



JUDICIAL INVESTIGATION COMMISSION

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

August 26, 2025

Re: JIC Advisory Opinion 2025-11

Dear :

Your request for an advisory opinion to Counsel was reviewed by the Judicial Investigation Commission at its recent meeting. You currently serve as a magistrate. Prior to becoming a magistrate, you were a former sex crimes investigator and had qualified and testified as an expert in the subject in court. You have created an 8 hour in-service style class for law enforcement, defense attorneys, prosecutors, judges, child advocates, CPS and academics on the subject. The class will address but not be limited to typology of alleged offenders, evidence collection, neurobiology of trauma, interviewing suspects and victims, report writing and common mistakes of investigation. You want to start an LLC and advertise the class online throughout the country at a cost of approximately \$2500.00 less expenses. In your request, you say you do understand that you can't use your title as a magistrate to promote your business.

To address your questions, the Commission has reviewed Rules 2.1, 3.1, 3.11, 3.12 and 3.15 of the Code of Judicial Conduct which state:

Rule 2.1 – Giving Precedence to the Duties of Judicial Office

The duties of judicial office, as prescribed by law, shall take precedence over all of a judge's personal and extrajudicial activities.

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

Rule 3.11 – Financial, Business, or Remunerative Activities

- (B) A judge shall not serve as an officer, director, manager, general partner, advisor, or employee of any business entity except that a judge may manage or participate in:
 - (1) A business closely held by the judge or members of the judge’s family;

Rule 3.12 – Compensation for Extrajudicial Activities

A judge may accept reasonable compensation for extrajudicial activities permitted by this Code or other law unless such acceptance would appear to a reasonable person to undermine the judge’s independence, integrity, or impartiality.

Rule 3.15 – Reporting Requirements

- (A) A judge shall publicly report the amount or value of:
 - (1) Compensation received for extrajudicial activities as permitted by Rule 3.12;
- (B) When public reporting is required by paragraph (A), a judge shall report the date, place, and nature of the activity for which the judge received any compensation; the description of any gift, loan, bequest, benefit or other thing of value accepted; and the source of reimbursement of expenses or waiver or partial waiver of fees or charges;
- (C) The public report required by paragraph (A) shall be made annually by July 1 for the preceding calendar year, and must be

filed as a public document in the office of the Clerk of the
Supreme Court of Appeals.

Based upon the foregoing, the Commission is of the opinion that you may engage in such endeavor as long as: (1) your judicial duties take precedence; (2) the teaching is done on your own time and no court resources are used in the development or marketing of the course; (3) you market and teach to out of state individuals or groups only; (3) the class is open to all prosecution and defense entities; (4) you do not use your title or position as a magistrate for the extrajudicial activity; (5) you do not discuss any pending or impending cases before any court; and (6) you obtain the prior written approval of the Administrative Director to engage in the venture.

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

ADM/tat