



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 2003-02

Dear

Your recent request for an advisory opinion has been reviewed by the Judicial Investigation Commission. In your letter you stated that due to unforeseen circumstances requiring the sudden resignation of your assistant you are in the process of hiring a new assistant. You have an excellent person who has applied for the job but she has inquired as to the possibility of keeping her evening job to help supplement the loss in salary resulting from accepting this position. The applicant is currently working an extra job on the evening shift as a dispatcher clerk for the Police Department which is in County. You asked whether she could be allowed to work this additional job while serving as a magistrate assistant.

To address the question which you have asked, the Commission reviewed Canon 1 and Canon 2 of the Code of Judicial Conduct. These Canons state in relevant part:

Canon 1. A judge shall uphold the integrity and independence of the judiciary.

A. An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing high standards of conduct, and shall personally observe those standards so that the integrity and independence of the judiciary will be preserved. The provisions of this Code are to be construed and applied to further that objective.

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

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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.

Based upon the language contained in these Canons which emphasize the need for a judge to establish an independent and impartial judiciary, it is the opinion of the Commission that you could not employ an assistant who would also work as a dispatcher for the local police department. Such activity would distort the appearance of independence and impartiality which a court and a judicial officer must maintain.

If you have any 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