



**JUDICIAL INVESTIGATION COMMISSION**

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

February 23, 2012

Re: JIC Advisory Opinion 2012-09.

Dear Judge :

Your request for an advisory opinion to Counsel was reviewed by the Judicial Investigation Commission at its February 10, 2012 meeting. The factual scenario giving rise to your request is as follows: Your law clerk is leaving on August 1, 2012. He is seeking employment with firms in the area. You want to know if you may write a letter of recommendation that the law clerk can send with his employment applications.

Canon 2B of the Code of Judicial Conduct provides in pertinent part that "[a] judge shall not allow family, social, political, or other relationships to influence the judge's judicial conduct or judgment. A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others. . . ." However, the Comment to this provision states that "a judge may, based on the judge's personal knowledge, serve as a reference or provide a letter of recommendation on official letterhead, which need not bear the words "personal and unofficial."

Therefore, you may write a letter of recommendation for your law clerk on official letterhead since you have personal knowledge of his work ethic/habits. You no longer need to put the words "personal and unofficial" on the document. Please be advised that this decision overrules in part a May 3, 1990 Advisory Opinion wherein the Commission stated that if official

letterhead was used then the words "personal and unofficial" must appear somewhere on the face of the document.

It is hoped that this opinion fully addresses the issues which you have raised. If there is any further question regarding this matter do not hesitate to contact the Commission.

Sincerely,

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/tat