



JUDICIAL INVESTIGATION COMMISSION

Post Office Box 1629
Charleston, West Virginia 25326-1629
(304) 558-0169 • FAX (304) 558-0831
September 15, 2000

JIC Advisory Opinion 2000-38

Dear Ms. :

Your request for an advisory opinion which was sent to the Commission was reviewed at a recent meeting. In that opinion request you pose various questions concerning the propriety of Family Law Masters' and/or Family Court Association publicly advocating for the Unified Family Court Amendment. You also asked specific questions regarding the degree to which the Association and the Family Law Masters could be involved if participation constitutes no violation of the Code of Judicial Conduct.

The Commission has reviewed Canon 4 and its relevant parts to address the questions which you have raised. Those relevant Sections of Canon 4 state:

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.

Commentary - Complete separation of a judge from extra-judicial activities is neither possible nor wise; a judge should not become isolated from the community in which the judge lives.

B. Avocational activities. - A judge may speak, write, lecture, teach, and participate in other extra-judicial activities concerning the law, the legal system, the administration of justice, and nonlegal subjects, subject to the requirements of this Code.

September 15, 2000

Page Two

Commentary - As a judicial officer and person specially learned in the law, a judge is in a unique position to contribute to the improvement of the law, the legal system, and the administration of justice, including revision of substantive and procedural law and improvement of criminal and juvenile justice. To the extent that time permits, a judge is encouraged to do so, either independently or through a bar association, judicial conference, or other organization dedicated to the improvement of the law. Judges may participate in efforts to promote the fair administration of justice, the independence of the judiciary, and the integrity of the legal profession and may express opposition to the persecution of lawyers and judges in other countries because of their professional activities.

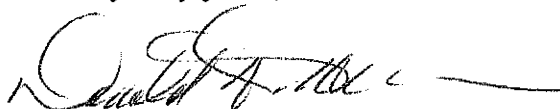
In this and other Sections of Canon 4, the phrase "subject to the requirements of this Code" is used, notably in connection with a judge's governmental, civic, or charitable activities. This phrase is included to remind judges that the use of permissive language in various Sections of the Code does not relieve a judge from the other requirements of the Code that applies to the specific conduct.

C. Governmental, civic, or charitable activities.

(1) Governmental activities. A judge may appear at a public hearing before, or otherwise consult with, an executive or legislative body or official on matters concerning the law, the legal system, or the administration of justice or when acting pro se in a matter involving the judge or the judge's interests, subject to the requirements of this Code.

Canon 4 clearly gives judges the right to speak, write, lecture, teach and participate in other extra-judicial activities concerning the law, the legal system, and the administration of justice. Based upon the language contained in the relevant Sections of Canon 4, the activities in which you wish to engage as set forth in detail in your letter to the Commission would be permissible under the Code of Judicial Conduct. It is hoped this opinion fully addresses the question 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", followed by a horizontal line.

Donald H. Cookman, Chairman

DHC:nb