



JUDICIAL INVESTIGATION COMMISSION

212 Dickinson Street
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October 7, 1994

Re: JIC Advisory Opinion 1994-17

Dear

Your recent letter to Counsel for the Judicial Investigation Commission in which you sought an advisory opinion was reviewed at the Commission at its most recent meeting. In that correspondence you state that you were appointed as part time family law master for Region 17 in July, 1994. Your duties currently are limited to County and one-half of County. Occasionally, you hear cases in County when a conflict exists with the full-time family law master in that area. You have been asked to be on the Board of Trustees for the Public Library in West Virginia. The Public Library does not undertake any fund-raising activities.

The activity which you describe in your correspondence is governed by language contained in Canon 4C(3)(b) of the Code of Judicial Conduct. That section of Canon 4 states:

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.

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(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 advisory 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:

(b) A judge should not solicit funds for any educations, 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.

Your position on the Board of Trustees for the Public Library would not involve any fund-raising activities and, therefore, would be permitted by the language set forth in the Canon. It is hoped that this fully addressed the question which you have raised. If there is any further question concerning this matter, do not hesitate to contact the Commission.

Very truly yours,

Fred L. Fox, II

Fred L. Fox, II, Chairman

FLF,II/bl