



JUDICIAL INVESTIGATION COMMISSION

212 Dickinson Street
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March 10, 1997

Re: JIC Advisory Opinion 1997-11

Dear

Your recent letter to Counsel to the Judicial Investigation Commission has been reviewed by the Commission. In that letter you requested an advisory opinion concerning whether a judge could write to legislators about his opinion about specific legislation or testify before an appropriate legislative committee concerning perspective legislation.

The activity about which you inquire is addressed in Canon 4A and C(1) of the Code of Judicial Conduct. That Canon states in relevant part:

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 do not:

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

(2) demean the judicial office; or

(3) interfere with the proper performance of judicial duties.

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C. Governmental, civic, or charitable activities. - (1) Governmental activities. - A judge may appear at a public hearing before, or otherwise consult with, an executive or legislative body or official on matters concerning the law, the legal system, or the administration of justice or when acting pro se in a matter involving the judge or the judge's interests, subject to the requirements of this Code.

Based on the language set forth in this Canon the conduct which you described in your correspondence to the Commission would not be prohibited. However, any contact which you had with the Legislature must be within the guidelines set forth in the Canon. The matters which you would discuss with legislators must fall within the perimeters set forth in Canon 4 and should not involve issues which you may have pending before you as a circuit judge. It is further suggested by the Commission that you should be clear that you are speaking for yourself and not all judges. You should also use your own personal stationery and not your official judicial stationery.

It is hoped that this advisory opinion fully addresses the question which you have raised. If there is any additional information which you would like, do not hesitate to contact the Commission.

Very truly yours,


Fred L. Fox, II, Chairman

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