



JUDICIAL INVESTIGATION COMMISSION

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

December 15, 2014

Re: JIC Advisory Opinion 2014-21.

Dear

Your recent request for an advisory opinion was reviewed by the Judicial Investigation Commission. The factual scenario giving rise to your request is as follows: Your appointment as a Mental Hygiene Commissioner takes effect January 1, 2015. You would like to know whether another attorney in your firm may continue to take Guardian/Conservator appointments as long as he/she appears only before the other Mental Hygiene Commissioners in County.

The Commission has reviewed Canon 6 of the Code of Judicial Conduct and JIC Advisory Opinions 2013-16 and 2013-07, which are attached hereto and made a part hereof. Based upon the holdings of those two Advisory Opinions, we conclude that your co-worker may appear in front of the other Mental Hygiene Commissioners in guardian/conservator cases as long as: (1) your appointment order limits your authority to preside only over involuntary hospitalization hearings; (2) you have not acted as a fact-finder in any Guardianship/Conservator matter; and (3) you disqualify yourself whenever a conflict develops.

We hope this opinion fully addresses the issue 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", is written over a horizontal line.

Ronald E. Wilson, Chairperson
Judicial Investigation Commission

REW/bjl