



JUDICIAL INVESTIGATION COMMISSION

212 Dickinson Street
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Charleston, West Virginia 25326-1629
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November 25, 1996

Re: JIC Advisory Opinion 1996-24

Dear

Your recent request for an advisory opinion addressed to Counsel for the Judicial Investigation Commission was reviewed by the Commission at its recent meeting. In that request you stated that you are a mental hygiene commissioner in _____ County and have been since 1979. You stated that you currently are serving on the board of directors and are president of _____ Mental Health Counsel, Inc., your community mental health center. It is a non-profit corporation which screens all involuntary hospitalization petitions in _____ County and has one of their licensed psychologists do the evaluation and testify at hearings and coordinate efforts of ascertaining the least restrictive alternative. You indicated that on occasion a petition in a mental hygiene proceeding would be dismissed in favor of allowing the respondent to enter the crisis stabilization unit at FMRS on a voluntary basis or go to FMRS on an outpatient basis. You asked whether you could continue to serve on the board of directors and as president of FMRS Mental Health Council, Inc.

The question which you have raised is addressed in Canon 4 of the Code of Judicial Conduct which states in pertinent part as follows:

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.

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(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 advisor of an educational, religious, charitable, fraternal, or civic organization not conducted for the economic or political advantage of its members subject to its following limitations:

(a) A judge shall 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.

Based upon the information which you have provided the Commission and the language contained in this section of Canon 4 of the Code of Judicial Conduct, your service as a member of the board of directors and president of Mental Health Council, Inc., would be prohibited. If there is any further question regarding this matter, do not hesitate to contact the Commission.

Very truly yours,


Fred L. Fox, II, Chairman

FLF,II/bl