



## JUDICIAL INVESTIGATION COMMISSION

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

October 3, 2005

Re: JIC Advisory Opinion 2005-19

Dear

In a recent letter you stated that you have been asked to serve on the Board of Directors of West Virginia Advocates, a private, nonprofit agency designed to advocate for and protect the legal rights of West Virginians with disabilities. You asked whether you would have any potential conflicts if you accepted this position.

To address the question which you have raised, the Commission has reviewed 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 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.

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In your letter you stated that the West Virginia Advocates is designed to advocate for and protect the legal rights of West Virginians with disabilities. In its role it is assumed that the agency will be involved in litigation before various courts. Based upon the language contained in Canon 4 as herein fully stated above, it is the opinion of the Commission that you should not serve on the Board of Directors of this agency.

It is hoped that this letter 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 black ink, appearing to read "Fred L. Fox, II". The signature is stylized with a large, bold "F" and "L", and the name "Fox, II" is written in a cursive-like script.

Fred L. Fox, II, Chairperson  
Judicial Investigation Commission

FLF,II:nb