



JUDICIAL INVESTIGATION COMMISSION

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

April 3, 2024

Re: JIC Advisory Opinion 2024-11

Dear Judges:

The Commission has considered your recent request for an advisory opinion. One of the judges in your circuit is interested in obtaining a comfort dog for the courthouse for use with child victims and vulnerable adults. The same judge wants to be the dog's handler (i.e. house the dog at his/her home and be the primary caretaker of this dog. You want to know if this arrangement is permissible pursuant to the Code of Judicial Conduct. You also want to know if the judge could loan the dog out to other entities.

To address your question, the Commission has reviewed Rules 1.3 and 2.4(B) of the Code of Judicial Conduct which states:

Rule 1.3 Avoiding Abuse of the Prestige of Judicial Office

A judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others or allow others to do so.

Rule 2.4 External Influences on Judicial Conduct

- (B) A judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment.

Comment [1] to Rule 1.3 states that “[i]t is improper for a judge to use or attempt to use his or her position to gain personal advantage or deferential treatment of any kind.

Based upon the foregoing, the Commission is of the opinion that if the comfort dog is paid for in whole or in part by a third party such as the county commission or a charitable organization, a judge or any member of his/her staff cannot be the dog’s handler. To hold otherwise would run clearly afoul of Rules 1.3 and 2.4(B). However, if a judge buys the dog himself/herself and pays for all the training and upkeep then the judge may be the dog’s handler. Use of a comfort dog is contingent upon the county commission allowing the animal in the courthouse. The judge can only loan the dog out to other judges. Since the judge would be the dog’s handler and must go with the dog it would be impermissible for him/her to loan it out to other entities outside the judicial branch.

Thank you for your inquiry. Please do not hesitate to contact the Commission should you have any further questions, comments or concerns.

Sincerely,



Alan D. Moats, Chairperson
Judicial Investigation Commission

ADM/tat