



*Original*

## JUDICIAL INVESTIGATION COMMISSION

Room E-400, State Capitol

Charleston 25305

March 31, 1992

Re: JIC Advisory Opinion 1992-05

Dear

At its most recent meeting, the Judicial Investigation Commission considered your request for an advisory opinion dated March 12, 1992. In that request you asked whether it is permissible for a magistrate to hold the position of an officer in the Veterans of Foreign War (VFW) and/or the American Legion. You also asked whether the officer/magistrate could participate in or assist any charitable bingo that the organization might hold.

Canon 5B governs the questions which you have raised. 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 an organization's fund raising event, but he may attend such events.

Based upon the language contained in Canon 5B, it would appear that you may hold the position of an officer in the Veterans of Foreign War (VFW) and/or the American Legion. However, you would not be permitted to engage in any fund raising activity conducted by that organization.

Hopefully, this fully answers the questions which you have raised. If there is any additional information needed from the Commission, do not hesitate to contact it.

Very truly yours,

**Fred L. Fox, II**  
Fred L. Fox, II  
Acting Chairman

CRG/bl