



JUDICIAL INVESTIGATION COMMISSION

212 Dickinson Street
Post Office Box 1629
Charleston, West Virginia 25326-1629
(304) 558-0169 FAX (304) 558-0831

November 3, 1995

Re: JIC Advisory Opinion 1995-29

Dear

The Judicial Investigation Commission received your request for an advisory opinion dated September 1, 1995. In that correspondence you asked two questions: First, you stated that you have been requested to serve as a moderator for a debate to be held sometime this winter between the candidates for governor. You asked whether this would constitute an ethics violation. Second, you stated that you have served on the board of directors of a nonprofit nursing home since 1988. You stated that a previous opinion authorized your continued service on that board. You now inquire about whether or not you could serve as a secretary to the corporate structure. You indicated that this is a nonpaying position which has nothing to do with the day-to-day management of the corporation. These inquiries were reviewed by the Commission at its recent meeting.

Canon 5 of the Code of Judicial Conduct treats areas of political activity which are permitted and not permitted by a judge or judicial candidate. You indicate in your first question that you have been asked to serve as a moderator for a debate to be held between the candidates for governor. In that position as moderator you would not be engaging in any activities which are prohibited by Canon 5 specifically Canon 5A. The Commission feels that you could serve as a moderator for the debate.

Your service as a secretary to the corporate structure of the nonprofit nursing home would be permitted within the limits set forth in Canon 4C(3) of the Code of Judicial

November 3, 1995

Conduct. You should review the commentary to that Canon which suggests that a judge regularly re-examine the activities of a civic or charitable organization to determine if it is proper to continue his or her relationship with it. Also you should be aware that the prior opinion which was issued in 1988 predated the passage of the guardianship statute which places new responsibilities on a circuit judge in some instances. With the limitations of the Canon in mind and the obligation to re-examine regularly the activities of the organization, the Commission feels that you could serve in the capacity which you state in question two of your inquiry.

It is hoped that this opinion fully addresses those issues which you raised in your correspondence. If you have any further question regarding this matter, do not hesitate to contact the Commission.

Very truly yours,


Fred L. Fox, II, Chairman

FLF,II/bl