



JUDICIAL INVESTIGATION COMMISSION

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

October 28, 2011

Re: JIC Advisory Opinion 2011-18

Dear Judges:

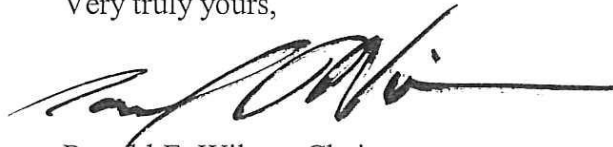
The letter which you have forwarded to the Judicial Investigation Commission asking for an advisory opinion has been reviewed by the Commission members. In that correspondence you stated that you requested an opinion regarding a potential conflict of interest which has arisen and potentially affects all of you. You stated that in 2010, one of the attorneys who practices in the local bar was elected to the position of County Commissioner. Although he does not have an extensive practice, he occasionally appears in Circuit Court. The perceived problem is the fact that the County Commission is responsible for providing courtroom and office space, and furniture and certain equipment to the judges for the Circuit. The potential for conflict of interest was recently demonstrated as the County Commission was struggling with the decision to purchase an abandoned federal building for use as judicial center.

After reviewing your correspondence the Commission has decided that there are any number of issues that allies from actions taken or not taken by a County Commission, which may be presented in the Circuit Court for review. The relationship which exists currently between the Circuit Court and the County Commission regarding the provision of courtroom and office space and certain equipment for Circuit Judges is only one of a myriad of matters which the County Commission is engaged in because of the statutory framework set up the by the Legislature. Because of the necessity for the Circuit Court to hear and decide may activities undertaken by a County Commission it is the opinion of the Judicial Investigation Commission that there is no conflict when the elected County Commissioner appears as an attorney before the Circuit Court.

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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 stroke extending to the right.

Ronald E. Wilson, Chairperson
Judicial Investigation Commission

REW:nb