



JUDICIAL INVESTIGATION COMMISSION

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

May 7, 2002

Re: JIC Advisory Opinion 2002-13

Dear

In a recent letter to Counsel you asked for two separate advisory opinions from the Judicial Investigation Commission. One relates to the and involves charities. The second involves your personal residence being used for fund-raising events for political purposes. You stated in your request that the

is a charitable Foundation which focuses on providing financial assistance to various charitable organizations with an emphasis on issues affecting children and animals. You stated that you are not an officer in the corporation and do not participate, and the Foundation does not engage in any fund-raising on its own behalf. You indicated that certain charitable organizations in which your participates want to have charitable fund-raising events at your home located at West Virginia. You asked whether your private residence could be used by the for charitable fund-raising events.

Your second inquiry related to political fund-raising by your husband, You said that certain state and national candidates which your husband supports want to use your home for political fund-raising events. You asked whether your personal residence could be used by your husband for such political events so long as you were not present doing the actual fund-raising event and did not participate in them.

To address the first inquiry which you have made, the Commission has reviewed relevant sections of Canon 4 of the Code of Judicial Conduct. That Canon says in relevant part:

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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.

(b) A judge should not solicit funds for any educational, religious, charitable, fraternal, or civic organizations, 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.

It is clear from the information which you have provided that you would not be involved in any charitable fund-raising events which the organizations wish to hold. Your husband would be participating in these events at your home. So long as you were not involved in soliciting funds or allowing your name to be used for such purposes, it would be permissible for your personal residence to be used by the Foundation for charitable fund-raising events conducted by your husband.

To address the second inquiry which you have made, the Commission has reviewed relevant sections of Canon 5 of the Code of Judicial Conduct. That Canon states in relevant part:

Canon 5. A judge or judicial candidate shall refrain from inappropriate political activity.

A. All judges and candidates.

(1) Except as authorized in sections 5B(2), 5C(1), and 5C(3), a judge or a candidate for election or appointment to judicial office shall not:

* * * * *

(b) publicly endorse or publicly oppose another candidate for public office;

* * * * *

(e) solicit funds for a political organization or candidate.

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You stated in your correspondence to the Commission that you would not be present during actual fund-raising events and would not participate in them. Based on the language contained in the relevant sections of Canon 5, it is the opinion of the Commission that your personal residence could be used by your husband for such political fund-raising events, so long as you were not involved in fund-raising or endorsing any candidate. A judge should be very careful about any such activity since the language of Canon 5 is clear in prohibiting the public endorsement or public opposition of another candidate for public office by a judge and the solicitation of funds for a political organization or candidate by a judge.

It is hoped that this opinion fully addresses the issues which you have raised with the Commission. 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", with a long horizontal flourish extending to the right.

Donald H. Cookman, Chairperson
Judicial Investigation Commission

DHC:nb