



JUDICIAL INVESTIGATION COMMISSION

City Center East - Suite 1200 A
4700 MacCorkle Ave., SE
Charleston, West Virginia 25304
(304) 558-0169 • FAX (304) 558-0831
February 23, 2012

Re: JIC Advisory Opinion 2012-05.

Dear :

Your recent request for an advisory opinion addressed to Counsel was reviewed by the Judicial Investigation Commission at its meeting on February 10, 2012. You indicated that you are a general contractor and sole proprietor of your company. You mainly work in County but on occasion travel to other counties. You also stated that you are an independent marketing representative for

. You want to know if you can continue to work in these positions if you are elected as Magistrate for County.

After careful consideration, the Commission has declined to respond to your request for an advisory opinion on the basis that it is premature. However, the Commission encourages you to review Canon 4D(3) which provides:

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

D. Financial activities.

(3) A judge shall not serve as an officer, director, manager, general partner, adviser or employee of any business entity except that a judge may, subject to the requirements of this Code, manage and participate in:

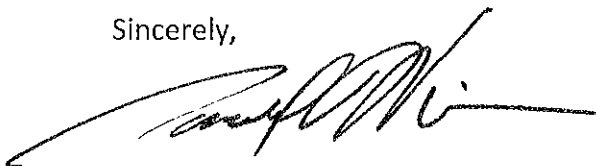
(a) a business closely held by the judge or members of the judge's family, or

(b) a business entity primarily engaged in investment of the financial resources of the judge or members of the judge's family.

The Comment to Canon 4D(3) notes that a judicial officer may be precluded from participating in such ventures by other provisions of the Code "when, for example, the business entity frequently appears before the judge's court or the participation requires significant time away from judicial duties." Finally, you should be aware that a judicial officer must also seek authorization from the Administrative Director of the Supreme Court as to whether or not he/she can engage in outside employment.

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

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