



JUDICIAL INVESTIGATION COMMISSION

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September 21, 1999

Re: JIC Advisory Opinion 1999-13

Dear

Your recent fax to the Judicial Investigation Commission in which you asked for an advisory opinion regarding whether you may serve on the Board of Directors for the College Foundation has been reviewed by the Commission.

In reviewing your inquiry the Commission has looked at Canon 4C(3)(b)(c) of the Code of Judicial Conduct to address this matter. That section of the Code of Judicial Conduct 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. Government, 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 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:


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(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 language contained in the Canon it is the opinion of the Commission that you may serve on the Board of Directors for the _____ College Foundation. However, some members of the Commission have expressed concern about the fundraising endeavors of the Foundation. You should be mindful of the strict prohibitions against a judge soliciting funds set forth in the Canon. It is hoped that this opinion fully addresses the matter raised in your request. If additional information is needed from the Commission please do not hesitate to contact it.

Very truly yours,



John W. Bennett, Chairman

JWB:nb