JUDICIAL INVESTIGATION COMMISSION
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March 14, 2006

Re: JIC Advisory Opinion 2006-03

Dear

In a recent letter to the Commission you asked for an advisory opinion. In that letter you stated that of the Crisis Center in called you for your assistance in getting a grant renewed for the family refuge center in . in the office serves Grant, Hardy and Pendleton Counties. and are two of the counties in your circuit. She asked you to come to Charleston to appear before the group that decides whether or not to renew the grant. You would be expected to state how important the center was to you in your position as a family court judge.

To address the question which you have raised the Commission reviewed Canon 1 and Canon 4A of the Code of Judicial Conduct. Those Canons state in relevant part as follows:

Canon 1. A judge shall uphold the integrity and independence of the judiciary.

A. An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing high standards of conduct, and shall personally observe those standards so that the integrity and independence of the judiciary will be preserved. The provisions of this Code are to be construed and applied to further that objective.

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.

In reading your letter, the Commission assumes that the is a facility which houses victims of domestic violence and other domestic disputes which may come before the family court system. While the existence of the facility is extremely worthwhile to the community, your participation in seeking additional funding for it might conflict with the principles set forth in Canon 1 and Canon 4 stated above. It is the opinion of the Commission that you should not engage in the efforts requested of you to aid in the renewal of the grant for the facility. The prosecuting attorney or other members of the Bar would be better suited to serve in that capacity.

It is hoped that this opinion fully addresses the question that you have raised. If there is any further question concerning this matter do not hesitate to contact the Commission.

Very truly yours,

Fred L. Fox, II, Chairperson
Judicial Investigation Commission

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