



JUDICIAL INVESTIGATION COMMISSION

212 Dickinson Street
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Charleston, West Virginia 25326-1629
(304) 558-0169 FAX (304) 558-0831

October 2, 1995

Re: JIC Advisory Opinion 1995-26

Dear :

In a letter to Counsel dated September 15, 1995, you sought an advisory opinion from the Judicial Investigation Commission. In that correspondence you stated that you are a family law master and have been asked to sit on the Board of Zoning Appeals pursuant to West Virginia Code §8-24-51. You asked whether there would be any violation of the Code of Judicial Conduct if you were to accept this position on the Board of Zoning Appeals.

Canon 4 of the Code of Judicial Conduct states the judges extra-judicial activities which are permitted. 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

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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

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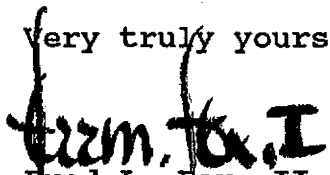
or interfere with the performance of the judge's judicial duties. A judge may serve as an officer, director, trustee, or non-legal adviser of an educational, religious, charitable, fraternal, or civic organization not conducted for the economic or political advantage of its members subject to the following limitations:

(a) A judge should not serve if it is likely 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.

Based upon the language contained in this section of Canon 4 of the Code of Judicial Conduct, the Commission feels that it would be inappropriate for you to sit on the Board of Zoning Appeals.

It is the feeling of the Commission that your actions as a member of the Board of Zoning Appeals would be subject to somewhat frequent appeals in the Circuit Court and that the Board would be engaged in adversary proceedings in the Circuit Court. It is hoped that this opinion fully addresses the matter about which you inquired in your correspondence. If there are any further questions concerning this situation, do not hesitate to contact the Commission.

Very truly yours,



Fred L. Fox, II, Chairman

FLF,II/bl