



JUDICIAL INVESTIGATION COMMISSION

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

August 22, 2023

Re: JIC Advisory Opinion 2023-17

Dear Judge :

Your request for a formal advisory opinion was recently reviewed by the Judicial Investigation Commission. The facts giving rise to your request are as follows: A law firm runs a 30 minute infomercial each Sunday on a local television station. The firm often has guests and has asked you to appear for a seven minute segment on the show. You plan on discussing abuse and neglect and mesothelioma. You want to know if your appearance would violate any of the provisions of the Code of Judicial Conduct.

To address your question the Commission has reviewed Rules 1.2 and 3.1(B) and (C) 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 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:

. . . .

- (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;

An infomercial is “a television program that is an extended advertisement often including a discussion or demonstration.” *See Merriam-Webster.com Dictionary*. In this case, it is a half-hour weekly advertisement for the law firm. Your appearance on the show would create an appearance in the minds of members of the public, however wrong it may be, that you endorse the law firm over and above all the others in the area. Not only is it important for you to be neutral and detached as it relates to all firms in your area but that you also at all times create the appearance that you are unbiased with respect to lawyers. The Commission was also of the opinion that a disclaimer would do little to change public perception in this instance and could cause a host of disqualification motions involving the firm in question. Therefore, the Commission found that you should not appear on the law firm's infomercial.

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