



JUDICIAL INVESTIGATION COMMISSION

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June 28, 1996

Re: JIC Advisory Opinion 1996-18

Dear

Your recent request for an advisory opinion was reviewed by the Judicial Investigation Commission. In your letter you state that you had agreed to serve as District Permanent Fund Chairman for Rotary International District which comprises approximately the northern half of the State of West Virginia and consists of 32 Rotary Clubs. You indicate that when you accepted the appointment, you were under the impression that the responsibilities would be organizational. You have learned recently, however, that the responsibilities would involve major gift solicitations. You asked whether as a senior status judge this would be a violation of the Code of Judicial Conduct.

As a senior status judge you are under the Code of Judicial Conduct and the application of the Code as applies to you is set forth in Canon 6B. In addressing your request the Commission reviewed Canon 4C(2) and (3)(b) of the Code of Judicial Conduct which states in pertinent part:

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.

(2) Quasi-Judicial Activities. A judge may serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice. A judge may assist such an organization in raising funds and may participate in their management and investment, but should not personally participate

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in public fund-raising activities. A judge may make recommendations to public and private fund-raising agencies on projects and programs concerning the law, the legal system, and the administration of justice.

(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 other 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:

(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 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.

After reviewing your request for an advisory opinion and the factual situation which you set forth in it and the language contained in the above-stated Canons, it is the opinion of the Commission that you cannot actively be involved in soliciting funds for the Rotary Club.

It is hoped that this opinion fully addresses the issues which you have raised. If there is any further question regarding these matters, do not hesitate to contact the Commission.

Very truly yours,



Fred L. Fox, II, Chairman

FLF, II/bl