



JUDICIAL INVESTIGATION COMMISSION

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

February 19, 1996

Re: JIC Advisory Opinion 1996-05

Dear

In a recent letter to the Judicial Investigation Commission you requested an advisory opinion concerning whether you could serve as a member of the Board of Directors of County Family Resource Network. You explained that this group which is a not-for profit corporation or association is being formed under the provisions of W. Va. Code §5-26-1, et seq. which is very broad in its application. You referred specifically to W. Va. Code §5-26-1(c) which provides that participation in the programs authorized or required by the statute shall be voluntary on the part of any child or family for whom the program is available. You expressed some concern that despite the voluntary nature of the programs there may be some type of subtle pressure from outside sources in certain cases that parents avail themselves to a particular service. You mention cases of abuse or neglect and juveniles as examples of this possibility.

Pertinent sections of Canon 4 of the Code of Judicial Conduct provide direction in addressing the inquiry which you have made. Canon 4A(1) states:

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 may not:

(1) cast reasonable doubt on the judge's capacity to act impartially as a judge; . . .

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Canon 4C(3) states:

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. . . .

Based on the language set forth in these relevant sections of Canon 4, it is the opinion of the Commission that you should not serve as a member of the Board of Directors of the Marshall County Family Resource Network.

The Commission feels that there are cases in several areas which could cause difficulty if you were to serve on this Board while sitting as a Circuit Judge. Cases of abuse or neglect and juvenile matters which you mentioned in your correspondence as well as domestic violence, child support, or other domestic matters are filed in courts in large numbers. For these reasons the Commission felt it was not appropriate for you to serve as a member of the Board of Directors.

It is hoped that this opinion addresses all of the questions which you have raised. If there is any additional information needed, please do not hesitate to contact the Commission.

Very truly yours,



Fred L. Fox, II, Chairman

FLF,II/bl