

JUDICIAL INVESTIGATION COMMISSION

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March 28, 1995

Re: JIC Advisory Opinion 1995-05

Dear

In a letter dated March 2, 1995, referred your letter to to the Judicial Investigation Commission for an advisory opinion. In your correspondence to - you indicate that you had been contacted by a local businessman who was reopening a bread company. This man asked you to work part time as a salesman for the company. You asked whether the Judicial Code of Conduct would permit you to engage in this employment.

Canon 4D(3) of the Code of Judicial Conduct 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**

D. Financial Activities.

- (3) A judge shall not serve as an officer, director, manager, general partner, advisor, or employee of any business entity except that a judge may, subject to the requirements of this Code, manager and participate in:

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(a) a business closely held by the judge or members of the judge's family, or

(b) a business entity primarily in investment of the financial resources of the judge or member of the judge's family.

The employment which you describe in your letter does not fall within the two narrow exceptions to the general rule that a judge may not serve as an employee of any business entity.

Based upon the language contained in this Canon, your employment as described in your request would not be permitted. It is hoped that this opinion fully addresses the matters which you have raised. If you have any further question regarding this situation, do not hesitate to contact the Commission.

Very truly yours,



Fred L. Fox, II, Chairman

FLF, II/bl