



JUDICIAL INVESTIGATION COMMISSION

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

March 10, 2003

Re: JIC Advisory Opinion 2003-5

Dear :

Your letter to the Judicial Investigation Commission in which you asked for an advisory opinion has been reviewed by the Commission. In your correspondence you stated that the advisory opinion was in regard to your request for outside employment aside from your duties as

County Magistrate. You stated that you have received a letter from the General Administrative Counsel denying your request. You had asked whether you could work for an

Supermarket owned by a man who had been your previous employer from 1991 through 1996. Apparently this individual also acted as a treasurer for the circuit judge in the 2000 election and treasurer for the prosecuting attorney in the 1996 election. You also asked whether becoming a stockholder in the company owned by this individual violates the Canons still prohibiting you from working at the establishment.

To address the question which you have raised, the Commission reviewed Canon 4D(3) of the Code of Judicial Conduct. That section of Canon 4 states as follows:

Canon 4. A judge shall so conduct the judge's extra-judicial activities as to minimize the risk of conflict with judicial obligations.

D. Financial activities.

(3) A judge shall not serve as an officer, director, manager, general partner, adviser or employee of any business entity except that a judge may, subject to the requirements of this Code, manage and participate in:

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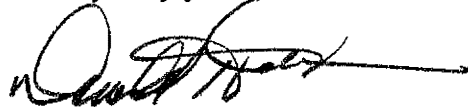
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- (a) a business closely held by the judge or members of the judge's family; or
- (b) a business entity primarily engaged in investment of the financial resources of the judge or members of the judge's family.

Based upon the language contained in this section of Canon 4, it is clear that you may not engage in the proposed activity of being an employee of the Supermarket. The Canon clearly and unequivocally states that a judge may not be an employee of any business entity with the exceptions being a business closely held by the judge or members of the judge's family or a business entity primarily engaged in investment of the financial resources of the judge or the judge's family. Based upon the clear language you could not be an employee of the Supermarket.

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