



JUDICIAL INVESTIGATION COMMISSION

Room E-400, State Capitol

Charleston 25305

October 28, 1986

Re: JIC Advisory Opinion 1986-02

Dear

In a letter to the Judicial Investigation Commission dated October 21, 1986, you requested an Advisory Opinion concerning the propriety of serving as a commentator for WCAW radio on Election Night 1986. In that correspondence, you stated the role of commentator, as you understood it, was to announce the results of various County races and the results of the State-wide referenda. You indicated that in your judgment it would not involve any partisan commentary on your part and that you viewed it, rather, as a public service. The Judicial Investigation Commission considered your request at its meeting on October 24, 1986.

Canons 4 and 5 of the Judicial Code of Ethics regulate the extra-judicial activities in which a Judge may participate. Canon 4 permits a Judge to engage in certain quasi-judicial activities if in doing so he does not cast doubt on his capacity to decide impartially any issue that may come before him. Included in the permissible activities are speaking, writing, lecturing, teaching, and participating in other activities concerning the law, the legal system, and the administration of justice; appearing at a public hearing before an executive or legislative body concerning the law, the legal system, and the administration of justice; and serving as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice.

Canon 5 requires a Judge to regulate his extra-judicial activities to minimize the risk of conflict with his judicial duties. In this Canon certain avocational activities such as writing, lecturing, teaching and speaking on non-legal subjects

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are permitted if those activities do not detract from the dignity of the Judge's office or interfere with the performance of his judicial duties. A Judge is also permitted to participate in certain civic and charitable activities that do not reflect adversely upon his impartiality or interfere with the performance of his judicial duties under the terms of Canon 5.

After reviewing the pertinent Canons and the role of commentator which you mention in your correspondence, the Commission feels that the role may involve possible violations of these Canons. It, therefore, cannot state that your role as commentator for WCAW radio on Election Night would be proper under the Judicial Code of Ethics.

Very truly yours,

JUDICIAL INVESTIGATION COMMISSION

By: W. Craig Broadwater
W. Craig Broadwater, Chairman

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