



JUDICIAL INVESTIGATION COMMISSION

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

March 18, 2025

Re: JIC Advisory Opinion 2025-05

Dear _____ :

Your request for an advisory opinion was recently reviewed by the Commission. The local United Way is holding a fundraiser with entertainment. For \$1,000.00 a donor receives ten VIP tickets, access to the VIP reception, two bottles of wine, the donor's logo on all promotions and the United Way Website and recognition at the event itself. You have already paid \$1,000 and intend to use one of the tickets to attend the event and give the remaining tickets to your spouse and friends, including two of your employees. You indicated that neither employee is required to attend and both employees have been friends outside of work. You want to know if the United Way can list your name on its promotions and websites and whether the entity may recognize you as a sponsor at the event.

To address your questions, the Commission has reviewed Rules 1.2, 1.3 and 3.1(C) of the Code of Judicial Conduct 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 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 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:

- (C) participate in activities that would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality; . . .

Comment [1] to Rule 1.2 states that “[p]ublic confidence in the judiciary is eroded by improper conduct and conduct that creates the appearance of impropriety. This principle applies to both the professional and personal conduct of a judge.” Comment [2] provides that “[a] judge should expect to be the subject of public scrutiny that might be viewed as burdensome if applied to other citizens and must accept the restrictions imposed by the Code.” Comment [3] notes that “[c]onduct that compromises or appears to compromise the independence, integrity, and impartiality of a judge undermines public confidence in the judiciary.” Comment [5] provides:

Actual improprieties include violations of law, court rules or provisions of this Code. The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the judge violated this Code or engaged in other conduct that reflects adversely on the judge's honesty, impartiality, temperament, or fitness to serve as a judge.

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 the United Way can list your name on its promotions and websites as long as you do not use your judicial title and as long as it is not tied to any attempt to solicit money. Additionally, the entity may recognize you as a sponsor at the event so long as it does not mention that you are a judge.

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