



JUDICIAL INVESTIGATION COMMISSION

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

March 9, 2023

Re: JIC Advisory Opinion 2023-08

Dear Magistrate :

Your request for an advisory opinion to Counsel was recently reviewed by the Judicial Investigation Commission. You are interested in starting a Limited Liability Company (LLC) to sell items through Amazon. You want to sell household items, pet supplies and electronics. Although you have not yet decided on a name for your LLC, you do not plan on referring to your judicial office in any manner. The work associated with the LLC will be part time and you pledge not to let it interfere in any way with your judicial duties. You want to know if you are permitted to engage in this activity.

To address your questions, the Commission has reviewed Rule 3.1 of the Code of Judicial Conduct which states:

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;
- (B) participate in activities that will lead to frequent disqualification of the judge;

- (C) participate in activities that would appear to a reasonable person to undermine the judge's independence, integrity or impartiality;
- (D) engage in conduct that would appear to a reasonable person to be coercive; or
- (E) make use of court premises, staff, stationary, equipment or other resources, except for incidental use for activities that concern the law, the legal, system, or the administration of justice, or unless such additional use is permitted by law.

Subject to the approval of the Administrative Director of the Supreme Court of Appeals of West Virginia, the Commission has no objection to you engaging in such activity so long as you follow the requirements of Rule 3.1 of the Code of Judicial Conduct. You must do the work associated with the LLC on your own time and you must not use any court resources or use your judicial position in connection with the outside employment. 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