



## **JUDICIAL INVESTIGATION COMMISSION**

Post Office Box 1629  
Charleston, West Virginia 25326-1629  
(304) 558-0169 • FAX (304) 558-0831  
May 21, 2001

Re: JIC Advisory Opinion 2001-12

Dear

In a recent letter to the Judicial Investigation Commission you asked for an advisory opinion regarding whether you could serve as an advisory board member to the Foundation of Southern West Virginia. You stated that the Foundation was a nonprofit organization and that the primary function of the Foundation was to grant wishes to children with life threatening illnesses to enrich the human experience with hope, strength and joy. The request which you have made has been reviewed by the Commission.

To address the question which you have raised, the Commission reviewed the relevant sections of Canon 4 of the Code of Judicial Conduct. That 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 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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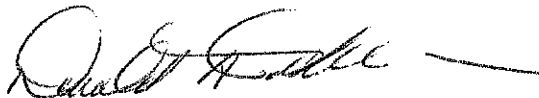
(a) A judge should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before the judge or will be regularly engaged in adversary proceedings in any court.

(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. . . .

Based upon the language contained in the relevant section of Canon 4, it is the opinion of the Commission that you could serve as an advisory board member to the Make a Wish Foundation of Southern West Virginia, so long as you did not solicit funds for that organization or use or permit the use of the prestige of your office for that purpose.

It is hoped that this opinion fully addresses the question which you have raised. 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 "Donald H. Cookman", followed by a horizontal line.

Donald H. Cookman, Chairperson  
Judicial Investigation Commission

DHC:nb