



**JUDICIAL INVESTIGATION COMMISSION**

City Center East - Suite 1200 A  
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April 12, 2018

Re: JIC Advisory Opinion 2018-07.

Dear

Your recent requests for an advisory opinion concerning the same issue were reviewed by the Judicial Investigation Commission. The factual scenario giving rise to your requests is as follows: The Court has an existing long-term contract with a based company. was hired to assist in creating and implementing uniform e-filing and case management systems for circuit courts in every county in West Virginia.

The Court and want to move the project forward in an efficient, effective and expeditious manner, not only for the benefit of litigants but also because a subscription fee will be charged after ten counties are fully online and a portion collected will be returned to the Court to offset system expenses. To that end, has offered to pay for the transportation and expenses for a circuit court judge and two IT employees to visit the offices in to gain further training on the implementation of the system. You have indicated that the trip would "facilitate and accommodate the furtherance of our goals of implementing a uniform case management system and e-filing throughout the state" without "result[ing] in any additional funds being paid to apart from those

already set forth in the existing contract.” You further state that the judge in question and the IT employees are very knowledgeable concerning e-filing.

You want to know whether the judge and the IT employees may visit at the company’s expense. You also want to know what the reporting requirements, if any, are for the judge.

To address the questions, the Commission has reviewed Rules 1.2, 3.1(A) through (C), 3.12 and 3.15 of the Code of Judicial Conduct which provide:

**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:

- (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 3.12 – Compensation for Extrajudicial Activities**

A judge may accept reasonable compensation for extrajudicial activities permitted by this Code or other law unless such acceptance would appear to a reasonable person to undermine the judge’s independence, integrity or impartiality.

**Rule 3.15 – Reporting Requirements**

- (A) A judge shall publicly report the amount or value of:

- (1) Compensation received for extrajudicial activities as permitted by Rule 3.12

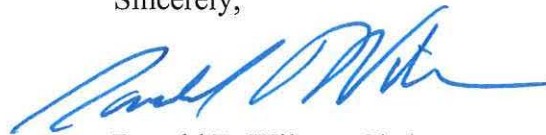
Comment [1] to Rule 3.1 notes that judges are “encouraged” and “uniquely qualified” to engage in extrajudicial activities that concern the law, the legal system and the administration of justice. . . .” Comment [1] to Rule 3.12 states:

A judge is permitted to accept honoraria, stipends, fees, wages, salaries, royalties, or other compensation for speaking, teaching, writing, and other extrajudicial activities provided the compensation is reasonable and commensurate with the task performed. The judge should be mindful, however that judicial duties must take precedence over other activities.

Meanwhile, Comment [2] provides that “[c]ompensation derived from extrajudicial activities may be subject to public reporting” pursuant to Rule 3.15.

Based upon the foregoing, a majority of the Commission is of the opinion that the judge and the employees may visit at the company expense since the corporation is already the well-established approved vendor for the e-filing project and the purpose of the visit is designed to improve the court system as a whole. However, the expenses, which may include travel, hotel and meals, must be reasonable and the judge has to reports the total value of the costs paid by the company on the appropriate judicial financial disclosure forms. If the judge named in your request is included in this trip, he must understand that his official duties take precedence over the trip. 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