



JUDICIAL INVESTIGATION COMMISSION

212 Dickinson Street
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November 25, 1996

Re: JIC Advisory Opinion 1996-29

Dear

Your recent letter to Counsel for the Judicial Investigation Commission was reviewed by the Commission at its recent meeting. In that correspondence you asked for an advisory opinion regarding the propriety of your holding an office with the County Fair Board. You stated that you will be Magistrate of County and asked whether you may continue to serve as an officer with the Fair Board. You stated that it is a non-profit organization and is strictly volunteer.

The inquiry which you have made is addressed by language contained in 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.

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

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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 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 to adversary proceedings in any court.

(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 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.

(c) A judge should not give investment advice to such an organization, but a judge may serve on its board of directors or trustees even though it has the responsibility for approving investment decisions.

Based upon the language contained in this Canon, it is the opinion of the Commission that you could continue to serve with the County Fair Board as long as you were not involved in soliciting funds or offering any investment advice to that organization. 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