



JUDICIAL INVESTIGATION COMMISSION

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

April 2, 2007

Re: JIC Advisory Opinion 2007-06

Dear Magistrate:

In a letter to the Judicial Investigation Commission you asked for an advisory opinion. In that correspondence you stated that the county services supervisor for

West Virginia who asked you to serve on a FEMA Board in West Virginia has contacted you. She indicated that if you became a board member you would review reports that were compiled by which would show where they were spending the FEMA monies to determine if they were following the federal rules and regulations. You have been told that the board meets four times a year.

To address the question that you have raised, the Commission has reviewed Canon 4 of the Code of Judicial Conduct. That Canon 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.

A. Extra-judicial activities in general. – A judge shall conduct all of the judge's extra-judicial activities so that they do not:

- (1) cast reasonable doubt on the judge's capacity to act impartially as a judge;
- (2) demean the judicial office; or
- (3) interfere with the proper performance of judicial duties.

B. Governmental, civic, or charitable activities.

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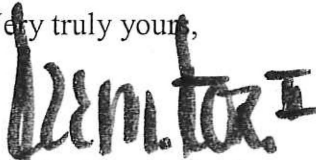
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- (3) Civic and charitable activities. A judge may participate in civic and charitable activities that do not reflect adversely upon the judge's impartiality or interfere with the performance of the judge's judicial duties. A judge may serve as an 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 the members. . .

After reviewing these sections of Canon 4, it is the opinion of the Commission that you should not serve on the FEMA Board in . . . The entity does from time to time expend large sums of money and has been the subject of some controversy in its handling of natural disasters in other parts of the country. The Commission felt it best that you, as a judicial officer, not serve on the board because of these reasons.

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 "Fred L. Fox, II". The signature is stylized with a large, bold "F" and "L", and a clear "Fox" followed by "II".

Fred L. Fox, II, Chairperson
Judicial Investigation Commission

FLF,II:nb