



**JUDICIAL INVESTIGATION COMMISSION**

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

July 30, 2015

Re: JIC Advisory Opinion 2015-09.

Dear

Your recent request for an advisory opinion to Counsel was reviewed by the Judicial Investigation Commission. The factual scenario giving rise to your request is as follows: Your father and you are partners in a two-lawyer firm known as

The firm name is on various items such as your letterhead, envelopes, business cards, and tax returns. The law office has several amenities including exercise equipment. You have recently been appointed Judge of the Judicial Circuit, and you recognize that you will be disqualified from presiding over any of your father's cases. You want to know if you remove your name from the letterhead and business cards would it be permissible for your father to continue to use the name PLLC, until the end of the year for tax purposes. You also want to know if you can use your office at the firm from time to time in the evenings to work on judicial matters. Lastly, you want to know if it would also be permissible for you to use the exercise equipment there.

Canon 4G of the Code of Judicial Conduct states that "[a] judge shall not practice law." Meanwhile, Canon 2A provides:

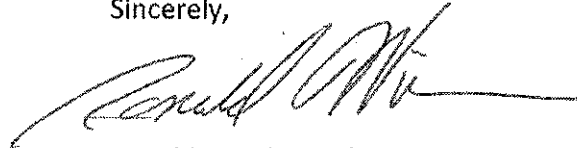
A judge shall respect and comply with the law, shall avoid impropriety and the appearance of impropriety in all of the judge's activities, and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

The Commentary to Canon 2A notes that a judge "must expect to be the subject of constant public scrutiny" and "must therefore accept restrictions on the judge's conduct that might be viewed as burdensome by the ordinary citizen and should do so freely and willingly."

In applying the foregoing to your factual scenario, the Commission is of the opinion that it is not unreasonable for your father to use the firm name until the end of the year strictly for income tax purposes. However, all outward signs which may give the impression that you are still practicing law after you become judge should be removed forthwith. In other words, your name should no longer be on any firm signs, letterhead, envelopes, business cards, etc. You should also refrain from doing any judicial work at your old office or using any of the office equipment at the firm. You may still use the exercise equipment but only after normal business hours. Any business connection with the firm – other than the use of the exercise equipment after the office has closed for the day – must end.

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