



JUDICIAL INVESTIGATION COMMISSION

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

December 22, 2011

Re: JIC Advisory Opinion 2011-23

Dear Judge

Your recent verbal request for an advisory opinion to Counsel was reviewed by the Judicial Investigation Commission. The factual scenario giving rise to your request is as follows: Your daughter plays basketball on her school team. In previous years, you have served as a volunteer coach for the team which required only the approval of the school principal. This year, the County Board of Education has decided to call the volunteers "auxiliary" coaches. The Board is now requiring all auxiliary coaches to undergo a background check and be fingerprinted. Moreover, the auxiliary coaches must be approved by the Board of Education. You have not and will not be paid for helping to coach the team. You want to know if you may serve as an auxiliary coach and if so, whether it precludes you from presiding over any cases involving the County Board of Education.

In order to address your request, the Commission has reviewed Canon 4 of the Code of Judicial Conduct, which provides in pertinent part:

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

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(3) interfere with the 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.

As the Comment to the Canon notes, a judicial officer should not become isolated from the community in which he/she lives. Likewise, the Commission believes that a judicial officer should not necessarily be isolated from the day to day activities of his or her school age children. Thus, the Commission believes that based upon the scenario set forth above, you may serve as an auxiliary coach for your daughter's grade school basketball team; however, you would also be precluded from presiding over any cases involving the County Board of Education in order to ensure the public's continued faith in the independence and impartiality in the judiciary.

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

Sincerely,

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

Ronald E. Wilson, Chairperson
Judicial Investigation Commission

REW/tat/nb