



JUDICIAL INVESTIGATION COMMISSION

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

October 8, 2013

Re: JIC Advisory Opinion 2013-13.

Dear Judge

Your request for an advisory opinion was reviewed by the Judicial Investigation Commission. You plan on retiring toward the end of January 2014. You indicated that you submitted a letter of intent to the Governor on or about September 23, 2013. You have decided not to serve as a Senior Status Judge. You also do not plan to participate in mediation or any other legal function. You plan to fully retire and have your law license classified as inactive.

You want to know if it would be permissible for the County Bar Association to honor you by raising funds for Legal Aid of West Virginia instead of soliciting money for a banquet or reception. According to you, the effort would be held post-retirement. You would not know who contributed and you would not attempt to suggest or control how the proceeds, if any, would be distributed.

To address the questions which you have raised, the Commission has reviewed Canon 4C(2) and Canon 4D(5)(a) of the Code of Judicial Conduct. Canon 4C(2) states:

A judge may serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice. A judge may assist such an organization in raising funds and may participate in their management and investment, but should not personally participate in public fund-raising activities. A judge may

make recommendations to public and private fund-granting agencies on projects and programs concerning the law, the legal system, and the administration of justice.

Canon 4(D)(5)(a) states:

A judge shall not accept, or knowingly permit staff, court officials and others subject to [the] judge's direction and control to accept, and should urge members of the judge's family residing in the judge's household, not to accept a gift, bequest, favor or loan from anyone except for a gift incident to a public testimonial. . .

Based upon the foregoing, the Commission finds the venture permissible in your case as long as the planning, solicitation and collection of donations occur after you have retired because then you are no longer subject to the Code of Judicial Conduct.

It is hoped that this opinion fully addresses the issues which you have raised. If there is any further question regarding this matter do not hesitate to contact the Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald E. Wilson", with a long horizontal flourish extending to the right.

Ronald E. Wilson, Chairperson
Judicial Investigation Commission

REW/tat