



JUDICIAL INVESTIGATION COMMISSION

212 Dickinson Street
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November 25, 1996

Re: JIC Advisory Opinion 1996-27

Dear

The request for an advisory opinion which you sent to Counsel for the Judicial Investigation Commission was reviewed at the Commission's recent meeting. In that letter you stated that you have been licensed as a private investigator for several years and that you were recently elected as one of the county's magistrates. You indicated that you have a firm private investigators license which means that you can hire investigators to work for you and one of your investigators is your son. Your present license expires on November 30, 1996, and your son has applied for his own private investigators license which will take about six weeks to get approved. You stated that if you don't file for a new license before your current license expires your son could not operate as a private investigator until he received his own license.

You stated that you intend to go ahead and renew your firm license and then upon taking office as a magistrate in January cease to do any type of investigations and let your son take over your business. You would like to keep your license, but not do any investigative work while you serve as magistrate. You asked for an advisory opinion regarding this course of action.

The situation which you have set forth in your request can best be addressed by Canon 2 and Canon 4 which state in relevant part:

Canon 2. A judge shall avoid impropriety and the appearance of impropriety in all of the judge's activities.

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A. A judge shall respect and comply with the law, shall avoid impropriety and the appearance of impropriety in all the judges activities, and shall act at all times in the 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.

D. 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 contained in these Canons you are correct in your decision not to engage in any private investigation work after you become a magistrate. (See JIC Advisory Opinion October 23, 1996, stating it is improper for a magistrate to act as a private investigator during off-duty hours)

The Commission feels that you could apply for your firm license so that the expiration in November will not adversely affect your other investigators including your son. However, after you become a magistrate the license should be turned in because of the prohibition set forth in the Canons.

If there is any further question regarding this matter, do not hesitate to contact the Commission.

Very truly yours,


Fred L. Fox, II, Chairman

FLF, II/bl