



## **JUDICIAL INVESTIGATION COMMISSION**

WV Judicial Tower - Suite 700 A  
4700 MacCorkle Ave., SE  
Charleston, West Virginia 25304  
(304) 558-0169

March 17, 2023

Re: JIC Advisory Opinion 2023-09

Dear Magistrate :

Your request for an advisory opinion to Counsel was recently reviewed by the Judicial Investigation Commission. You serve as the designated Juvenile Referee in your county. According to you there is a lack of training for law enforcement as it pertains to juveniles. You are therefore interested in doing a class for all local law enforcement regarding juvenile matters. You believe the class would last approximately two hours and that such items as the overall juvenile procedure of juvenile petitions, taking a minor into custody and detention hearings and the aftermath would be covered. Importantly, you plan to bring all sides to the table to participate in the trainings including an assistant prosecutor, a public defender and a juvenile probation officer. You want to know if this training is permissible pursuant to the Code of Judicial Conduct.

To address your question, the Commission has reviewed Rules 3.1 and 3.7 which provide in pertinent part:

### **Rule 3.1 – Extrajudicial Activities in General**

A judge may engage in extrajudicial activities, except as prohibited by law or this Code. However, when engaging in extrajudicial activities, a judge shall not:

- (A) participate in activities that will interfere with the proper performance of the judge's judicial duties;
- (B) participate in activities that will lead to frequent disqualification of the judge;
- (C) participate in activities that would appear to a reasonable person to undermine the judge's independence, integrity or impartiality;
- (D) engage in conduct that would appear to a reasonable person to be coercive; or
- (E) make use of court premises, staff, stationary, equipment or other resources, except for incidental use for activities that concern the law, the legal, system, or the administration of justice, or unless such additional use is permitted by law.

**Rule 3.7 – Participation in Educational . . . Organizations and 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: . . . .

- (1) Appearing or speaking at . . . an event. . . .

Given the topics that you are going to discuss, the fact that all parties including the public defender's office will participating in the event the Commission is of the opinion that you may hold the training subject to the approval of the Chief Circuit Judge. The Commission also finds that the training should be held at a neutral location. We hope 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