



JUDICIAL INVESTIGATION COMMISSION

Building 1, Room E400
1900 Kanawha Boulevard, East
Charleston, WV 25305-0834

June 16, 1993

Re: JIC Advisory Opinion 1993-13

Dear

Your recent request for an advisory opinion was reviewed by the Judicial Investigation Commission at its recent meeting. In that correspondence you stated that you had been requested to become an associate member of the County Chamber of Commerce. You also said that you had been requested to become a member of the Parks and Recreation Advisory Committee. You indicated that the Committee provided suggestions to the City Council on the parks and park programs which are available in the City of and that occasionally you did hear criminal cases which were appealed from the Municipal Court of the City of . You indicated that there were also a few civil cases pending in the Circuit Court in which the City of is a party.

After reviewing your request and the pertinent language set forth in the Code of Judicial Conduct, the Judicial Investigation Commission has determined that your membership in the County Chamber of Commerce would not be appropriate nor would your membership on the Parks and Recreation Advisory Committee be proper under the Code of Judicial Conduct. The language set forth in Canon 4C of the Code of Judicial Conduct provides guidance on these questions.

Canon 4C states in pertinent part:

CANON 4

A Judge Shall so Conduct the Judge's Extra-Judicial Activities as to Minimize the Risk of Conflict with Judicial Obligations

June 16, 1993

C. Governmental, Civic, or Charitable Activities.

.

(3) Civic and Charitable Activities. A judge may participate in civic and charitable activities that do not reflect adversely upon the judge's impartiality or interfere with the performance of the judge's judicial duties. A judge may serve as an officer, director, trustee, or non-legal adviser of an educational, religious, charitable, fraternal, or civic organization not conducted for the economic or political advantage of its members subject to the following limitations:

- (a) A judge should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before the judge or will be regularly engaged in adversary proceedings in any court.

Based upon the language set forth in this Canon, the Judicial Investigation Commission has determined that your membership in the County Chamber of Commerce and on the Parks and Recreation Advisory Committee would not be permitted.

The County Chamber of Commerce could be construed as a civic organization conducted for the economic or political advantages of its members. The Parks and Recreation Advisory Committee could be closely identified with the City of which has criminal matters come before you as well as civil cases pending in the Circuit Court.

If you have any question concerning this opinion, do not hesitate to contact the Commission.

Very truly yours,

Fred L. Fox, II
Fred L. Fox, II, Chairman

FLF, II/bl