



JUDICIAL INVESTIGATION COMMISSION

212 Dickinson Street
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October 23, 1996

Re: JIC Advisory Opinion 1996-23

Dear

Your recent request for an advisory opinion was reviewed by the Commission. In that correspondence you state that you will take office as a County Magistrate on January 1, 1997. You stated that you were writing to learn whether or not you could lawfully act as a private investigator during your off-duty hours while serving as a Magistrate in County. You indicated that you would not do this type work in County and stated that the work consisted of serving subpoenas/summons or conducting surveillance which you have been doing since January 1, 1996.

In reviewing your request the Commission considered Canon 2 and Canon 4 of the Code of Judicial Conduct. Those Canons state in pertinent part as follows:

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 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.

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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B. Financial Activities - (1) A judge shall not engage in financial and business dealings that:

- a. may reasonably be perceived to exploit the judge's judicial position, or
- b. involve the judge in frequent transactions or continuing business relationships with those lawyers or other persons likely to come before the court on which the judge serves.

Based upon the language set forth in these Canons, it is the feeling of the Commission that the duties of a private investigator which you have set forth in your request would cause conflicts for you. As a private investigator you would be engaged by attorneys and be required to perform other duties which may run counter to the restrictions set forth in the Code of Judicial Conduct. For these reasons it is the opinion of the Commission that you could not continue to serve as a private investigator while you were serving as a Magistrate in County.

It is hoped that this opinion fully addresses the concerns which you have raised. If there is any further question regarding these matters, do not hesitate to contact the Commission.

Very truly yours,


Fred L. Fox, II, Chairman

FLF, II/bl