



## JUDICIAL INVESTIGATION COMMISSION

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

October 13, 2009

Re: JIC Advisory Opinion 2009-17

Dear Magistrate

Your recent request for an advisory opinion has been reviewed by the Judicial Investigation Commission. In your request you stated that you have been President of the Citizens Fire Company Auxiliary (a strictly volunteer position) since January 1, 2009. As such, you were required to sign a "signature" card at BB&T. The organization has a Treasurer who is responsible for writing checks and managing the account. You do not use the account and only signed the card as a requirement of the office of President. While you were attending a recent training conference for magistrates, it was brought to your attention that holding the position may constitute a violation of an ethics rule. You state that you would never knowingly or intentionally violate the Code of Judicial Conduct and would appreciate an opinion on whether or not you are in violation by holding the position and what you should do to rectify the situation.

In order 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

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(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.

In addition to your correspondence to the Commission it has been learned from you that the Auxiliary does engage in fund-raising activities. Based upon the language contained in Canon 4 of the Code of Judicial Conduct, cited above, it is the opinion of the Commission that you should resign from your position as President of the Citizens Fire Company Auxiliary and no longer participate in this organization. Your resignation from the organization should put you in conformance with the language contained in Canon 4 and require no further action on your part.

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 smaller "Fox, II" following it.

Fred L. Fox, II, Chairperson  
Judicial Investigation Commission

FLF:nb