



**JUDICIAL INVESTIGATION COMMISSION**

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

April 5, 2021

Re: JIC Advisory Opinion 2021-07.

Dear Judge :

Your request for an advisory opinion to Counsel was recently reviewed by the Judicial Investigation Commission. The factual scenario giving rise to your request is as follows:

You have been selected to receive an award as part of an annual Ceremony. The ceremony is held every year on April 30<sup>th</sup> for Child Abuse Prevention Month outside the Courthouse and the award is in recognition of an individual who helps prevent child abuse and neglect. The event is sponsored by

and . According to you, this is simply a flag raising ceremony. There is nothing being paid for by the sponsors, such as a meal or renting an event hall, and it is not tied to any fundraiser. You want to know if you can attend the event and accept the award.

To address your questions, the Commission has reviewed Rule 3.1 and 3.13 of the Code of Judicial Conduct:

**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 3.13 Acceptance and Reporting of Gifts, Loans, etc.**

...

- (B) Unless otherwise prohibited by law, or by paragraph (A) a judge may accept the following without publicly reporting such acceptance:
  - (1) Items with little extrinsic value such as plaques, certificates, trophies and greeting cards.

Based upon the foregoing, the Commission is of the opinion that you may attend the event and accept the award since it is open to the public as a whole and the award would not appear to a reasonable person to undermine your independence, integrity or impartiality. The Commission hopes that this opinion fully addresses the issues which you have raised. Please do not hesitate to contact the Commission should you have any questions, comments or concerns.

Sincerely,

A handwritten signature in blue ink, reading "Alan D. Moats", with a horizontal line extending to the right.

Alan D. Moats, Chairperson  
Judicial Investigation Commission

ADM/tat