



**JUDICIAL INVESTIGATION COMMISSION**

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

September 26, 2022

Re: JIC Advisory Opinion 2022-30

Dear Mr. [REDACTED]:

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: The Supreme Court of Appeals of West Virginia is in the process of developing 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.

The Supreme Court recently received a \$5,000 grant from the West Virginia Bar Foundation for the Learning Center. The Executive Director of the Bar Foundation has suggested that the organization could act as a fiscal agent for the Learning Center in that it could solicit and receive donations for the entity through its annual year-end giving drive. Donations can be made to the Bar Foundation itself or earmarked for the "Learning Center" or other entities by checking the appropriate box on a Foundation donation form. The lump sum collected for the Learning Center would be turned over at the conclusion of the drive but the names and amounts of the donations would be withheld from the Learning Center and the Court. In other words, the Court would have no real involvement in the drive and the solicitation for donations would come from the Bar Foundation itself as part of its annual giving drive and not the Court.

You want to know if this would violate any of the provisions of the Code of Judicial Conduct. To address your question, the Commission has reviewed Rule 3.7(A)(2) which states:


**Rule 3.7 – Participation in Educational . . . or Civic Organizations & Activities**

- (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 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.

The Commission is of the opinion that the Court can participate in the Learning Center since it is an educational civic activity open to all residents of West Virginia. The Court is not soliciting any money for the venture. Instead that task would be taken on by the West Virginia Bar Foundation as part of its annual giving campaign. The Bar Foundation is a 501(c)(3) charitable organization that is considered the "philanthropic organization for the legal profession and justice system" in this state. Its primary mission is to make grants to organizations that provide legal services to low income citizens and that improve the administration of justice. The entity also sponsors programs and activities related to the legal system. Based upon the foregoing the Commission finds that this arrangement would not violate any provisions of the Code of Judicial Conduct including Rule 3.7(A)(2).

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