



JUDICIAL INVESTIGATION COMMISSION

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

June 11, 2007

Re: JIC Advisory Opinion 2007-10

Dear Judge

In a recent letter to the Judicial Investigation Commission you asked for an advisory opinion. You stated in that correspondence that you were recently approached about the possibility of becoming a member of the Board of Directors. You discussed other advisory opinions that you have reviewed relevant to the question but could find nothing that dealt specifically with service on the Red Cross Board of Directors. Since there were no advisory opinions addressing whether it would be appropriate for a judge to serve on the Board of Directors of the Red Cross, you asked about the propriety of doing so.

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:

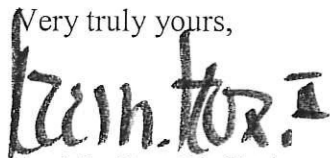
June 11, 2007
Page Two

- (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 an 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 its board of directors or trustees even though it has the responsibility for approving investment decisions.

Based upon the language contained in the relevant sections of Canon 4, it is the opinion of the Commission that you could serve on the Board of Directors of the Red Cross. The Commission would ask you to be particularly aware of the prohibitions of soliciting funds for the organization or using or permitting the use of the prestige of office for that purpose.

It is hoped that this opinion fully addresses the question which you have raised. If there is any further question regarding this matter do not hesitate to contact this office.

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 smaller "Fox, II" following it.

Fred L. Fox, II, Chairperson
Judicial Investigation Commission

FLF,II:nb