



JUDICIAL INVESTIGATION COMMISSION

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

February 14, 2003

Re: JIC Advisory Opinion 2003-01

Dear

Your recent request for an advisory opinion has been reviewed by the Judicial Investigation Commission. In that request you stated that you have been asked to serve on a recruitment board. The recruitment board is part of the recruitable community project which is a cooperative effort of the Department of Family Medicine and the Extension Service of West Virginia University and of various rural health agencies in West Virginia. The main objective of the project is to aid rural West Virginia communities in the recruitment of health care professionals. The interest of the project is on the enhancement of the community role in recruitment. Participating communities are required to establish a recruitment board of interested members who will work constructively with project personnel in order to gather information and effect changes necessary to enhance recruitment possibilities.

The Commission has reviewed Canon 4 of the Code of Judicial Conduct to address the question which you have raised. 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.

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.

February 14, 2003

Page Two

The commentary to this section of Canon 4 states that "complete separation of a judge from extra-judicial activities is neither possible nor wise; a judge should not be isolated from the community in which the judge lives."

Based upon the relevant language contained in this section of Canon 4 and the recruitment board as it is defined in the correspondence which you have sent to the Commission, it is the opinion of the Commission that you may serve on the recruitment board. Any such service must fall within the guidelines set forth in Canon 4.

If there is any further question regarding this matter do not hesitate the Commission.

Very truly yours,

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

Donald H. Cookman, Chairperson
Judicial Investigation Commission

DHC:nb