



JUDICIAL INVESTIGATION COMMISSION

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

December 1, 2016

Re: JIC Advisory Opinion 2016-28.

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 are the for the West Virginia Symphony Orchestra (WVSO), a non-profit corporation. In your position, you prepare financial reports and present them to the WVSO Finance Committee and to the WVSO Board of Directors. Although listed as having authority to sign WVSO related checks and drafts, you would only be asked to sign a check for something like employee payroll if other executives in the WVSO administration were not available. Additionally, you handle no monies received, make no deposits, make no withdrawals and only see computer generated summaries of bank account activities. Importantly, you are not involved in fundraising. You would like to know if you can continue in your role as after assuming the bench as Family Court Judge.

The Commission has reviewed Rules 3.1, 3.7(A)(2) and 3.7(A)(6) of the Code of Judicial Conduct to address the question which you have raised:

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:

- (A) participate in activities that will interfere with the proper performance of the judge's judicial duties;
- (B) participate in activities that will lead to frequent disqualification of the judge;

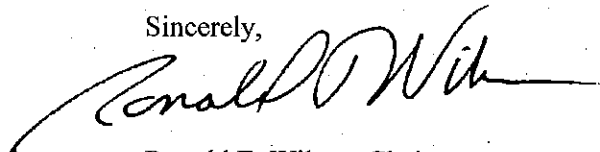
- (C) participate in activities that would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality;

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;
 - (6) serving as an officer, director, trustee, or nonlegal advisor of such an organization or entity, unless it is likely that the organization or entity:
 - (a) will be engaged in proceedings that would ordinarily come before the judge; or
 - (b) will frequently be engaged in adversary proceedings in the court of which the judge is a member, or in any court subject to the appellate jurisdiction of the court of which the judge is a member

Based on the foregoing, a majority of the Commission believes that you can continue to serve in the capacity of Secretary/Treasurer after you take the bench subject to the limitations set forth in Rules 3.1 and 3.7. We hope this opinion fully addresses the issue raised by you. If there is any further question regarding this matter do not hesitate to contact the Commission.

Sincerely,



Ronald E. Wilson, Chairperson
Judicial Investigation Commission