



## **JUDICIAL INVESTIGATION COMMISSION**

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December 19, 2006

JIC Advisory Opinion 2006-13

Dear Magistrate :

Your request for an advisory opinion was reviewed by the Judicial Investigation Commission at its recent meeting. In your request you stated that you were recently approved as Senior Status Magistrate. You state that you have been asked to serve on the Men's Shelter Board of Directors located in , West Virginia. You asked whether as a Senior Status Magistrate there would be any issues with you presiding on the Board at the Men's Shelter.

To address the question, which you have raised, the Commission reviewed Canon 4, which 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.

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 advisor 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 fund-raising events, but may attend such events. . . .

Based upon a review of the relevant sections of Canon 4 and your representation in your letter that you are not aware of any cases that have been filed in magistrate court pertaining to the Men's Shelter, it is the opinion of the Commission that you may serve on the Board of Directors at the Men's Shelter. As the Canon states you may not solicit funds or raise money on behalf of the Shelter.

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 this office.

Very truly yours,



Fred L. Fox, II, Chairperson  
Judicial Investigation Commission

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