



JUDICIAL INVESTIGATION COMMISSION

Room E-400, State Capitol

Charleston 25305

September 23, 1992

JIC Advisory Opinion 1992-23

Dear Mr. :

Your recent inquiry to the Judicial Investigation Commission concerning the propriety of your serving on the Board of , was reviewed by the Judicial Investigation Commission at its most recent meeting. The Commission also reviewed materials describing the organizational purpose of the

Canon 5B of the Judicial Code of Ethics governs the activity about which you inquire.

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 Canon 5B. you could serve on the Board of so long as your activities fall within the language set forth in the Canon.

If there is any further question concerning this matter, do not hesitate to contact the Commission.

Very truly yours,



Fred L. Fox, II, Chairman

FLF,II/bl