



JUDICIAL INVESTIGATION COMMISSION

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

July 26, 2021

Re: JIC Advisory Opinion 2021-16

Dear Magistrate :

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:

A 501(c)(3) charitable organization is celebrating its 70th anniversary by holding a fundraiser in the form of a Jail and Bail where supporters have “created phony charges, set their bail amounts and collected donations to secure their bail.” You have been asked to serve as judge for the event. You want to know if you can participate in the activity.

To address your question, the Commission has reviewed Rule 3.7(A)(2) of the Code of Judicial Conduct which states:

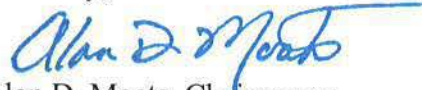
Rule 3.7 Participation in . . . Charitable . . . Organizations and Activities

- (A) Subject to the requirements of Rule 3.1, a judge may participate in activities 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: . . .
 - (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;**

(emphasis added). Comment [3] to the Rule notes that it is “generally permissible for a judge to serve as an usher or a food server or preparer, or to perform similar functions, at fund-raising events sponsored by . . . charitable . . . organizations. Such activities are not solicitation and do not present an element of coercion or abuse of the prestige of judicial office.”

Based upon the foregoing, the Commission finds that you cannot serve as a judge for the charitable event because the public may misconstrue, however wrong they may be, your participation as solicitation of donations for the organization. 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

ADM/tat