



## **JUDICIAL INVESTIGATION COMMISSION**

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

October 1, 2002

Re: JIC Advisory Opinion 2002-23

Dear

In a letter to the Judicial Investigation Commission you asked for an advisory opinion regarding whether you could serve on the Governing Board for the \_\_\_\_\_ County Health Sciences and Technology Academy. The HSTA is a program aimed at getting West Virginia students into the health sciences field. It is funded mainly by the West Virginia Legislature but has also received grants from many organizations such as Kelloggs, Coca-Cola, Benedum Foundation and National Institute of Health. The target population is African-American; the program also takes in students with low family income, first generation college and living in rural West Virginia. If a student successfully completes the HSTA program, he or she will be eligible for a tuition waiver at any state supported college in West Virginia. To successfully complete the program a student must graduate with a GPA of 3.0 or better, have attended at least two summer institutes at either West Virginia University or West Virginia State, completed seventy-five hours of volunteer community service and been an active club member for at least two years.

To address whether you could serve on the \_\_\_\_\_ County Health Sciences and Technology Academy Local Governing Board, the Commission reviewed Canon 4C(3) of the Code of Judicial Conduct. That Canon states in relevant part as follows:

Canon 4. A judge shall so conduct the judge's extra-judicial activities as to minimize the risk of conflict with judicial obligations.

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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 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 any 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 the board of directors or trustees even though it has the responsibility for approving investment decisions.

Based upon the information which you have provided to the Commission regarding the County Health Sciences and Technology Academy and the language contained in Canon 4C(3) of the Code of Judicial Conduct, it is the opinion of the Commission that you could serve on the Governing Board of that organization so long as such service fell within the perimeter set forth in the Canon.

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It is hoped that this opinion fully addresses the questions 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