



## **JUDICIAL INVESTIGATION COMMISSION**

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

April 15, 2005

Re: JIC Advisory Opinion 2005-06

Dear

In correspondence with the Commission you asked if you could serve as a member of the County Extension Service Committee. You stated that you never had a case pending before you related to the WVU County Extension and you did not believe you would have a case relating to WVU. To your correspondence you attached a description of the County Extension Service Committee.

The Commission reviewed your correspondence and the description of the County Extension Service Committee which you provided at its recent meeting. To address your inquiry the Commission reviewed relevant sections of Canon 4 of the Code of Judicial Conduct. Canon 4 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 other 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 any organization's funding-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 description which you have provided to the Commission and the language contained in the relevant sections of Canon 4, it is the opinion of the Commission that you may serve as a member of the County Extension Service Committee.

If you have any further questions regarding this matter do not hesitate to contact the Commission.

Very truly yours,

A handwritten signature in black ink, appearing to read "Fred L. Fox, II".

Fred L. Fox, II, Chairperson  
Judicial Investigation Commission

FLF,II:nb