



JUDICIAL INVESTIGATION COMMISSION

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

April 22, 1999

Re: JIC Advisory Opinion 1999-08

Dear

In a recent letter to the Judicial Investigation Commission you asked for an advisory opinion regarding whether you could serve on State College's newly created Multi-cultural Affairs Advisory Committee. You have been asked to serve on that committee in an advisory capacity. The letter sent to you by the president of the college stated that the committee is being established at the recommendation of the Presidential Task Force on the Recruitment of Minorities. It is to provide insight, direction and strategic initiatives while also assessing progress which the college is making to enhance the educational and cultural prospective of the students, personnel and communities throughout the college's service area. The appointment is for one year with the opportunity for reappointment up to two additional years.

In reviewing your request the Commission looked 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, 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

April 22, 1999

Page Two

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:

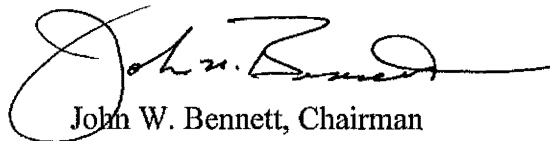
(a) A judge should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before the judge or will be regularly engaged in adversary proceedings in any court.

(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 the 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 committee on which you have been asked to serve and the language contained in this Canon, it is the opinion of the Commission that you may serve on the Multicultural Affairs Advisory Committee. It is hoped that the opinion fully addresses the issues which you have raised. If you have any further question 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