



JUDICIAL INVESTIGATION COMMISSION

City Center East - Suite 1200 A
4700 MacCorkle Ave., SE
Charleston, West Virginia 25304
(304) 558-0169 • FAX (304) 558-0831

March 10, 2015

Re: JIC Advisory Opinion 2015-04.

Dear

In a recent letter, you asked the Commission if, as a Magistrate, you would also be permitted to serve on the Board of Directors for Inc.

You were recently appointed as Magistrate of County effective April 1, 2015. Meanwhile, the County Commission has asked you to serve on the Board. The Agency is a 501(c)(3) non-profit organization that provides personnel, services and facilities for the evaluation and training of physically and/or mentally handicapped persons to enable them to perform useful and remunerative work.

To address the inquiry which you have made, the Commission has reviewed the relevant sections of Canon 4 of the Code of Judicial Conduct which provide:

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 other 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:

(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 the 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 any organizations' 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 information which you have provided and the language contained in the relevant sections of Canon 4, it is the opinion of the Commission that you may serve as a member of the Board subject to the limitations set forth in Canon 4C(3).

If you have any further questions regarding this matter do not hesitate to contact the Commission.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ronald E. Wilson", written in a cursive style.

Ronald E. Wilson, Chairperson
Judicial Investigation Commission