



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 2016-29.

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: In May 2016, you were elected Judge of the 19th Family Court Circuit. You will take the bench on January 1, 2017. You currently serve on several boards and want to know if you can continue doing so after you become judge. You are President of the Board of Directors of a group home for boys age 12-18. You do not have any contact with the residents, nor do you know who the residents are. The majority of the contact you have with the Board is with the Executive Director who is a resident of a different county and therefore would not likely come before you. You are a check signer for the organization which requires two signatures on each check. You do not make out any checks and are not responsible for any disbursement of funds.

You are also on the Board of Directors of the Community Development Partnership, an organization that deals with affordable housing in targeted areas of the community. You do not have contact with any of the property owners, banking institutions, funders, or renters. Finally, you are on the Board of the Foundation, a United Methodist Ministry on the Campus of University and Community and Technical College. You have no contact with any of the students, just the campus minister and the other board members.

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 may continue to serve on the boards as requested. However, you are reminded that your judicial duties must take precedence over all of your extracurricular activities.

We hope 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 black ink, appearing to read "Ronald E. Wilson", with a long horizontal flourish extending to the right.

Ronald E. Wilson, Chairperson
Judicial Investigation Commission

REW/bjl