



**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 13, 2022

Re: JIC Advisory Opinion 2022-14

Dear Mr. \_\_\_\_\_ :

The Commission considered your request for a formal advisory opinion at its April 8, 2022 meeting. The facts giving rise to the request are as follows: The Supreme Court of Appeals of West Virginia is looking to create a Judicial Learning Center across from its Courtroom at the Capitol. The Center will be an innovative and interactive environment to promote education about important legal concepts, careers within the judicial branch, and a basic introduction into the structure of the state court system. The target audience is students ages six to 14 with design components for high school students and adult visitors as well.

Because the Capitol is open to all, this project has the potential to impact all West Virginians and visitors from outside the state. The space is intended to provide a unique learning opportunity for the numerous students who visit the Capitol on field trips. On a larger scale, the Court anticipates the learning center will engage and inspire visitors of every age as they learn about the state's judicial branch and discover the important role the judicial branch plays in the lives of West Virginians.

Total project costs are estimated at approximately \_\_\_\_\_. The Supreme Court Grants Division is currently exploring potential funding opportunities to offset design costs for a judicial learning center to enhance civics education in West Virginia. The learning center is anticipated to be open in 2023. One of the funding options that was recommended by The Honorable \_\_\_\_\_, Justice, involves a trust fund that was founded by her \_\_\_\_\_. It is known as the \_\_\_\_\_ Charitable Trust. You want to know if it would be improper for the Court to approach this entity for help in light of the involvement We would like the JIC to give us an opinion on the appropriateness of approaching this entity given that Justice \_\_\_\_\_

is involved with the Trust. If it is determined there is no conflict, you will proceed with applying for potential funds. It is estimated that you may be able to secure up to \$10,000.

To address your question, the Commission has reviewed Rule 3.7 of the Code of Judicial Conduct which states in pertinent part:

- (A) Subject to the requirements of Rule 3.1, a judge may participate in activities sponsored by organizations or governmental entities concerned with the law, the legal system, or the administration of justice, and those 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 authority.

Based upon the foregoing, the Commission is of the opinion that the Court can request funds from this entity since it is a charitable trust closely related to a family member of a sitting justice. The Commission is unable to help you at this time with what other types of organizations you should request funding from given that each request is dependent upon the facts and circumstances surrounding each entity. 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,



F. Layton Cottrill, Jr., Esquire, Vice- Chairman<sup>1</sup>  
Judicial Investigation Commission

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<sup>1</sup> JIC Chairman Alan D. Moats, Judge of the 19<sup>th</sup> 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.