



## JUDICIAL INVESTIGATION COMMISSION

Post Office Box 1629  
Charleston, West Virginia 25326-1629  
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May 25, 2010

Re: JIC Advisory Opinion 2010-08

Dear Judge

In a recent letter you asked for an advisory opinion regarding your membership on the West Virginia Commission Advisory Board and whether such membership would comport to the Code of Judicial Conduct. During the next few years the Commission plans for and promotes activities for the observances of the anniversaries of the American Civil War and West Virginia statehood. The letter which you attached to your request included a comment that the Commission would look forward to your thoughtful suggestions and contributions to the fund-raising activities.

To address the question which you have raised, the Commission reviewed Canon 4 of the Code of Judicial Conduct which 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 a 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:

(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 . . .

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Based upon the fund-raising activities in which you would be engaged if you served on the Commission's Advisory Board and the prohibition against such activities set forth in Canon 4C(3)(b), it is the opinion of the Commission that you may not serve on the Commission. As you know fund-raising by a judicial officer is prohibited under Canon 4 of the Code of Judicial Conduct.

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 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 cursive "Fox".

Fred L. Fox, II, Chairperson  
Judicial Investigation Commission

FLF:nb