



JUDICIAL INVESTIGATION COMMISSION

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

January 26, 2004

Re: JIC Advisory Opinion 2004-01

Dear

Your recent letter to the Judicial Investigation Commission in which you asked for an advisory opinion has been reviewed. In that correspondence you stated that you are currently a County Magistrate whom College has approached to teach a college class (Police Organization and Management) at their Campus. You added that the students in this class consist of some students who desire to become police officers and some who are entering other fields, but none of whom are currently employed as police officers. You asked if there were any ethical/legal problems with this part-time employment.

To address the question which you have raised, the Commission has reviewed Canon 4 of the Code of Judicial Conduct. This Canon 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.

January 26, 2004

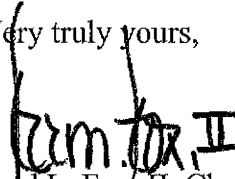
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B. Avocational activities. - A judge may speak, write, lecture, teach, and participate in other extra-judicial activities concerning the law, the legal system, the administration of justice, and non-legal subjects, subject to the requirements of this Code.

Based upon the activities which you have described in your correspondence and the language set forth in the relevant portions of Canon 4, it is the opinion of the Judicial Investigation Commission that you could teach the college class at _____ College. You would however, be required to obtain permission from the Administrative Office about your outside employment pursuant to the Personnel Policy of the Court.

It is hoped this addresses the question which you have raised in your letter. If there are any further questions concerning this matter do not hesitate to contact the Commission.

Very truly yours,

A handwritten signature in black ink, appearing to read "Fred L. Fox, II". The signature is stylized with a large, looped "F" and a distinct "II" at the end.

Fred L. Fox, II, Chairperson
Judicial Investigation Commission

FLF,II:nb