



JUDICIAL INVESTIGATION COMMISSION

Post Office Box 1629
Charleston, West Virginia 25326-1629
(304) 558-0169 • FAX (304) 558-0831
December 28, 1999

Re: JIC Advisory Opinion 1999-22

Dear

You recently asked the Judicial Investigation Commission for an advisory opinion regarding whether you could serve on the Advisory Board of the Salvation Army. Subsequent to that request you forwarded a Manual of Advisory Organizations relevant to the Salvation Army to the Commission for review. In that manual the advisory board among other things is charged with the responsibility of advising and assisting the Salvation Army in all its activities in a particular community. The advisory board also renders valuable service in relations with other agencies in the community.

To answer the request which you have made, the Commission has reviewed Canon 4. That Canon says 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 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 proceeding in any court.

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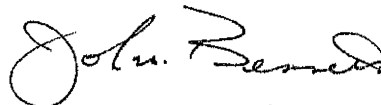
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(b) A judge should not solicit funds for any educational, religious, charitable, fraternal, or civic organization, or use or permit the use of the prestige of office for that purpose; but a judge may be listed as an officer, director, or trustee of 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.

Based on the information which you forwarded to the Commission and the language set forth in Canon 4, it is of the opinion that you may serve on the Advisory Board of the Salvation Army. You should however, take note that you may not solicit funds for the organization or allow your name to be used for the purpose of soliciting funds.

If there is 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". The signature is fluid and cursive, with the first name "John" being more prominent.

John W. Bennett, Chairman

JWB:nb