



JUDICIAL INVESTIGATION COMMISSION

City Center East - Suite 1200 A
4700 MacCorkle Ave., SE
Charleston, West Virginia 25304
(304) 558-0169 • FAX (304) 558-0831

September 20, 2011

Re: JIC Advisory Opinion 2011-15

Dear Magistrate

In a recent letter to the Judicial Investigation Commission you asked for an advisory opinion. You stated that you are a Magistrate in _____ County and a resident of the city of _____.

The city has asked for volunteers to serve on a committee to identify areas in the city water system that need attention. You stated that you had a little bit of expertise in that area, having been the fire chief in the past and you knew the system fairly well. You stated that you would like to serve on this committee which would not have any official standing, nor would it vote on any decision the city would make.

The Commission has reviewed your request. To address the question which you have raised, the Commission has reviewed Canon 4 of the Code of Judicial Conduct. 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.

C. Government, civic, or charitable activities.

(3) Civic and charitable activities.-- A judge may participate in civic and charitable that do not reflect adversely upon the judge's 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:

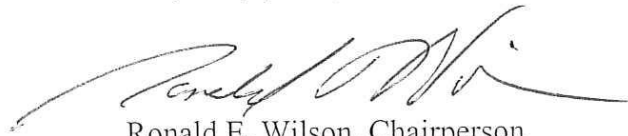
The Honorable
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(a) A judge should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before the judge or will be regularly engaged in adversary proceedings in any court.

After reviewing your request and the relevant sections of Canon 4, it is the opinion of the Commission that you should not serve on the committee which you described in your letter. The city is likely to be involved in court proceedings either before you or other judicial officers in other courts. For this reason the language contained in Canon 4 herein cited above would prevent you serving on the committee.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Ronald E. Wilson", with a long, sweeping horizontal line extending to the right.

Ronald E. Wilson, Chairperson
Judicial Investigation Commission

REW:nb