

JUDICIAL INVESTIGATION COMMISSION

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April 11, 1996

Re: JIC Advisory Opinion 1996-11

Dear

Your recent letter to the Chairman of the Judicial Investigation Commission was reviewed by the Commission at its last meeting. In that correspondence you asked for an advisory opinion on the appropriateness of your participation in a fundraiser to benefit the United Way. The event is sponsored by the 4-H Foundation and West Virginia University Extension Service. You stated that your picture, name, and title would be placed on a jar along with several other jars with other pictures and at the end of the contest the jar with the most money is the winner. You also stated that there would be publicity for the event.

In addressing your inquiry the Commission reviewed Canon 4C(3) (b) of the Code of Judicial Conduct. 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
- C. Governmental, Civic, or Charitable Activities. -
- (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 nonlegal 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 limitations:

(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 organization, so long as the listing is not used for fundraising purposes. A judge should not be a speaker or guest of honor at an organization's fundraising events, but may attend such events.

It is clear from the language contained in Canon 4C(3)(b) of the Code of Judicial Conduct that you should not engage in the fundraising activities which you describe in your letter.

Hopefully this opinion addresses all of the concerns which you raised in that correspondence. If there is any additional question concerning this matter, do not hesitate to contact the Commission.,

Very truly yours,

Fred L. Fox, II, Chairman

FLF, II/bl