



JUDICIAL INVESTIGATION COMMISSION

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

July 19, 2016

Re: JIC Advisory Opinion 2016-16.

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: For the past 18 years, you have served as the Circuit Clerk of _____ County. On May 10, 2016, you were elected to the position of Magistrate, and your term of office will begin on January 1, 2017. You are an avid long distance bicyclist. You have been approached by the _____ County United Way to participate in a ride from St. Louis, Missouri to Clarksburg on September 11, 2016, for the Fall Kickoff Fundraiser for the organization. You indicate that "the United Way will do the bulk of the fundraising" by going to individuals and businesses asking for donations. You do not say whether participants are also required to find sponsors/per mile contributors for the ride. You understand that as a Magistrate-Elect you are bound by the entire Code of Judicial Conduct. You want to know if you can participate in the bike ride.

The Commission has reviewed Rule 3.7(A)(2) to address the question which you have raised. The Rule provides:

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

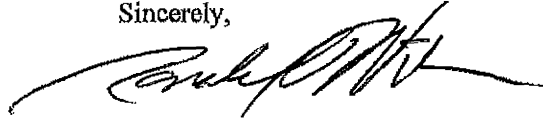
(A) Subject to the requirements of Rule 3.1, a judge may participate in activities sponsored by organizations or governmental entities concerned with the law, the legal system, or the administration of justice, and those sponsored by or on behalf of educational, religious, charitable, fraternal, or civic organizations not conducted for profit, including but not limited to the following activities:

- (2) soliciting contributions for such an organization or entity, but only from members of the judge's family, or from judges over whom the judge does not exercise supervisory or appellate authority;

Based upon the foregoing, the Commission believes that you may participate in the event on a limited basis. You may ride as an individual but not as a Magistrate-Elect for County. Your name cannot be used in any promotional materials or advertisements for the event. Your name also cannot be used to solicit donations from the public, and you may personally only seek contributions from family members or judges who you will not exercise appellate authority over or supervise.

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 black ink, appearing to read "Ronald E. Wilson", with a stylized flourish at the end.

Ronald E. Wilson, Chairperson
Judicial Investigation Commission

REW/bjl