



## JUDICIAL INVESTIGATION COMMISSION

Room E-400, State Capitol

Charleston 25305

March 5, 1990

JIC Advisory Opinion 1990-01

Dear

In a letter to Counsel for the Judicial Investigation Commission dated February 15, 1990, you sought an advisory opinion on behalf of yourself and a candidate for Judge of the Circuit Court for the Judicial Circuit of West Virginia. In that correspondence you stated that both you and had been afflicted with cancer and as a result of your knowledge of what cancer can do and the treatment that can be received for the disease you were interested in helping the American Cancer Society with its endeavors to raise money in order that a cure for the disease may some day be found.

You also stated in your letter that the West Virginia Cancer Society wants to sponsor a fund-raising event in which entries will be distributed throughout the state and individuals can obtain names with monetary amounts they will donate for a walk or run. A brochure was attached to your correspondence which described an event similar to the event which will be conducted in West Virginia.

Your inquiry to the Commission suggests that the West Virginia Cancer Society would like for you and to work with the fund-raising event by giving talks and educational seminars about the American Cancer Society and the disease of cancer.

Canon 5 of the Judicial Code of Ethics contains language which addresses your inquiry. The relevant sections of Canon 5 state as follows:

CANON 5

A Judge Should Regulate His  
Extra-Judicial Activities to Minimize  
the Risk of Conflict with His Judicial Duties

. . . . .

- B. Civic and Charitable Activities. A judge may participate in civic and charitable activities that do not reflect adversely upon his impartiality or interfere with the performance of his judicial duties. A judge may serve as an officer, director, trustee, or non-legal advisor 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:

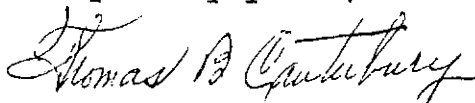
. . . . .

(2) A judge should not solicit funds for any educational, religious, charitable, fraternal, or civic organization, or use or permit the use of the prestige of his office for that purpose, but he may be listed as an officer, director, or trustee of such an organization. He should not be a speaker or the guest of honor at an organization's fund-raising events, but he may attend such events.

. . . . .

The pertinent language of Canon 5 of the Judicial Code of Ethics would prohibit you and \_\_\_\_\_ from participating in any aspect of the West Virginia Run for the American Cancer Society which involved the solicitation of funds or the use of the prestige of your office for that purpose. It is hoped that this advisory opinion fully addresses the question raised in your recent inquiry. If there are any questions concerning the questions which you have raised, please do not hesitate to contact the Commission.

Very truly yours,

  
Thomas B. Canterbury  
Chairman