



Original

JUDICIAL INVESTIGATION COMMISSION

Room E-400, State Capitol

Charleston 25305

February 7, 1992

Re: JIC Advisory Opinion 1992-01

Dear

Your recent request for an advisory opinion has been reviewed by the Judicial Investigation Commission. In your inquiry you state that you have been invited to join the newly reorganized Board of Directors for the College Foundation, Inc. You asked whether you would be prevented by any provision in the West Virginia Judicial Code of Ethics from joining the Foundation Board.

Canon 5B(1) and (2) of the Judicial Code of Ethics controls the response to your inquiry. That Canon states in pertinent part:

CANON 5

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

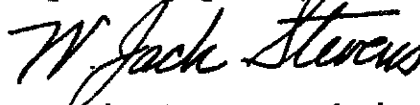
B. Civic and Charitable Activities. A judge may participate in civic and charitable activities that do not reflect adversely upon his impartiality or interfere with the performance of his judicial duties. A judge may serve as an officer, director, trustee, or non-legal advisor of an educational, religious, charitable, fraternal, or civic organization not conducted for the economic or political advantage of its members, subject to the following limitation:

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- (1) A judge should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before him or will be regularly engaged in adversary proceedings in any court.
- (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 any organization's fund raising events, but he may attend such events.
- (3) A judge should not give investment advice to such an organization, but he may serve on its board of directors or trustees even though it has the responsibility for approving investment decisions.

Based upon the language contained in the above-stated Canon and subject to the limitations imposed therein, you could be a member of the Foundation. You could not, however, engage in any solicitation of funds for the Foundation. It is hoped that this opinion fully addresses the matters raised in your request. If additional information is needed from the Commission, please do not hesitate to contact it.

Very truly yours,



W. Jack Stevens, Chairman

WJS/bl
Enclosure - Canon 5.