



JUDICIAL INVESTIGATION COMMISSION

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

November 15, 2013

Re: JIC Advisory Opinion 2013-15.

Dear Magistrate

Your request for an advisory opinion was recently reviewed by the Judicial Investigation Commission. You are asking for permission to volunteer for a non-profit youth empowerment program that is designed to provide tutoring, life skills and fitness instruction to students in fifth through twelfth grade. You would provide tutoring and help with social skills. You indicated that you will not solicit funds or take part in any fundraising activities and that you will not permit the use of the prestige of your office for that purpose.

You stated that it is rare for you to handle any juvenile matters. You stated that in the ten months that you have been a magistrate you have had only one juvenile matter come before you and that it involved a minor from another county who was seeking a domestic violence petition. You stated that one of the circuit judges in your county routinely handles all juvenile matters.

In order to address the question, the Commission has reviewed Canon 4C(3) of the Code of Judicial Conduct provides:

A judge may participate in civic and charitable activities that do not reflect adversely upon the judge's impartiality or interfere with the performance of the judge's judicial duties. A judge may serve as an officer, director, trustee or non-legal adviser of an educational, religious, charitable, fraternal or civic organization not conducted for the economic or political advantage of its members subject to the following limitations:

- (a) A judge should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before the judge or will be regularly engaged in adversary proceedings in any court.
- (b) A judge should not solicit funds for any educational, religious, charitable, fraternal or civic organization, or use or permit the use of the prestige of office for that purpose; but a judge may be listed as an officer, director, or trustee of such an organization, so long as the listing is not used for fund-raising purposes. A judge should not be a speaker or the guest of honor at an organization's fundraising events, but may attend such events.
- (c) A judge should not give investment advice to such an organization, but a judge may serve on its board of directors or trustees even though it has the responsibility for approving investment decisions.

The Commission finds that you may participate in the _____ program as long as you comply with the tenets set forth in Canon 4C(3), and you have obtained the prior approval of the Chief Judge of the Circuit.

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 blue 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