

JUDICIAL INVESTIGATION COMMISSION

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

May 2, 2016

Re: JIC Advisory Opinion 2016-13.

Dear .

Your request for an advisory opinion to Counsel was recently reviewed by the Judicial Investigation Commission. The factual scenario giving rise to your request is as follows: You want to know if Rule 3.15 of the Code of Judicial Conduct requires you to publicly report on the Judicial Financial Disclosure statement for the year ending December 31, 2015, the name of any corporation in which you are a shareholder along with any dividends you may receive from the stock. You also want to know if you have to report the sale of your interest in a house that your brothers and you inherited from your mother. Lastly, you want to know if you have to report any social security benefits.

Rule 3.15 of the Code of Judicial Conduct sets forth reporting categories and provides in pertinent part:

- (A) A judge shall publicly report the amount or value of:
1. compensation received for extrajudicial activities as permitted by Rule 3.12;
 2. gifts and other things of value as permitted by Rule 3.13(C), unless the value of such items, alone or in the aggregate with other items received from the same source in the same calendar year, does not exceed \$150; and
 3. reimbursement of expenses and waiver of fees or charges permitted by Rule 3.14(A), unless the amount of reimbursement or waiver, alone or in the aggregate with other reimbursements

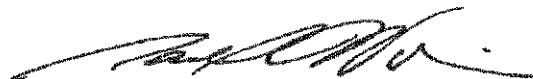
or waivers received from the same source in the same calendar year, does not exceed \$500.

Rule 3.12 addresses compensation for extrajudicial activities and states that “[a] judge may accept reasonable compensation for extrajudicial activities permitted by this Code or other law unless such acceptance would appear to a reasonable person to undermine the judge’s independence, integrity or impartiality.” Comment 1 to the Rule states that “[a] judge is permitted to accept honoraria, stipends, fees, wages, salaries, royalties, or other compensation for speaking, teaching, writing, and other extrajudicial activities, provided the compensation is reasonable and commensurate with the task performed. The judge should be mindful, however, that judicial duties must take precedence over other activities.”

Rule 3.11(A) states that “[a] judge may hold and manage investments of the judge and members of the judge’s family.” Comment 1 states that “[j]udges are generally permitted to engage in financial activities, including managing real estate and other investments for themselves or for members of their families.” The Comment also notes that “participation in these activities, like participation in other extrajudicial activities, is subject to the requirements of the Code.” Importantly, the Rule does not state that these types of financial activities are reportable.

Based upon the foregoing, the Commission is of the opinion that extrajudicial compensation does not include money received from shareholder stock or dividends. It also doesn’t include proceeds from the sale of real estate or social security benefits. Instead, these types of compensation fall under Rule 3.11(A). Therefore you do not have to report any of this income on the Judicial Financial Disclosure statement. 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,

A handwritten signature in black ink, appearing to read "Ronald E. Wilson", written in a cursive style.

Ronald E. Wilson, Chairperson
Judicial Investigation Commission

REW/tat