However, the law clerk has historically been permitted to conduct legal research regarding cases in which he is involved and she has both researched and drafted opinions for court cases in which the attorney with whom he works has been involved.

After reviewing your request it is the opinion of the Judicial Investigation Commission that your law clerk could not be involved in any fashion or form in cases in which her fiancé and soon to be husband is involved. There must be a complete wall between the law clerk's work and any cases involving the attorney to whom she is engaged. The Commission does not have sufficient information regarding the status of the attorney with whom he practices. There is no information regarding whether they share office space or are law partners or have any financial arrangement regarding cases which come before the court. For that reason, no opinion can be issued regarding whether that attorney would have any conflict situation.

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The Honorable  
March 21, 2011  
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It is hoped that this opinion fully addresses the questions which you 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

