



JUDICIAL INVESTIGATION COMMISSION

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December 12, 1994

Re: JIC Advisory Opinion 1994-22

Dear

Your letter to Counsel was reviewed by the Judicial Investigation Commission at its last meeting.

In that correspondence you asked whether or not a magistrate could be a member of the Fraternal Order of Police Associates. You state that this organization is an associate organization with the Fraternal Order of Police. The Fraternal Order of Police is composed solely of law enforcement officers and the Fraternal Order of Police Associates has members who are non-law enforcement persons who choose to be identified with the goals and purpose of the Fraternal Order of Police.

The language contained in Canon 2A and Canon 4C(3) of the Code of Judicial Conduct addresses the question which you have raised. Canon 2A states in pertinent part:

CANON 2

A JUDGE SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL OF THE JUDGE'S ACTIVITIES

A. A judge shall respect and comply with the law, shall avoid impropriety and the appearance of impropriety in all of the judge's activities, and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

The relevant language of Canon 4 states as follows:

CANON 4

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

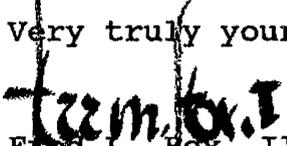
C. Governmental, Civic, or Charitable Activities.

(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 official duties.

After reviewing this matter, it is the opinion of the Commission that membership by a magistrate in the Fraternal Order of Police Associates would reflect adversely on the impartiality of the judge and would not promote public confidence in the judge's integrity or impartiality.

If there is any further question concerning this matter, please do not hesitate to contact the Commission.

Very truly yours,


Fred L. Fox, II, Chairman

FLF, II/bl