



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 21, 2018

Re: JIC Advisory Opinion 2018-19.

Dear Judge

Your August 8, 2018 request for an advisory opinion was recently reviewed by the Judicial Investigation Commission. The facts giving rise to your request are as follows:

The West Virginia Department of Education's Office of Diversion and Transition Programs has asked you to appear in a video to highlight and explain the importance of implementing successful truancy measures for juveniles that will allow them to remain in their local communities. You were selected for the video in part because your court has collaborated with the Office on such measures. You want to know if you can participate in the video, be identified as a judge, and wear your robe during filming.

To address your question, the Commission has reviewed Rule 3.7(A)(4) of the Code of Judicial Conduct which states:

- (A) Subject to the requirement 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: . . .

- (4) appearing or speaking at, receiving an award or other recognition at, being featured on the program or, 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 fund-raising purpose, the judge may participate only if the event concerns the law, the legal system or the administration of justice.

Based upon the foregoing, the Commission is of the opinion that you can participate in the endeavor, be identified as a judge and wear your robe since the entity preparing the video is educational and it is designed to benefit the legal system.

Thank you for your inquiry. If there is any further question regarding this matter please do not hesitate to contact the Commission.

Sincerely,



Ronald E. Wilson, Chairperson
Judicial Investigation Commission