



## JUDICIAL INVESTIGATION COMMISSION

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

November 17, 1997

Re: JIC Advisory Opinion 1997-27

Dear

Your recent letter to Counsel to the Judicial Investigation Commission in which you ask for an advisory opinion has been reviewed by members of the Commission. In that request you stated that you have been asked to accept an appointment to the Board of Advisors for the criminal justice program at \_\_\_\_\_ State College. You enclosed the letter which you had received from the Chair of the Social Science Division of \_\_\_\_\_ State College. That correspondence indicates that the primary purpose of the Board of Advisors is to provide the faculty with ideas about how to best structure the two-year and four-year criminal justice programs. As a member of the Board of Advisors you would also be asked to look at the course offerings at the College for what they presently offer and what they should offer in the future. The Board will meet no more than twice a year.

In conducting a review of your request, the Commission turned to Canon 4C of the Code of Judicial Conduct. This Canon states in relevant 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, civil, or charitable activities.

(2) Quasi-judicial activities. - A judge may serve as a member, officer, or director of an organization or

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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 in public fund-raising activities. A judge may make recommendations to public and private fund-granting 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 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:

(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 in 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 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.

(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 description of the activities engaged in by the Board of Advisors for the criminal justice program which you have forwarded to the Commission and the relevant language contained in Canon 4 of the Code of Judicial Conduct, it is the opinion of the Judicial Investigation Commission that you may serve on the Board of Advisors for the criminal justice program at Glenville State College within the context of Canon 4 cited above.


It is hoped that this opinion fully addresses the matters which you have raised in your recent correspondence

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requesting an advisory opinion. If you have any further questions concerning any of the matters discussed herein, do not hesitate to contact the Commission.

Very truly yours,

  
John W. Bennett, Chairman

JWB/bl