



JUDICIAL INVESTIGATION COMMISSION

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

February 6, 2004

Re: JIC Advisory Opinion 2004-02

Dear

In recent correspondence to the Judicial Investigation Commission you asked for an advisory opinion regarding whether you can serve as a member of a Multi-Disciplinary Team established to advise on a project to establish comprehensive approaches to sex offender management. The statute setting forth the grant requires that the team have certain speciality members on it, including a circuit judge. The object of the team is to advise concerning obtaining funding to establish a comprehensive management system for West Virginia sexual offenders. You indicated that this would aid the court in dealing with such offenders.

The Commission reviewed Canon 4 to answer your inquiry. 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.

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.

February 6, 2004

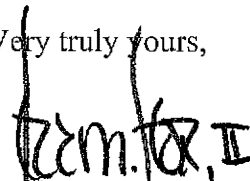
Page Two

The commentary to this section of Canon 4 states that

“As a judicial officer and person specially learned in the law, a judge is in a unique position to contribute to the improvement of the law, the legal system, and the administration of justice, including revision of substantive and procedural law and improvement of criminal juvenile justice. To the extent that time permits, a judge is encouraged to do so, either independently or through a bar association, judicial conference, or other organization dedicated to the improvement of the law. Judges may participate in efforts to promote the fair administration of justice, the independence of the judiciary, and the integrity of the legal profession. . . .”

Based upon the description of the team which you set forth in your correspondence and the relevant sections of Canon 4, it is the opinion of the Commission that you could serve on the Multi-Disciplinary Team. 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 "Fred L. Fox, II". The signature is stylized with a large, looped "F" and "L".

Fred L. Fox, II, Chairperson
Judicial Investigation Commission

FLF,II:nb