



## JUDICIAL INVESTIGATION COMMISSION

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May 17, 2004

JIC Advisory Opinion 2004-19

Dear Judge :

In a recent letter to the Judicial Investigation Commission you asked for an advisory opinion. In your letter you state that you are sometimes engaged in self-employment as a professional musician. Recently your band was contacted in regard to a political function set to take place on September 10, 2004. A candidate for County Prosecuting Attorney sought to hire the band to perform at a fund raiser steak fry. The candidate has been quoted the normal rate for a three-hour engagement by your band. He has agreed to compensate the band \$450 for the performance. Your portion of the amount would be \$75. You state that your name is not utilized in connection with the band nor are you introduced or otherwise noted to be a judge.

The Commission reviewed Canon 5 of the Code of Judicial Conduct to address the question which you have raised. Canon 5 states in relevant part:

Canon 5. A judge or judicial candidate shall refrain from inappropriate political activity.

A. All judges and candidates. (1) Except as authorized in sections 5B(2), 5C(1), and 5C(3), a judge or a candidate for election or appointment to judicial office shall not:

(b) publicly endorse or publicly oppose another candidate for public office; . . .

The Honorable  
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Based upon this section of Canon 5, it is the opinion of the Commission that you should not engage in this activity since it could be construed as a public endorsement and you as a judge would also be engaging in fund raising.

If there is 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 a prominent "II" at the end.

Fred L. Fox, II, Chairperson  
Judicial Investigation Commission

FLF,II:nb