



**JUDICIAL INVESTIGATION COMMISSION**

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

February 24, 2020

Re: JIC Advisory Opinion 2020-07

Dear Judge

Your recent request for an advisory opinion was reviewed by the Judicial Investigation Commission. You want to know if a family court judge, who also raises cattle, can donate a side of beef to a local domestic violence shelter.

To address your question, the Commission has reviewed Rules 1.2 and 3.1(C) of the Code of Judicial Conduct which state:

**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: . . .

- (C) participate in activities that would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality.

Comment [1] to Rule 1.2 states that "[p]ublic confidence in the judiciary is eroded . . . by conduct that creates the appearance of impropriety. This principle applies to both the

professional and personal conduct of a judge.” Comment [2] states that a judge “should expect to be the subject of public scrutiny that might be viewed as burdensome if applied to other citizens, and must accept the restrictions imposed by the Code.” Comment [3] notes that “[c]onduct that compromises or appears to compromise the independence, integrity, and impartiality of a judge undermines public confidence in the judiciary.” Lastly, Comment [4] to Rule 3.1 provides that “[d]iscriminatory actions and expressions of bias or prejudice by a judge, even outside the judge’s official or judicial actions, are likely to appear to a reasonable person to call into question the judge’s integrity and impartiality.”

Judges are expected to remain neutral and detached. Staff members and residents of the shelter appear in your court as victims, advocates, or witnesses in domestic violence proceedings or other family court matters on a regular basis. By donating a side of beef to the shelter, members of the public, however wrong they may be, could misconstrue that you are biased in favor those litigants. Therefore, it would be improper for you to donate to a domestic violence shelter. However, it would be permissible for you to donate the side of beef to a neutral and detached charitable agency such as your local food bank.

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