



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 10, 2018

Re: JIC Advisory Opinion 2018-14.

Dear

Your recent request for an advisory opinion was reviewed by the Judicial Investigation Commission. The facts giving rise to your request are as follows:

You ran for the unexpired term of Magistrate in your jurisdiction. You were elected to the position on May 8, 2018, and pursuant to State law you filled the unexpired term immediately upon certification of the election results. Prior to being elected Magistrate, you were a longtime law enforcement officer having previously worked as a deputy sheriff in your county and as a local police chief. As such, you have long been a member of the Fraternal Order of Police, the Deputy Sheriff's Association and the West Virginia Chiefs of Police. You want to know if you can remain in these organizations while serving as a Magistrate.

To address the questions, the Commission has reviewed Rules 3.1 (B), and (C) of the Code of Judicial Conduct which provide:

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:

- (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;

Based upon the foregoing, the Commission is of the opinion that you cannot belong to these organizations while you are a magistrate. Although the organizations you belong too may well be fraternal, they are also clearly aligned with law enforcement officers who regularly appear in your courtroom. Membership in these organizations may also create a public perception that you are pro-law enforcement and therefore, pro-prosecution.

Thank you for your inquiry. If there is any further question regarding this matter please do not hesitate to contact the Commission.

Sincerely,



Ronald E. Wilson, Chairperson
Judicial Investigation Commission

REW/tat