



JUDICIAL INVESTIGATION COMMISSION

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

December 11, 1997

Re: JIC Advisory Opinion 1997-30

Dear

Your recent request for an advisory opinion has been reviewed by the Judicial Investigation Commission. In that letter you state that the Executive Director of CASA of County has asked your wife, , if she would serve as a member of the Advisory Committee of that organization. You stated that you preside over all abuse and neglect cases filed in County. You also provided information regarding CASA in general and the duties and activities of the Advisory Committee members specifically. The Commission noted that members of the Advisory Committee are nonvoting participants who are encouraged to participate in discussions of each matter at the organization meetings.

In addressing your inquiry, the Commission reviewed the language contained in Canon 2A of the Code of Judicial Conduct which states:

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 of the judge's activities, and shall act at all times in the manner that promotes public confidence in the integrity and impartiality of the judiciary.

Based on the language contained in this Canon and the purpose of CASA set forth in its by-laws "to serve as court-appointed

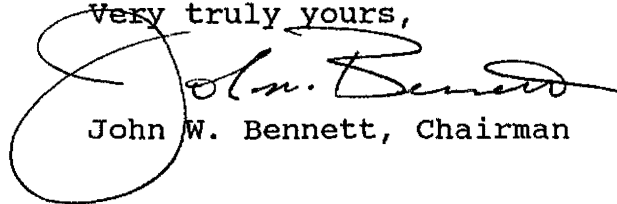
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advocates for children who are abused, neglected, or delinquent and to speak up for these children through the state foster case system and the Circuit Courts of County," the Commission feels that your wife should not accept the position as a member of the Advisory Committee of CASA.

While she may not be directly involved in an advocacy role in your court or any other circuit court, her close affiliation with that organization would create in the minds of the public the perception that she is engaging in those activities. The fact that you preside over all abuse and neglect cases filed in County and her participation in the operation of CASA could create at least the appearance of impropriety.

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

Very truly yours,

A handwritten signature in dark ink, appearing to read "John W. Bennett", is written over a large, loopy circular flourish.

John W. Bennett, Chairman

JWB/bl