



## JUDICIAL INVESTIGATION COMMISSION

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

September 3, 1993  
JIC Advisory Opinion 1993-16

Dear Mr.               :

Your recent letter to Counsel for the Judicial Investigation Commission in which you requested an advisory opinion was reviewed at the most recent meeting of the Commission. In that correspondence you ask if it is a violation of the Code of Judicial Conduct for you to serve on the Police Civil Service Commission. You stated in your letter that the position is a voluntary, unpaid one.

Based upon the pertinent language contained in Canon 4 of the Code of Judicial Conduct the Judicial Investigation Commission feels that your service on the Civil Service Commission would be improper. Canon 4 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

A. Extra-Judicial Activities in General. A judge shall conduct all of the judge's extra-judicial activities so that they do not:

- (1) cast reasonable doubt on the judge's capacity to act impartially as a judge;
- (2) demean the judicial office; or
- (3) interfere with the proper performance of judicial duties.

. . . . .

The Honorable

- 2 - September 3, 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.

It is the opinion of the Commission that based on the language set forth from Canon 4 and the possibility of adversarial proceedings arising from the duties of the Civil Service Commission that your service on the Commission would be inappropriate. It is hoped that this opinion addresses those issues which you have raised in your correspondence. If there is any question concerning the matter set forth in this opinion, do not hesitate to contact the Commission.

Very truly yours,



Fred L. Fox, II, Chairman

FLF,II/bl