



JUDICIAL INVESTIGATION COMMISSION

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May 21, 1998

Re: JIC Advisory Opinion 1998-04

Dear

Your letter to Counsel to the Judicial Investigation Commission in which you ask for an advisory opinion was reviewed by the Commission at its recent meeting. In your communication to the Commission you state that you received a letter from Chief _____ of the Police Department offering you a non-paid position on an advisory board. The advisory board is part of the Block Grant Program requirements to have a member of a local law enforcement agency, a member of the prosecutor's office, a member from the public school system, a member from a local nonprofit group, and a member from the local court system. The information which you received from the chief indicates that the advisory board would participate in reviewing hiring, training and employing of law enforcement officers and support personnel; paying overtime to presently employed law enforcement officers and necessary support personnel; and procuring equipment, technology and other material directly related to basic law enforcement functions.

Canon 4 of the Code of Judicial Conduct addresses the question which you have raised and states in relevant part:

Canon 4. A judge shall so conduct the judge's extrajudicial activities as to minimize the risk of conflict with judicial obligations.

A. Extrajudicial activities in general. - A judge shall conduct all of the judge's extrajudicial 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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Based on the language contained in this section of Canon 4 it is of the opinion of the Commission that you should not serve on the advisory board. The Commission feels that an individual from the local court who is not a judge such as a court administrator, would be better suited to serve on any such advisory board. If there is any further question regarding this matter, do not hesitate to contact the Commission.

Very truly yours,

A handwritten signature in black ink, appearing to read "John W. Bennett". The signature is fluid and cursive, with a large initial "J" and "W".

John W. Bennett, Chairman

JWB:nb