



## JUDICIAL INVESTIGATION COMMISSION

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

February 25, 1994

Re: JIC Advisory Opinion 1994-03

Dear

Your recent correspondence to Counsel for the Judicial Investigation Commission in which you seek an advisory opinion was reviewed by the Commission at its recent meeting. In that letter you state that a public plan seeking construction of a courthouse annex has been put forth in your area. You indicate that you think an annex is needed to enable the court system to meet the needs of your growing county.

You stated that the County Commission may be reluctant to vote to place the issue on the ballot since the county would need to enter into debt. You feel that if you appeared before the County Commission in support of the proposition, the chances for its success would increase. You have suggested that your appearance might appear to be of a political nature and you ask whether it would be appropriate under the Code of Judicial Conduct for you to make this appearance.

The concern which you have raised is addressed by Canon 4C(1) of the Code of Judicial Conduct. That section of Canon 4 states:

### CANON 4

A JUDGE SHALL SO CONDUCT THE JUDGE'S EXTRA-  
JUDICIAL ACTIVITIES AS TO MINIMIZE THE RISK OF  
CONFLICT WITH JUDICIAL OBLIGATIONS

C. Governmental, Civic, or Charitable Activities.

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(1) Governmental Activities. A judge may appear at a public hearing before, or otherwise consult with, an executive or legislative body or official on matters concerning the law, the legal system, or the administration of justice or when acting pro se in a matter involving the judge or the judge's interests, subject to the requirements of this Code.

This provision of the Code of Judicial Conduct would permit you to appear before the County Commission to address the needs of the court system and to address the administration of justice in your growing area.

It is hoped that this opinion addresses all of the matters which you have raised in your letter. If there are any additional questions, do not hesitate to contact the Commission.

Very truly yours,

*Fred L. Fox, II*

Fred L. Fox, II, Chairman

FLF,II/bl