



JUDICIAL INVESTIGATION COMMISSION

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

January 19, 2017

Re: JIC Advisory Opinion 2017-02.

Dear Magistrate

Your recent request for an advisory opinion was reviewed by the Judicial Investigation Commission. You want to know if you can sit on the board of a local non-profit hospital which is owned by the City of

To answer your question, the Commission has reviewed Rule 3.7 of the Code of Judicial Conduct which provides in pertinent part:

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

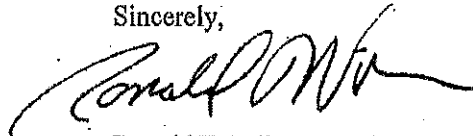
- (A) Subject to the requirements of Rule 3.1, a judge may participate in activities sponsored by organizations or governmental entities concerned with the law, the legal system, or the administration of justice, and those sponsored by or on behalf of educational, religious, charitable, fraternal, or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

The Code is clear that a judicial officer should not serve on a Board if it is likely that the organization will be involved in proceedings that would ordinarily come before the judge or the court. Hospital personnel may regularly be called as witnesses in criminal and civil cases involving injuries to a person or in hospital fee collection cases in County Magistrate and Circuit Courts. Accordingly, you are precluded from serving on the Hospital Board. See JIC Advisory Opinion 2013-01 (Magistrate may not continue to serve on the Board of Directors for a County Emergency Ambulance Authority since it is likely that the organization and its employees will be involved in proceedings that would come before the magistrate); and JIC Advisory Opinion 5/21/1998 (Judicial Officer prohibited from serving on a law enforcement advisory board that participates in hiring, training and employing police officers and procures equipment, technology and other material directly related to law enforcement functions).

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,



Ronald E. Wilson, Chairperson
Judicial Investigation Commission

REW/tat