



JUDICIAL INVESTIGATION COMMISSION

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

September 3, 1993
JIC Advisory Opinion 1993-17

Dear Judge :

Your recent correspondence to the Judicial Investigation Commission in which you request an advisory opinion was reviewed by the Commission at its most recent meeting. In that correspondence you indicate that you have been requested to serve on the Advisory Council for the Regional Juvenile Detention Center. While you suggest that your service on the Council would be a benefit to the community, you acknowledge the possibility of an appearance of impropriety because of the juvenile matters which are handled by you and because of other litigation involving that facility which may come to your Court.

Your inquiry is addressed by pertinent language contained in Canon 4A and C of the Code of Judicial Conduct. 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.

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C. Governmental, Civic, or Charitable Activities.

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(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 contained in Canon 4 of the Code of Judicial Conduct, it is the opinion of the Judicial Investigation Commission that your service on the Advisory Council of the Regional Juvenile Detention Center would be inappropriate. As you indicated in your correspondence, there is the chance of an appearance of impropriety existing if you serve on the Council because of juvenile proceedings which occur in your Court and because of other litigation which may involve the facility or individuals confined there which may come to your Court.

It is hoped that the Commission has addressed all of the matters raised in your inquiry. If there is any other question concerning this opinion, do not hesitate to contact the Commission.

Very truly yours,

Fred L. Fox, II

Fred L. Fox, II, Chairman

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