JUDICIAL INVESTIGATION COMMISSION
WV Judicial Tower - Suite 700 A
4700 MacCorkle Ave., SE
Charleston, West Virginia 25304
(304) 558-0169

September 28, 2026

Re: JIC Advisory Opinion 2026-07

Dear :

Your request for an advisory opinion to Counsel was reviewed by the Judicial Investigation Commission. A vacancy has occurred for the position of Chief Probation Officer in your circuit. One of the applicants is a current probation officer in your circuit who has a close personal relationship with another probation officer there. The two reside in a home owned by the chief probation officer candidate. The other probation officer does not pay any rent and there is no rental or lease agreement between the two. You want to know if it is appropriate for a Chief Probation Officer to both share a close personal relationship with a probation officer within the office and provide the latter with free housing.

To address your question, the Commission has reviewed Rules 1.2, 1.3, 2.4(B) and (C), 2.12(A) and 2.13(A) of the Code of Judicial Conduct which state in pertinent part:

Rule 1.2 Confidence in the Judiciary

A judge shall act at all times in a manner that promotes public confidence in the independence, integrity and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

Rule 1.3 Avoiding Abuse of the Prestige of Judicial Office

A judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others or allow others to do so.

Rule 2.4 External Influences on Judicial Conduct

(B) A judge shall not permit family, social political, financial or other interests or relationships to influence the judge's judicial conduct or judgment.

(C) A judge shall not convey or permit others to convey the impression that any person or organization is in a position to influence the judge.

Rule 2.12 Supervisory Duties

(A) A judge shall require court staff, court officials and others subject to the judge's direction and control to act in a manner consistent with the judge's obligations under this Code.

Rule 2.13 Administrative Appointments

(A) In 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.

Judicial employees, similar to judges, must accept restrictions that an ordinary person may not be subject to based upon the Code of Judicial Conduct. A judge cannot hold supervisory authority over someone who resides in the same household for fear that it would create the appearance of favoritism. Likewise, a Chief Probation Officer cannot hold supervisory authority over another probation officer who resides in his/her same household. The Commission hopes that this opinion fully addresses the issues which you have raised. Please do not hesitate to contact the Commission should you have any questions, comments or concerns.

Sincerely,



Alan D. Moats, Chairperson
Judicial Investigation Commission

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