



JUDICIAL INVESTIGATION COMMISSION

WV Judicial Tower - Suite 700 A
4700 MacCorkle Ave., SE
Charleston, West Virginia 25304
(304) 558-0169

January 19, 2023

Re: JIC Advisory Opinion 2023-02

Dear Magistrate :

Your request for an advisory opinion to Counsel was recently reviewed by the Judicial Investigation Commission. You have been asked to serve on a local scholarship committee through the local library. You want to know to know if you may serve on the committee.

To address your question, the Commission has reviewed Rule 3.7 of the Code of Judicial Conduct provides in pertinent part:

Rule 3.7 – Participation in . . . 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:
- (1) Assisting such an organization or entity in the management and investment of the organization's or entity's funds;
 - (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;

- (3) Soliciting membership for such an organization or entity, even though the membership dues or fees generated may be used to support the objectives of the organization or entity but only if the organization or entity is concerned with the law, the legal system or the administration of justice;
- (4) Appearing or speaking at, receiving an award or other recognition at being featured on the program of, and permitting his or her title to be used in connection with an event of such an organization or entity, **but if the event serves a fundraising purpose, the judge may participate only if the event concerns the law, the legal system, or the administration of justice;**
- (5) Making recommendations to such a public or private fund-granting organization or entity in connection with its programs and activities, but only if the organization or entity is concerned with the law, the legal system or the administration of justice;

(emphasis added).

Based upon the foregoing, the Commission is of the opinion that you may participate in the extrajudicial activity as long as you do not solicit outside the parameters set forth in 3.7(A)(2) or lend your name in any fashion to fundraising activities associated with the organization and that your participation does not interfere with your duties as a magistrate. 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