



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 27, 2021

Re: JIC Advisory Opinion 2021-11

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:

The County in which you sit is beginning the process of re-starting its Community Criminal Justice Board as authorized by the Community Corrections Act. You have been asked to serve on the Board *ex officio* as a non-voting member. However, you must first obtain the permission of the Supreme Court of Appeals of West Virginia pursuant to W. Va. Code §62-11C-6(e)(1). You want to know if you may serve on the Board.

To address your question, the Commission has reviewed Rule 3.4 of the Code of Judicial Conduct which states that “[a] judge shall not accept appointment to a governmental committee, board, commission or other governmental position, unless it is one that concerns the law, the legal system, or the administration of justice.” Since the Board concerns the administration of justice, it would not violate the Code of Judicial Conduct for you to serve as an *ex officio* member provided the Court permits you to do so.

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 stylized flourish extending from the end.

Alan D. Moats, Chairperson
Judicial Investigation Commission

ADM/tat

cc: Administrative Director Joe Armstrong