



**JUDICIAL INVESTIGATION COMMISSION**

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

August 11, 2022

Re: JIC Advisory Opinion 2022-23.

Dear

Your recent request for an advisory opinion was reviewed by the Judicial Investigation Commission. The factual scenario giving rise to your request is as follows: the Bench Bar Committee (the Committee) is comprised of two sitting Family Court Judges, one retired and inactive, non-senior status judge, and seven attorneys, all from County. The Committee advertises and hosts an annual CLE. From the fees, the Committee donates varying amounts of money to various local charitable organizations. At an upcoming event, the Committee plans to distribute said monies to five charities and would like to take a group photo of all recipient representatives and all members of the Committee, including the Family Court Judges. Also, each individual recipient representative will be photographed receiving a check from an individual Committee member. You would like to know if the Family Court Judges could appear in the group photograph and/or the individual photographs with the charity representatives.

The Commission has reviewed the Code of Judicial Conduct to address the question which you have raised. Specifically, the Commission looked at Rules 1.3 and 3.7(A)(2).

**Rule 1.3 Avoiding Abuse of the Prestige of Judicial Office**

A judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so

**Rule 3.7 Participation in Educational, Religious, Charitable, Fraternal, or Civic Organizations and Activities**

(A) Subject to the requirements of Rule 3.1, a judge may participate in activities sponsored by organizations or governmental entities concerned with the law, the legal system, or the administration of justice, and those sponsored by or on behalf of educational, religious, charitable, fraternal, or civic organizations not conducted for profit, including but not limited to the following activities:

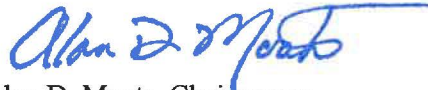
...

(2) soliciting contributions for such an organization or entity, but only from members of the judge's family, or from judges over whom the judge does not exercise supervisory or appellate authority;

The Commission is of the opinion that a Family Court Judge handing a check to a charity or its representative could give the appearance however wrong it may be that the Judge is abusing the prestige of judicial office to advance the personal or economic interests of others. The Commission is also of the opinion that having the names of the Judicial members of the Board listed on any advertisement for the Board's CLEs or having the Judicial members of the Board be involved in the selection of the charities to receive money could appear to a reasonable member of the public to be soliciting contributions for the organizations.

We hope this opinion fully addresses the issue which you have raised. If there is any further question regarding this matter do not hesitate to contact the Commission.

Sincerely,



Alan D. Moats, Chairperson  
Judicial Investigation Commission

ADM/bjl