



JUDICIAL INVESTIGATION COMMISSION

Post Office Box 1629
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August 11, 2009

Re: JIC Advisory Opinion 2009-15

Dear

In a recent letter to the Judicial Investigation Commission you asked for an advisory opinion. You stated that you had recently received an invitation from the Kiwanis Club to become a charter member of the new club that is forming in _____ County. You stated that you were not sure if you were able to participate and wanted confirmation before you committed to any future obligation to the club.

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

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: _____

August 11, 2009
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 cited above, it is the opinion of the Commission that you may be a member of the Kiwanis Club. You should assure that your membership falls within the parameters set forth in Canon 4.

It is hoped that this opinion fully addresses the question which you have raised. If you have 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", written over a horizontal line.

Fred L. Fox, II, Chairperson
Judicial Investigation Commission

FLF:nb