



JUDICIAL INVESTIGATION COMMISSION

Post Office Box 1629
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August 25, 1998

Re: JIC Advisory Opinion 1998-10

Dear

Your recent letter to Counsel was reviewed by the Judicial Investigation Commission at its meeting. In that correspondence you stated that the Superintendent of Schools in your county has asked you to consider being an active public supporter of the upcoming school levy in the November election. You requested an advisory opinion as to whether or not Canon 4 of the West Virginia Code of Judicial Conduct or other Canons of said Code prohibit you from participating at the requested of the superintendent.

To address your inquiry the Commission has reviewed Canon 2 and Canon 4 of the Code of Judicial Conduct. Canon 2 states in relevant part:

Canon 2. A judge shall avoid impropriety and the appearance of impropriety in all of the judge's activities.

B. A judge shall not allow family, social, political, or other relationships to influence the judge's judicial conduct or judgement. A judge shall not lend the prestige of judicial office to advance the private interest of the judge or others; nor shall a judge convey or knowingly permit others to convey the impression that they are in a special position to influence the judge . . .

Canon 4 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:

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- (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.

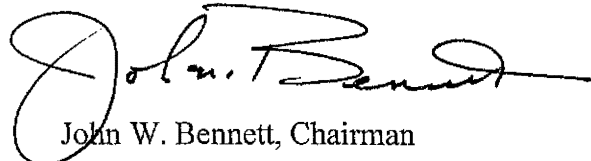
C. Governmental, civic, or charitable activities. -

(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 shall 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.
- (b) a judge should not solicit funds for any educational, religious, charitable, fraternal, or civic organization, or use or permit the use of the prestige of office for that purpose; . . .

Based on the language set forth in the above quoted Canons it is the opinion of the Commission that you may not be an active public supporter of the upcoming school levy in the November election. If you have any further question 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", written in a cursive style.

John W. Bennett, Chairman

JWB:nb