



JUDICIAL INVESTIGATION COMMISSION

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

September 3, 1993

JIC Advisory Opinion 1993-19

Dear Magistrat

Your recent request for an advisory opinion was reviewed by the Judicial Investigation Commission at its most recent meeting. In your letter you state that you conduct an insurance business which does not conflict with your position as Magistrate. You also ask if you would be permitted to remain as a member of the United Mine Workers of America Union. You indicated that you had asked Court personnel about these matters and had been informed that as long as they did not pose a conflict with your official duties you were okay.

It is the understanding of the Commission that Supreme Court policy permits employment other than as a Magistrate if that employment is reviewed and approved by the Supreme Court. If you have complied with this policy, the Commission does not see the need to address that situation.

Your membership in the United Mine Workers of American would be improper based upon the language contained in Canon 4C(3) of the Code of Judicial Conduct. That Canon 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

The Honorable

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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

Based upon the language set forth in this Canon, your membership in the United Mine Workers of America would not be appropriate. Hopefully this opinion addresses all of the issues which you raised in your correspondence. If there is any question concerning any of the matters set forth in 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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