



JUDICIAL INVESTIGATION COMMISSION

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

May 3, 2002

Re: JIC Advisory Opinion 2002-11

Dear :

In recent correspondence to the Judicial Investigation Commission you asked for an advisory opinion regarding the propriety of your Case Coordinator driving a vehicle with a sign on it advertising the bonding company for which her husband is employed. You also asked for an opinion regarding the propriety of whether she may continue to serve on the Women's Center Board of Directors. Your request was reviewed by the Commission at its recent meeting. To address the questions which you have raised, the Commission has reviewed relevant sections of Canon 2, Canon 3 and Canon 4. Canon 3 states in relevant part:

Canon 3. A judge shall perform the duties of judicial office impartially and diligently.

C. Administrative responsibilities.

(2) A judge shall require staff, court officials, and others subject to the judge's direction and control to observe the standards of fidelity and diligence that apply to the judge and to refrain from manifesting bias or prejudice in the performance of their official duties.

Canon 2 states in relevant part:

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Canon 2. A judge shall avoid impropriety and the appearance of impropriety in all of the judge's activities.

A. A judge shall respect and comply with the law, shall avoid impropriety and the appearance of impropriety in all of the judge's activities, and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

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.

C. Government, 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:

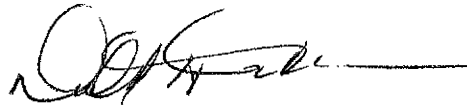
(a) A judge should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before the judge or will be regularly engaged in adversary proceedings in any court.

The language contained in Canons 2 and 4 did not relate directly to your Case Coordinator who is your employee. However, because of her position, her activities would be closely connected to your court and by implication and perception by the public to you, the judicial officer. It is therefore, the opinion of the Commission, that your Case Coordinator should not drive a vehicle with a sign on it advertising the bonding company for which her husband is employed. It is further the opinion of the Commission that the Case Coordinator should not continue to serve on the Women's Center Board of Directors since it would appear from that organization's name that it could be engaged in proceedings that would ordinarily come before you or other adversarial proceedings in other courts.

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It is hoped that this opinion fully addresses the questions which you have raised. If there is any further question regarding these matters do not hesitate to contact the Commission.

Very truly yours,

A handwritten signature in black ink, appearing to read 'D. H. Cookman', followed by a horizontal line.

Donald H. Cookman, Chairperson
Judicial Investigation Commission

DHC:nb