



JUDICIAL INVESTIGATION COMMISSION

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October 12, 2004

JIC Advisory Opinion 2004-23

Dear Judge :

In a recent letter to the Judicial Investigation Commission you asked for an advisory opinion. In that correspondence you stated that within the last two weeks you have been invited to serve on two different non governmental bodies. You have been invited and elected to serve on the local school improvement council at the school which you children attend. This body meets on a quarterly basis and discusses issues with regard to the improvement of the school and the school's performance. It does no fund raising but does on occasion appears, as a group, before to present proposals and/or positions on certain school improvement issues.

You have also been asked to participate on your city's Compliance Board. The Compliance Board meets once a year and their job is to review and consider whether the city is in compliance with all rules, regulations and applicable laws for the operation of a municipality.

Neither of the two positions that you have described includes any remuneration of any kind, nor any fund raising or decision making responsibilities. However, as a body they express opinions and take positions on various issues. You asked for an advisory opinion regarding the propriety of you serving on these boards.

To address the questions which you have raised, the Commission has reviewed Canon 4 of the Code of Judicial Conduct. That Canon states in relevant part:

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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 proper performance of judicial duties.

C. Governmental, civic, or charitable activities.

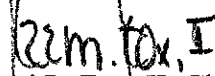
(3) Civic and charitable activities. A judge may participate in civic and charitable activities that do not reflect adversely upon the judge's impartiality or interfere with the performance of the judge's judicial duties. A judge may serve as an officer, director, trustee, or non-legal adviser of an educational, religious, charitable, fraternal, or civic organization not conducted for the economic or political advantage of its members subject to the following limitations:

- (a) A judge should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before the judge or will be regularly engaged in adversary proceedings in any court.

Based upon the specific facts which you have outlined in your correspondence and the language contained in the relevant portions of Canon 4, it is the opinion of the Commission that you may serve on the two entities which you describe in your letter.

If there is any further question regarding this matter do not hesitate to contact the Commission.

Very truly yours,


Fred L. Fox, II, Chairperson
Judicial Investigation Commission

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