



JUDICIAL INVESTIGATION COMMISSION

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September 15, 2000
JIC Advisory Opinion 2000-37

Dear Judge :

In a letter to the Commission you asked for an advisory opinion. You stated that you have been invited to participate in a public forum in your capacity as County Commissioner. You have received a lengthy and detailed questionnaire from the sponsoring entity of the forum and asked to complete the survey. The survey covers a number of areas including questions about the biggest or most important issue facing the state setting forth as an example: education, environment, crime, taxes, health care, etc.; questions concerning the coal industry; and questions concerning public education. You asked for an opinion as to your ability as a senior judge to participate in this process.

After reviewing your request along with a copy of the survey which you enclosed, it is the opinion of the Commission that the survey would require you to state positions on issues which are likely to come before the court. You would be required to state opinions concerning various state issues such as education, environment, industry outlooks and other matters which could be litigated before you or in another court. The Code of Judicial Conduct in Canon 1 requires a judge to uphold the integrity and independence of the judiciary. Canon 2 requires a judge to avoid impropriety and the appearance of impropriety in all the judge's activities.

It is the opinion of the Commission based upon the information supplied by you that the requirements set forth in Canon 1 and 2 could be compromised if you were to complete the survey and participate in the discussions. It is hoped that this fully addresses the issue which you have raised. If there is 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 "Donald H. Cookman", is written over a horizontal line.

Donald H. Cookman, Chairman

DHC:nb