



JUDICIAL INVESTIGATION COMMISSION

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

September 28, 1998

Re: JIC Advisory Opinion 1998-15

Dear

You have recently requested an advisory opinion from the Judicial Investigation Commission and that request was reviewed by the Commission at its recent meeting. In your request you indicate that you had been asked to become a member of the Artistic Committee of the _____ Symphony. The Artistic Committee's responsibility is to consult with and to advise the Music Director in the development of the artistic plan for the upcoming seasons, evaluate the programs from the previous and current seasons, discuss long-rang artistic plans and propose artistic policies for the Board review.

To address the inquiry which you have made the Commission reviewed Canon 4 of the Code of Judicial Conduct which 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, 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:

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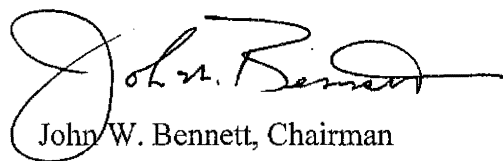
(a) A judge should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before the judge or will be regularly engaged in adversary proceedings in any court.

(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 for such an organization, so long as the listing is not used for funding 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 information that you have provided the Commission it is the opinion of the Commission that you may serve on the Artistic Committee of the _____ Symphony so long as your service remains within the purview of Canon 4C(3) of the Code of Judicial Conduct. If you have any further questions regarding this matter, do not hesitate to contact the Commission.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John W. Bennett", with a stylized, flowing script.

John W. Bennett, Chairman

JWB:nb