



JUDICIAL INVESTIGATION COMMISSION

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

December 13, 2021

Re: JIC Advisory Opinion 2021-20

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: you would like to recognize people in your community for what you call their "unpaid philanthropic contributions to the betterment of mankind." The awards would never go to any business, agency, or charity. Nor would you award anyone in or associated with the criminal justice system or anyone who may likely effect the impartiality of the judiciary. The award would be a basic plaque paid for by you but would be given to an individual on behalf of your office.

The Commission has reviewed the applicable law and Code of Judicial Conduct to address the question which you have raised. Specifically, Rule 1.3:

Rule 1.3 Avoiding Abuse of the Prestige of Judicial Office

A judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so.

The Commission is of the opinion that there is no Rule or law that would allow a judicial officer to grant awards on behalf of their office. Only the Supreme Court of Appeals of West Virginia would have the authority to grant awards on behalf of an office of the judiciary. Further, creating an award and selecting the recipient from a judicial office would be an abuse of the prestige of that office in violation of Rule 1.3.

Based on the foregoing, the Commission believes that you would not be able to give awards on behalf of your office. Thank you for your inquiry. We hope this answers your question. If you have any further questions regarding this matter, please do not hesitate to contact the Commission.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alan D. Moats", with a long horizontal flourish extending to the right.

Alan D. Moats
Judicial Investigation Commission

ADM/bjl