



JUDICIAL INVESTIGATION COMMISSION

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

January 18, 2024

Re: JIC Advisory Opinion 2024-01

Dear :

Your request for a formal advisory opinion was recently reviewed by the Judicial Investigation Commission. You want to know if you can participate in an elimination dinner. If so you want to know if your name and magistrate title can appear on a list of those who purchased tickets that is handed out to all participants at the event.

In an elimination dinner, tickets with numbers are sold by a nonprofit to participants. The tickets are then drawn during the dinner in lottery fashion with the last ticket drawn eligible to receive a prize. In JIC advisory opinions 2000-04 and 2018-06, the Commission said that judges could attend and participate in an elimination dinner unless the event was sponsored by an organization which appears regularly before the judge or any court as it would create the appearance, however wrong it may be, that you were biased in favor of that entity.

In a long line of advisory opinions beginning with JIC Advisory Opinion 1999-10, the Commission has said that judges should not use their titles when participating in extra-judicial activities because it could create the appearance, however wrong it may be, that the judge was lending the prestige of judicial office to advance the private interests of the group.

Therefore, you may participate in an elimination dinner as long as it is not sponsored by an organization which appears regularly before you or any court. You may also have your name placed on the handout since you purchased the ticket in your individual capacity but you cannot use your magistrate title.

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,

A handwritten signature in blue ink, appearing to read "Alan D. Moats". The signature is fluid and cursive, with the first name "Alan" and last name "Moats" clearly distinguishable.

Alan D. Moats, Chairperson
Judicial Investigation Commission

ADM/tat