



## JUDICIAL INVESTIGATION COMMISSION

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

February 19, 1996

Re: JIC Advisory Opinion 1996-04

Dear

Your letter to Counsel for the Judicial Investigation Commission was reviewed by the Commission at its recent meeting. In that correspondence you stated that you are a trustee for a foundation. You stated that it is a charitable foundation whose primary purpose is to make charitable contributions to deserving charities in the Valley, primarily organizations which have a Catholic background. It does not appear from your description of the foundation that it is in any way affiliated with your family. You state in your letter that you receive a fee for serving as a trustee for the foundation and you ask whether you could continue to serve in that capacity and receive a fee.

Canon 4E(1) of Code of Judicial Conduct addresses the inquiry which you have made. That Canon states:

### CANON 4

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

- E. Fiduciary Activities. - (1) A judge shall not serve as executor, administrator, or other personal representative, trustee, guardian, attorney in fact, or other fiduciary, except for the estate, trust, or person of a member of the judge's family, and then only if such service will not interfere with the proper performance of judicial duties.

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The term "fiduciary" used in the section of the Canon "includes such relationships as executor, administrator, trustee, and guardian." The term "member of the judge's family" is defines as denoting "a spouse, child, grandchild, parent, grandparent, or other relative or person with whom the judge maintains a close familial relationship."

Based upon a review of the information which you provided to the Commission and the language contained in Canon 4E(1), it is the opinion of the Commission that you may not continue to serve as a trustee for the foundation. If there are any other questions regarding this matter, do not hesitate to contact the Commission.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Fred L. Fox, II", written over a horizontal line.

Fred L. Fox, II, Chairman

FLF, II/bl