



JUDICIAL INVESTIGATION COMMISSION

Building 1, Room E400
1900 Kanawha Boulevard, East
Charleston, WV 25305-0834

November 8, 1993
JIC Advisory Opinion 1993-22

Dear Judge :

Your recent correspondence to Counsel for the Judicial Investigation Commission was reviewed by the Commission at its most recent meeting. In that correspondence you seek an advisory opinion as to whether a circuit judge can serve as a member of Criminal Justice Advisory Committee for State College. You attached a description of the activities engaged in by the Advisory Committee.

Based on the information provided by you the Criminal Justice Advisory Committee is established to help the criminal justice faculty by reviewing the goals, curriculum, and operation of the Criminal Justice Program. The Committee assists in maintaining an up-to-date Criminal Justice Program by periodically reviewing the program and addressing changes necessary to keep pace with changing needs and emphasis in the criminal justice field. The Advisory Committee professionals are utilized for their insights from a practitioners' perspective which are valuable to the review and realignment process for the Program.

The philosophy of the College and the Criminal Justice Program indicates that the Program is dedicated to providing a quality program to meet the needs of students and the criminal justice agencies who may hire Glenville State graduates. The Advisory Committee provides a means of communication between the faculty and committee professionals.

Canon 4C of the Code of Judicial Conduct states in pertinent part:

CANON 4

A JUDGE SHALL SO CONDUCT THE JUDGE'S EXTRA-
JUDICIAL ACTIVITIES AS TO MINIMIZE THE RISK
OF CONFLICT WITH JUDICIAL OBLIGATIONS

C. Governmental, Civic, or Charitable Activities.

. . . .

(2) Quasi-Judicial Activities. A judge may serve as a member, official, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice. A judge may assist such an organization in raising funds and may participate in their management and investment, but should not personally participate in public fund-raising activities. A judge may make recommendations to public and private fund-granting agencies on projects and programs concerning the law, the legal system, and the administration of justice.

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

(a) A judge should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before the judge or will be regularly engaged in adversary proceedings in any court.

The Honorable
November 8, 1993
Page 3

(b) 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 office for that purpose; but a judge may be listed as an officer, director, or trustee of such an organization, so long as the listing is not used for fund-raising purposes. A judge should not be a speaker or the guest of honor at an organization's fund-raising events, but may attend such events.

(c) A judge should not give investment advice to such an organization, but a judge may serve on its board of directors or trustees even though it has the responsibility for approving investment decisions.

Based upon the description of the Advisory Committee which you have forwarded to the Commission and the relevant language contained in Canon 4 of the Code of Judicial Conduct, it is the opinion of the Judicial Investigation Commission that you may serve on the Advisory Committee.

It is hoped that this opinion fully addresses the matters which you raised in your recent correspondence. If you have any further question concerning any of the matters discussed herein, do not hesitate to contact the Commission.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Fred L. Fox, II". The signature is stylized with a large, bold "F" and "L".

Fred L. Fox, II, Chairman

FLF,II/bl