



## JUDICIAL INVESTIGATION COMMISSION

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September 6, 1996

Re: JIC Advisory Opinion 1996-20

Dear

Your request for an advisory opinion addressed to Counsel was reviewed by the Commission at its recent meeting. In that letter you asked whether you could continue to serve on the West Virginia Regional Jail and Correctional Authority as a circuit judge. You stated that the Authority is a statutory body created pursuant to the provisions of the West Virginia Code §31-20-3, and the members are appointed for a four-year term by the Governor which appointment is subject to Senate confirmation. The Authority members do not receive compensation but are paid reimbursement for expenses. Your term expires on June 30, 1997.

The Commission reviewed relevant portions of Canon 4 to address the inquiry you have made. Canon 4 states in relevant part:

Canon 4. The 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. -

. . . . .

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(2) Quasi-Judicial Activities. - A judge may serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice.

Based on the powers and duties of the Authority as set out in West Virginia Code §31-20-5 it would appear that the Authority does not fall within the kind of organization or governmental agency stated in this portion of Canon 4.

The Commission also considered the fact that you would be presiding over criminal trials and many of the defendants in those cases would be housed in a regional jail under control of the Authority. Based on the language as set forth in Canon 4 and the powers and duties of the Authority as defined in the West Virginia statute, it is the opinion of the Commission that you could not continue to serve on the Authority since you have become a circuit judge.

If you have any further question concerning this matter, do not hesitate to contact the Commission.

Very truly yours,



Fred L. Fox, II, Chairman

FLF,II/bl