



## JUDICIAL INVESTIGATION COMMISSION

212 Dickinson Street  
Post Office Box 1629  
Charleston, West Virginia 25326-1629  
(304) 558-0169 FAX (304) 558-0831

March 31, 1997

Re: JIC Advisory Opinion 1997-12

Dear

Your request for an advisory opinion which was sent to Counsel to the Judicial Investigation Commission was reviewed by the Commission at its recent meeting. In that request you asked whether you could serve on the Board of Directors of the United Way of \_\_\_\_\_ County. You indicated that this organization recently requested that you serve in that capacity. You also enclosed certain documents outlining the functions, duties, and responsibilities of the United Way of \_\_\_\_\_ County.

Canon 4 of the Code of Judicial Conduct addresses the inquiry which you have made. That Canon 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 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:

- 2 - March 31, 1997

(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 would be regularly engaged in adversarial 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 organization so long as the listing is not used for fundraising purposes . . . .


Based on the language contained in the pertinent sections of Canon 4 and the information which you provided about the activities of the United Way, there were two concerns shared by the Commission.

It would appear from the information which you enclosed that the United Way of \_\_\_\_\_ County is engaged primarily in fundraising and subsequent disbursement of those funds to various organizations within the community. It is possible that some of the organizations to which funds would be given would appear in court in adversarial proceedings. Furthermore, you would not be permitted to participate in the solicitation of funds or the fundraising activities of the United Way while serving as judge.

Based on the prohibition set forth in Canon 4 and the information which you shared with the Commission, it is the opinion of the Commission that you should not serve on the Board of Directors of the United Way of \_\_\_\_\_ County.

It is hoped that this fully addresses the issues which you have raised. 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