



## JUDICIAL INVESTIGATION COMMISSION

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

July 11, 2008

Re: JIC Advisory Opinion 2008-11

Dear

In a recent letter to the Commission you stated that you are a candidate for Magistrate in \_\_\_\_\_ County and have two questions concerning the Judicial Code of Conduct. The \_\_\_\_\_ Volunteer Fire Department holds a monthly breakfast as a fundraiser. Volunteers and members of the fire department clean tables, serve coffee, wash dishes, etc. You asked is there any thing in the Code of Judicial Conduct or Canons that would prohibit a magistrate or a candidate for magistrate from volunteering their services to assist in those tasks. You also asked whether a magistrate was prohibited from being a member of the local Chamber of Commerce.

To address the questions 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. . .

(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.

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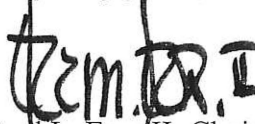
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Based upon the language contained in Canon 4, it is the opinion of the Commission that you could serve as a volunteer at the monthly breakfasts as long as you were not directly involved in any of the fund-raising.

The local Chamber of Commerce could be construed as a civic organization conducted for the economic or political advantage of its members. Therefore, it is the opinion of the Commission that your membership in the local Chamber of Commerce would not be permitted. Please find enclosed JIC advisory opinions June 16, 1993 and December 16, 2002 for your information and review.

If you have any other questions regarding this opinion please 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, looped "F" and a distinct "II" at the end.

Fred L. Fox, II, Chairperson  
Judicial Investigation Commission

FLF:nb

Enclosure