



**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 2, 2016

Re: JIC Advisory Opinion 2016-31

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: You are a senior status judge who does not engage in the private practice of law. Your son was recently charged with misdemeanor offenses in a county other than those you generally preside in as a senior status judge. As a result of those charges, your son is also facing a probation violation in one of the counties you served when you were an active circuit court judge. You want to know if you can assist your son's counsel in both counties by signing pleadings, appearing in court, sitting at counsel table, talking and sharing ideas with counsel, giving advice to your son and addressing the court on your son's behalf.

Application II of the Code of Judicial Conduct ("CJC") governs retired judges admitted to senior status. Section B provides that "[a] retired judge admitted to senior status but who engages in limited law practice is **not** required to comply with Rules 3.8 and 3.10" (emphasis added). CJC Rule 3.10 states that "[a] judge shall not practice law. A judge may act pro se and may, without compensation, give legal advice to and draft or review documents for a member of the judge's family, but is prohibited from serving as the family member's lawyer in any forum."

Based upon the foregoing, a majority of the Commission believes that you may represent your son in both cases as long as you have fulfilled the requirements for returning to the active practice of law. Such representation would constitute the limited practice of law which is permissible pursuant to Application IIB.

It is hoped that this opinion fully addresses the issue raised by you. 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 stylized flourish at the end.

Ronald E. Wilson, Chairperson  
Judicial Investigation Commission

REW/tat