



**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 14, 2018

Re: JIC Advisory Opinion 2018-21.

Dear

Your December 13, 2018 request for an advisory opinion has been reviewed by the Judicial Investigation Commission. The facts giving rise to your request are as follows:

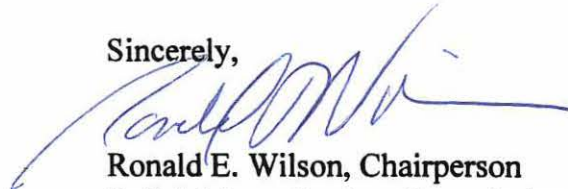
There is a vacancy for Magistrate Court Clerk in \_\_\_\_\_ County. You wish to appoint a candidate whom you believed to be the most qualified due to her vast experience in managing people. The candidate in question is a sister-in-law of your wife's first cousin. In other words, the candidate in question is not related directly to either your wife or you by blood or marriage. You want to know if it would violate Rule 2.13(A)(1) or (2) of the Code of Judicial Conduct for you to hire her for the position. Rule 2.13(A) states that "[i]n making administrative appointments, a judge: (1) shall exercise the power of appointment impartially and on the basis of merit; and (2) shall avoid nepotism, favoritism, and unnecessary appointments."

The Code defines "nepotism" as "the appointment or hiring of any relative within the third degree of relationship of either the judge or the judge's spouse or domestic partner, or the spouse or domestic partner of such relative." The Code defines "third degree of relationship" as "great-grandparent, grandparent, parent, uncle, aunt, brother, sister, child, grandchild, great-grandchild, nephew, and niece."

Based upon the foregoing, the Commission is of the opinion that your hiring of the candidate in question would not violate Rule 2.13(A) since she clearly falls outside the third-degree of relationship to your wife or you, and the selection is merit-based.

Thank you for your inquiry. If there is any further question regarding this matter please do not hesitate to contact the Commission.

Sincerely,

A handwritten signature in blue 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