



JUDICIAL INVESTIGATION COMMISSION

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June 9, 1998

Re: JIC Advisory Opinion 1998-08

Dear

Your recent request for an advisory opinion has been reviewed by the Judicial Investigation Commission. In that correspondence you asked whether or not a magistrate may belong to the West Virginia Federation of Business and Professional Women's Clubs, Inc. You also enclosed a pamphlet describing the organization and its aims and objectives. That material describes the organization as an entity which promotes equality for all women in the workplace through advocacy, education and information. It stated that the organization monitored legislation that affected working women and educates its members to become involved in public policy development. It further stated that the organization supports three planks of the National Legislative Platform: economic equity, health and civil rights.

Your request for an advisory opinion is addressed by Canon 4 of the Code of Judicial Conduct which 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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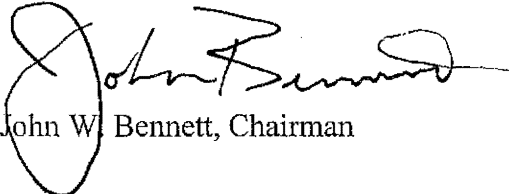
Page Two

- C. Governmental, civic, or charitable activities.
- (3) civic and charitable activities. - A judge may participate in civic and charitable activities that do not reflect adversely upon the judge's impartiality or interfere with the performance of the judge's judicial duties. A judge may serve as an officer, director, trustee, or non-legal adviser of an educational, religious, charitable, fraternal, or civic organization not conducted for the economic or political advantage of its members subject to the following limitations:
- (a) a judge should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before the judge or will be regularly engaged in adversary proceedings in any court.

Based upon the language set forth in these relevant portions of Canon 4, and the information which was forwarded to the Commission regarding the aims and objectives of the West Virginia Federation of Business and Professional Women's Clubs, Inc., it is the opinion of the Commission that you should not be a member of this organization. The organization has as part of its agenda advocacy for various social and political issues and monitoring of various legislative matters relative to the organization's membership. These aims and objectives would be incompatible with the restrictions placed on a judicial officer by the relevant portions of Canon 4. Further, it is possible that given the nature of the organization's activities, certain legal matters which it sponsors or endorses could come before the courts.

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

Very truly yours,



John W. Bennett, Chairman

JWB:nb