



JUDICIAL INVESTIGATION COMMISSION

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

November 25, 1997

Re: JIC Advisory Opinion 1997-28

Dear

Your recent letter to Counsel to the Judicial Investigation Commission has been reviewed by members of the Commission. In your correspondence you asked if you could appear on a "talk radio" show which deals with legal issues and is sponsored by a law firm. Subsequent to your letter you stated that your appearance would be a one-time occurrence.

To address the inquiry which you have made the Commission reviewed the relevant sections of Canon 4 of the Code of Judicial Conduct. Canon 4 says 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 officer; or

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

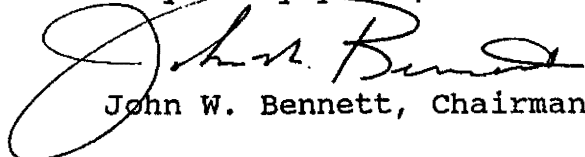
November 25, 1997

B. Avocational activities. - A judge may speak, write, lecture, teach, and participate in other extra-judicial activities concerning the law, the legal system, the administration of justice, and non-legal subjects, subject to the requirements of this Code.

Based upon the language contained in Canon 4, it is the opinion of the Commission that you could participate in the program which you describe in your letter. However, you should exercise great caution when discussing matters on this program. Specifically, you should confine your discussion to those areas addressed by Canon 4B and not talk about specific matters or areas which may come before you as a magistrate. You also should be mindful that Canon 3B(9) prohibits, except for statements made in the course of official duties or to explain court procedures, a judge from making any public or nonpublic comment about any pending or impending proceeding. Obviously, this would prevent you from discussing any specific cases.

It is hoped that this opinion addresses those concerns which you raised in your recent correspondence to the Commission. If you have any further question regarding this matter, do not hesitate to contact this office.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John W. Bennett", is written over the typed name.

John W. Bennett, Chairman

JWB/bl