



## **JUDICIAL INVESTIGATION COMMISSION**

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**September 18, 1995**

Re: JIC Advisory Opinion 1995-25

Dear

In a letter to Counsel dated September 7, 1995, you asked for an advisory opinion on whether you could serve on a citizen's committee whose purpose is to facilitate the passage of a school bond issue. The Commission has reviewed the correspondence which you sent to Counsel.

Relevant language found in Canon 2 and Canon 4 of the Code of Judicial Conduct addresses the inquiry which you have made. Canon 2 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.

B. A judge shall not allow family, social, political, or other relationships to influence the judge's judicial conduct or judgment. A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others; nor shall a judge convey or knowingly permit others to convey the impression that they are in a special position to influence the judge. . . .

Canon 4 states in pertinent part:

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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; . . .

. . . .

C. Governmental, Civic, or Charitable Activities.

. . . .

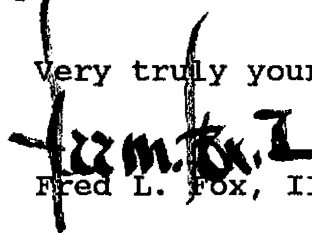
(3) Civic and Charitable Activities. A judge may participate in civic and charitable activities that do not reflect adversely upon the judge's impartiality or interfere with the performance of the judge's judicial duties. . . .

(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.

The Commission feels that based on the language contained in these Canons and the controversial nature of school bond issues in many areas of this state, you should not serve on the citizens' committee. It is further recognized by the Commission that there is litigation pertaining to bond issues pending in the Supreme Court of Appeals and Circuit Courts at the present time.

It is hoped that this opinion fully addresses the inquiry which you have made. If you have any further questions regarding this matter, please do not hesitate to contact the Commission.

Very truly yours,



Fred L. Fox, II, Chairman

FLF, II/bl