



JUDICIAL INVESTIGATION COMMISSION

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April 18, 2000

JIC Advisory Opinion 2000-24

Dear Mr. :

Your request for an advisory opinion was reviewed by the Judicial Investigation Commission at its recent meeting. In your request you stated that you become involved in a number of cases as an expert witness in the field of insurance. You indicated that you are contacted approximately equally by the insured and the insurer. You stated that most often your opinions are fact oriented and case specific, but occasionally direct or cross-examination will touch on a legal theory not yet decided in this jurisdiction. You asked for an opinion to determine whether continued practice in that field during the course of your campaign for circuit judge would violate Canon 5A(3)(b)(ii) of the Code of Judicial Conduct which prohibits publicly taking a position on an issue that could come before the Court.

After reviewing your request and the relevant sections of Canon 5A it is the opinion of the Commission that positions taken by you as an expert witness would not violate the section of the Canon which you cite. You should, however, not use any position which you might take as an expert witness to advance your campaign by publicizing the opinion or using it in a political way.

It is hoped that this opinion fully addresses the issue 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", is written over a horizontal line.

John W. Bennett, Chairman

JWB:nb