



## **JUDICIAL INVESTIGATION COMMISSION**

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May 9, 2005

Re: JIC Advisory Opinion 2005-09

Dear

In a recent request for an advisory opinion you asked whether it is a violation of the Code of Judicial Conduct for a magistrate to attend the 2005 Public Defender Conference. You attached a copy of a letter of invitation, registration form and banquet information which stated that the conference is to be held at Snowshoe Mountain Resort and can be attended without charge by any magistrate or circuit judge. You asked further in a second question whether a magistrate assistant could work at the polls during the special bond election in June.

To address the first question which you have raised, the language contained in Canon 2A and Canon 4A(1) of the Code of Judicial Conduct provide direction. Those Canons state in relevant part:

Canon 2. A judge shall avoid impropriety and the appearance of impropriety in all of the judge's activities.

A. A judge shall respect and comply with the law, shall avoid impropriety and the appearance of impropriety in all of the judge's activities, and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

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

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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; . . .

The organization which is sponsoring the event and which will pay the admission fee for you represents defendants before the magistrate and circuit courts. Further, the organization appears regularly before courts in this jurisdiction. Based upon the foregoing the Commission is of the opinion that you should not attend the event which you have described in your request. See, JIC AO 4/24/97; 8/29/97; 3/23/01.

The Commission further reviewed your second question and felt that because of the special nature of the election which is being held in June, and the possibility that the success or failure of the election will effect future payments to state employees either to income or retirement benefits, it would be improper for the individual to work in this election.

It is hoped this opinion fully addresses the questions which you have raised. 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

FLF,II:nb

Enclosures: Advisory Opinions