



## JUDICIAL INVESTIGATION COMMISSION

212 Dickinson Street  
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November 25, 1996

Re: JIC Advisory Opinion 1996-25

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Dear

Your request for an advisory opinion addressed to Counsel for the Judicial Investigation Commission was reviewed by the Commission at its recent meeting. In that correspondence you stated that you have been asked to consider serving on the board of directors of a local non-profit hospital. You stated that you had checked your records and in the past five years you would have had to recuse yourself from three cases which involved the hospital. Your service would begin next year.

The request which you have made is addressed by Canon 4 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.

#### A. 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

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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.

The changing nature of non-profit hospitals in recent years has resulted in their being engaged in legal proceedings in many courts involving issues such as malpractice, employment disputes, labor issues, and other legal matters. It is the opinion of the Commission that because of the possibility of continued and increasing litigation involving the local hospital not only in your court but also in other courts, the language contained in the above-cited section of Canon 4 would prohibit your membership on the board of directors of the non-profit hospital. 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