



JUDICIAL INVESTIGATION COMMISSION

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

February 11, 2022

Re: JIC Advisory Opinion 2022-10

Dear Mr. :

Your recent request for an advisory opinion was reviewed by the Judicial Investigation Commission. You want to know if it would be permissible for staff attorneys and law clerks to participate as volunteers for the State Bar's Legal Connect program and the West Virginia Free Legal Answers. The volunteer attorneys in both instances answer general legal questions.

To address your question, the Commission has reviewed Rules 1.2, 2.12(A) and 3.10 of the Code of Judicial Conduct which state:

Rule 1.2 Confidence in the Judiciary

A judge shall act at all times in a manner that promotes public confidence in the independence, integrity and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

Rule 2.12 Supervisory Duties

- (A) A judge shall require court staff, court officials and others subject to the judge's direction and control to act in a manner consistent with the judge's obligations under this Code.

Rule 3.1 – Practice of Law

A judge shall not practice law. A judge may act pro se and may without compensation, give legal advice to and draft or review documents for a member of the judge's family, but is prohibited from serving as the family member's lawyer in any form.

Based upon the foregoing, since a sitting judge could not provide such help on a site because the matter inquired about may come or already is before a court, attorneys working in the judicial branch may not volunteer for Legal Connect or West Virginia Free Legal Answers.

We hope that this opinion fully addresses the issue which you have raised. Please do not hesitate to contact the Commission should you have any questions, comments or concerns or desire additional advice.

Sincerely,

A handwritten signature in blue ink, appearing to read "F. Layton Cottrill, Jr.", is written over the typed name.

F. Layton Cottrill, Jr., Esquire, Vice- Chairman¹
Judicial Investigation Commission

FLC/tat

¹ JIC Chairman Alan D. Moats, Judge of the 19th Judicial Circuit has been appointed as a temporary Justice of the Supreme Court of Appeals of West Virginia beginning February 7, 2022 following the February 6, 2022 resignation of former Justice Evan Jenkins. Judge Moats will serve as a Justice until such time as Governor Justice has filled the vacancy and the appointee takes the bench. Until that time, Judge Moats will serve as a non-voting *ex officio* member of the JIC.