



JUDICIAL INVESTIGATION COMMISSION

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

July 15, 2022

Re: JIC Advisory Opinion 2022-18

Dear Mr. :

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: A retired area attorney who belongs to a three person firm advised the Court that he/she would like to donate his/her firm's modest law library for use by the judges of the Intermediate Court of Appeals and their staff. The firm is in the process of wrapping up its affairs and dissolution and is no longer accepting clients. The firm's two remaining lawyers have either retired or are winding down two cases which are expected to resolve by the end of the year at the latest. Upon the resolution of the current caseload and closure of the firm, all three lawyers will be retired from the practice of law. The lawyers are not expected to appear in front of either court prior to their retirement.

You want to know if the Court may accept the donation. To address your question, the Commission has reviewed Rule 3.13 of the Code of Judicial Conduct which states in pertinent part:

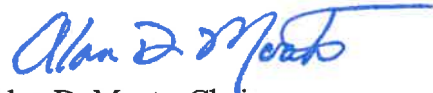
- (A) A judge shall not accept or knowingly permit staff, court officials and others subject to the judge's direction and control to accept – any gifts, loans, bequests, benefits, or other things of value if acceptance is prohibited by law or would appear to a reasonable person to undermine the judge's independence, integrity or impartiality;

- (B) Unless otherwise prohibited by law, or by paragraph (A), a judge may accept the following without publicly reporting such acceptance: . . .
- (7) books, magazines, journals, audiovisual materials and other resource materials supplied by publishers on a complimentary basis for official use;

Based upon the foregoing, the Commission is of the opinion that the Court may accept the donation under the parameters set forth above. By way of analogy, the Commission likens the law firm donation to that books supplied by publishers on a complimentary basis. The law firm is donating the books so there is no cost to the Court. The books will be used for official work-related purposes. Lastly, the firm lawyers will all be retired and are not likely to appear before either Court.

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,



Alan D. Moats, Chairperson
Judicial Investigation Commission

ADM/tat