



**JUDICIAL INVESTIGATION COMMISSION**

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

July 26, 2022

Re: JIC Advisory Opinion 2022-21

Dear Judge :

Your request for an advisory opinion to Counsel was recently reviewed by the Judicial Investigation Commission. The factual scenario giving rise to your request is as follows: You have been approached by a national cable tv network to appear as a rotating panel of five or so judges on a TV show similar to Judge Judy. The program will be a live weekly show that will air on Friday nights and you will be paid for your services. According to you, you will not be on the show every week. The first season is expected to have ten to twelve episodes. Whenever you are on, you will have to fly to another state where the show is produced. You do not believe the show would interfere with your duties as a judge. You want to know if you can concurrently serve as a family court judge and a tv judge.

To address your question the Commission has reviewed Rule 3.1(A) and (C) of the Code of Judicial Conduct which state:

**Rule 3.1 – Extrajudicial Activities in General**

A judge may engage in extrajudicial activities, except as prohibited by law or this Code. However, when engaging in extrajudicial activities, a judge shall not:

- (A) Participate in activities that will interfere with the proper performance of the judge's judicial duties; . . .

- (C) participate in activities that would appear to a reasonable person to undermine the judge's . . . integrity . . . .”

While the Commission cannot and would not say that being on a Judge Judy type show would undermine the integrity of West Virginia Courts it can say that it creates the appearance of doing so among the general public who may not understand the difference between a real judge and a television judge. The Commission thinks it would be confusing to his/her West Virginia litigants to see him/her acting one way in the courtroom and perhaps a different way on television. There is also a vast difference between TV law and procedures and West Virginia law and procedure. The Commission is concerned that the time and demands of a television show are demanding and that while you would try not to let it interfere with your day to day job it would only be a matter of time before juggling two different positions in two different states would cause havoc with your docket. Therefore, the Commission is of the opinion that you cannot concurrently serve as a family court judge and a television judge.

The Commission hopes that this opinion fully addresses the issues which you have raised. Please do not hesitate to contact the Commission should you have any questions, comments or concerns.

Sincerely,



Alan D. Moats, Chairperson  
Judicial Investigation Commission