



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 8, 2021

Re: JIC Advisory Opinion 2021-01.

Dear Mr. :

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 recently applied and interviewed for an open position of Magistrate in your county. You serve as the pastor of a small country church of approximately 60 people. You would like a formal opinion on whether you could continue in your position as a pastor if you are offered and accept the position of Magistrate. You communicated that you understand that your judicial duties would come first and that you would not be allowed to sit on any case involving one of your congregation.

The Commission has reviewed the Code of Judicial Conduct to address the question which you have raised. The Commission looked specifically at Rules 3.1(A), (B) and 3.7. Based on those rules the Commission is of the opinion that you may continue serving as pastor of your church. As with any outside employment, the Commission emphasizes the requirement that you give your judicial duties priority, and strongly cautions you to guard against any temptation to conduct your ministry from the bench or courthouse. It is imperative that there be a clear separation of church and state.

Additionally, please be advised that the West Virginia Supreme Court of Appeals Personnel Manual also requires any employee, including Magistrates, to obtain permission for additional employment from the Administrative Director.

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

Sincerely,



Alan D. Moats, Chairperson
Judicial Investigation Commission

ADM/bjl