

*Original*

BEFORE THE  
JUDICIAL INVESTIGATION COMMISSION  
OF WEST VIRGINIA

IN THE MATTER OF:

ELIZABETH M. MARTIN,  
MAGISTRATE CANDIDATE  
COMPLAINT NO. 227-96

*227-96*

This matter is before the Judicial Investigation Commission upon a complaint filed on November 19, 1996, setting forth allegations against Elizabeth M. Martin, Magistrate Candidate for Monongalia County Magistrate.

The complaint alleged that while a candidate for judicial office, Ms. Martin made a monetary contribution to another judicial candidate.

Upon initiation of the complaint an investigation was conducted pursuant to the Rules of the Judicial Disciplinary Procedure. The investigation revealed that Elizabeth M. Martin, during her campaign for magistrate for Monongalia County, made a monetary contribution to another judicial candidate.

The complaint and the investigation of this matter were reviewed by the Judicial Investigation Commission at its meeting on January 31, 1997, and it was determined that probable cause does exist that Elizabeth M. Martin, Magistrate Candidate for Monongalia County Magistrate, violated Canon 5A(1)(b) of the Code of Judicial Conduct. This section of Canon 5 states in relevant part:

Canon 5. A judge or judicial candidate shall refrain

from inappropriate political activity.

A. All judges and candidates. -

(1) Except as authorized in Sections 5B(2), 5C(1), and 5C(3), a judge or candidate for election or appointment to judicial office shall not:

(b) publicly endorse or publicly oppose another candidate for public office; . . .

It was further determined that formal discipline was not appropriate under the circumstances. The Judicial Investigation Commission determined that pursuant to Rule 2.7(c) a written admonishment would be given to Elizabeth M. Martin.

It is, therefore, the decision of the Judicial Investigation Commission that Elizabeth M. Martin be and she hereby is admonished for her conduct as is more fully set forth in the matters asserted herein in the complaint filed in this matter on November 19, 1996.

  
FRED L. FOX, II, CHAIRMAN

DATE: February 10, 1997