



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 29, 2020

Re: JIC Advisory Opinion 2020-03.

Dear Justice :

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 have established and are providing multi-year funding for an endowment to the College of Law to benefit the Child and Family Advocacy Law Clinic. The endowment was created in memory of one of your children who passed away, and it will be held, managed and used by the Foundation for the benefit of the clinic. The Clinic provides pro bono legal services to children and families of limited income to promote their health, security and future success. The Clinic is directed by a law professor and staffed with student-attorneys.

You want to know if you are permitted pursuant to Rule 3.7 of the Code of Judicial Conduct to assist the fund by requesting other persons, including lawyers, to serve on a committee that would seek additional funding for the endowment through contributions. You state that you would not be making any direct requests for funding. You would only be requesting the names of others to serve on a committee that would request funding.

Rule 3.7 provides in pertinent part:

- (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:

- (1) assisting such an organization or entity in the management and investment of the organization's or entity's funds;
- (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;
- (3) soliciting membership for such an organization or entity, even though the membership dues or fees generated may be used to support the objectives of the organization or entity, but only if the organization or entity is concerned with the law, the legal system or the administration of justice;
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- (5) making recommendations to such a public or private fund-granting organization or entity in connection with its programs and activities, but only if the organization or entity is concerned with the law, the legal system, or the administration of justice;
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Based upon the foregoing, the Commission finds that you may assist the fund by requesting other persons, including lawyers, to serve on a committee that would seek additional funding for the endowment through contributions. However, the Commission is also of the opinion that you should disclose the nature of the relationship with the lawyers or non-lawyers pursuant to Rule 2.11 of the Code of Judicial Conduct in any pending matter before the Court involving any endowment committee member.

It is hoped that 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,



Alan D. Moats, Chairperson
Judicial Investigation Commission