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June 6, 1996

Re: JIC Advisory Opinion 1996-14

Dear

Your recent correspondence to Counsel for the Judicial Investigation Commission was reviewed by the Commission at its recent meeting. In that communication you requested an advisory opinion regarding whether you could serve as an advisory board member for the and Apartments in County. The is a non-profit organization that operates for the care of the elderly and apartment rental for senior citizens. It also rents to elderly who can care for themselves. Board members serve on a voluntary basis without pay. You also stated that after reviewing your records you found no cases involving the Good Samaritan Center in Barbour County.

Canon 4C(3) of the Code of Judicial Conduct sets forth permissible extra judicial activities. That Canon states in pertinent part:

- Canon 4. A judge shall so conduct the judge's extrajudicial 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 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.
- (b) A judge should not solicit funds for any education, 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 fundraising purposes. A judge should not be a speaker or the guest of honor at an organization's fundraising events, but may attend such events.

Based on the language in this Canon and the information which you have provided the Commission, the Commission feels that you may serve as an advisory board member.

However, you should be mindful that if a resident of the and Apartments were to appear in your court as a litigant, you must disclose your board member status to that individual. It is hoped that this opinion fully addresses the question which you have raised. If you have any further questions regarding this matter, do not hesitate to contact the Commission.

Very truly yours,

Fred L. Fox, II, Chairman

FLF, II/bl