



JUDICIAL INVESTIGATION COMMISSION

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January 18, 2002

RE: JIC Advisory Opinion 2002-02

Dear

In a recent letter to Counsel to the Judicial Investigation Commission you asked for an advisory opinion. In that correspondence you stated that you presented an article titled *An Analysis of the Development of Admitting Expert Testimony in Federal Courts and the Impact of That Development on West Virginia Jurisprudence* to the Circuit Court Judges of West Virginia. After the presentation you received a letter from the Judicial Association's Education Committee, suggesting that the article be presented to the West Virginia University Law Review for publication. You stated that you would be quite pleased to have the article published by the West Virginia Law Review. You therefore, asked for an opinion from the Commission regarding the propriety of such publication.

To address the inquiry which you have made, the Commission reviewed Canon 4 of the Code of Judicial Conduct. Canon 4 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.

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 non-legal subjects, subject to the requirements of this Code.

January 18, 2002

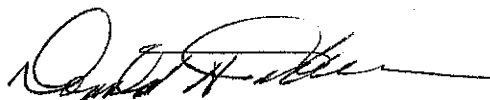
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The Commentary to this section of the Canon states that "as a judicial officer and person specially learned in the law, a judge is a unique position to contribute to the improvement of the law, the legal system, and the administration of justice. . . . 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."

Based upon the language contained in Canon 4 and the Commentary, it is the opinion of the Commission that the article which you have prepared and which you presented to the Circuit Court Judges could be submitted to the West Virginia University Law Review for publication. Canon 4 encourages judges to contribute to the improvement of the law because of their unique position and special knowledge of the legal system. See, e.g., U. S. Advisory Opinion 55 (1977); Arizona Advisory Opinion 95-4 (1995).

It is hoped that this opinion fully addresses the inquiry which you have made. If there is further question regarding this matter do not hesitate to contact the Commission.

Very truly yours,

A handwritten signature in black ink, appearing to read "Donald H. Cookman", with a long horizontal flourish extending to the right.

Donald H. Cookman, Chairperson
Judicial Investigation Commission

DHC:nb