



**JUDICIAL INVESTIGATION COMMISSION**

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

June 14, 2016

Re: JIC Advisory Opinion 2016-15.

Dear

Your recent request for an advisory opinion was reviewed by the Judicial Investigation Commission. The factual scenario giving rise to your request is as follows: You have been asked to be the keynote speaker at a luncheon sponsored by Community Alternatives to Violence ("CAV"), which facilitates the Batterers Intervention program for \_\_\_\_\_ and \_\_\_\_\_ Counties. You acknowledge that you order litigants to attend the program, mostly from domestic violence proceedings and occasionally from child custody proceedings. You also routinely get updates from the director of the program and sometimes have to schedule hearings based on the reports.

The luncheon is for the purpose of educating and creating awareness of family violence and the services provided by CAV. The luncheon is required by CAV's memorandum of understanding with \_\_\_\_\_ Women's Center. CAV receives no money from the luncheon as the cost of the meal equals the amount charged by the event venue for the food.

The Commission has reviewed Rules 1.2, 3.1(C) and 3.7(A)(4) of the Code of Judicial Conduct to address your question. The Rules provide in pertinent part:

### **Rule 1.2 Confidence in the Judiciary**

A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

### **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:

- (C) participate in activities that would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality;

### **3.7 Participation in Educational, Religious, Charitable, Fraternal, or Civic Organizations and Activities**

- (A) Subject to the requirements 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 of, 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;

The organization which you have named in your letter represents just one interest in a particular area of law. Based on the group's activities, its members could appear before you on a recurrent basis. It is therefore the opinion of the Commission that it

would not be proper to be the keynote speaker for the CAV luncheon. This decision is consistent with JIC Advisory Opinions 2/19/02, 8/29/97 and 4/24/97 attached hereto.

We hope this opinion fully addresses the issue 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', is positioned above the printed name.

Ronald E. Wilson, Chairperson  
Judicial Investigation Commission

REW/bjl