



JUDICIAL INVESTIGATION COMMISSION

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

March 25, 1999

Re: JIC Advisory Opinion 1999-06

Dear _____

Your recent letter to Counsel asking for an advisory opinion has been reviewed by the Judicial Investigation Commission. In your letter you state that Chief _____ Police Department contacted you regarding an appointment to an advisory board. The board stems from a State grant received by the _____ Police Department. While not knowing all the particulars you did state that the board is to discuss how to lower juvenile delinquency. It would include the prosecuting attorney, clergy, attorneys and other individuals. You indicated in your letter that you are a Juvenile Referee and asked would your membership to the board create a conflict.

In responding to your question the Commission has reviewed Canon 4 of the Code of Judicial Conduct. That Canon 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.

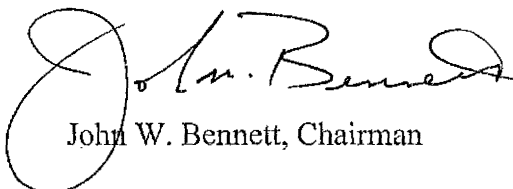
A. Extra-judicial activities in general.- A Judge shall conduct all of the judge's extra-judicial activities so that they do not:

- (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.

March 25, 1999
Page Two

Based upon the language contained in this section of Canon 4 and the composition and purpose of the advisory board which you state in your letter, it is the opinion of the Commission that you should not serve on the advisory board. An individual from the local court who is not a judge should be better suited to serve on any such advisory board. (See JIC Advisory Opinion 5/21/98 attached hereto) It is hoped that this opinion fully addresses the question which you have raised. 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". The signature is fluid and cursive, with a large initial "J" and "W".

John W. Bennett, Chairman

JWB:nb
Enclosure