



JUDICIAL INVESTIGATION COMMISSION

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

March 10, 2000

JIC Advisory Opinion 2000-13

Dear Judge :

In a recent letter to the Judicial Investigation Commission you asked whether you could serve as a judicial fellow in the Association of Trial Lawyers of America. You have been asked to serve in that capacity and you asked the Commission for an advisory opinion as to your ability as a senior judge to accept such a designation.

To address the inquiry which you have made the Commission reviewed Canon 4 of the Code of Judicial Conduct which states in relevant:

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.

* * *

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:

March 10, 2000

Page Two

(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 a review of the information provided, it is the feeling of the Commission that the Association of Trial Lawyers of America generally represents one side of cases in litigation. It is not generally composed of attorneys which engage in an area of litigation and who from time to time present both plaintiffs and defendants. For this reason based upon the prohibitions set forth in Canon 4, it is the opinion of the Commission that you may not accept a designation as judicial fellow in the Association of Trial Lawyers of America.

It is hope 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,



John W. Bennett, Chairman

JWB:nb