



Original

JUDICIAL INVESTIGATION COMMISSION

Room E-400, State Capitol

Charleston 25305

13 and 30
February 7, 1992

Re: JIC Advisory Opinion 1992-02

Dear

Your recent request for an advisory opinion has been reviewed by the Judicial Investigation Commission. In your correspondence you asked whether you could continue to be a member of the Rotary Club and whether you could continue to serve on the Board of Directors of the County Sheltered Workshop, the Regional Convalescent Center, the YMCA, and the Hopsice. You indicated that the agencies in which you are a board member are nonprofit community service organizations.

Your inquiry is controlled by the language contained in Canon 5B(1) and (2) of the Judicial Code of Ethics. 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.

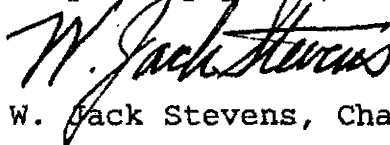
B. Civic and Charitable Activities. A judge may participate in civic and charitable activities that do not reflect adversely upon his impartiality or interfere with the performance of his judicial duties. A judge may serve as an officer, director, trustee, or non-legal advisor of an educational, religious,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

February 7, 1992

- (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 an organization's fund raising events, but he may attend such events.

Based upon the language set forth in the above-stated Canon, the Commission feels that your continued membership in the Rotary is not prohibited. Furthermore, based upon the language of the above-cited Canon and subject to its limitations, your continued service on the Boards of the organizations set forth in your correspondence would be permitted. If you need any additional information from the Commission, please feel free to contact it.

Very truly yours,



W. Jack Stevens, Chairman

WJS/bl
Enclosure - Canon 5