

BEFORE THE
JUDICIAL INVESTIGATION COMMISSION
OF WEST VIRGINIA

IN THE MATTER OF:

THE HONORABLE JOSEPH P. ALBRIGHT
JUSTICE OF THE SUPREME COURT
OF APPEALS OF WEST VIRGINIA
COMPLAINT NO. 70-96

This matter is before the Judicial Investigation Commission upon a complaint filed on April 6, 1996, setting forth allegations against Justice Joseph P. Albright, Justice of the Supreme Court of Appeals of West Virginia.

The complaint alleged that a facsimile of letterhead used by the Justice in his capacity as a Justice of the Supreme Court of Appeals of West Virginia was used for campaign purposes.

Upon initiation of the complaint an investigation was conducted pursuant to the Rules of the Judicial Disciplinary Procedure. The investigation revealed that Justice Albright, as part of his campaign for Justice of the Supreme Court of Appeals, mailed to various individuals a letter on a facsimile of letterhead used by Justice Albright in his capacity as a Justice of the Supreme Court of Appeals. The letter contained a disclaimer at the bottom of the page that it was paid for by the Albright for Supreme Court Committee.

The complaint and the investigation of this matter were reviewed by the Judicial Investigation Commission at its meeting on August 30, 1996, and it was determined that

70-96

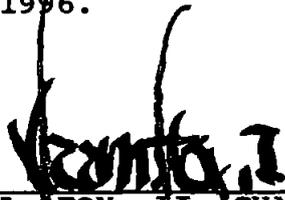
probable cause does exist that Justice Joseph E. Albright violated Canon 2B of the Code of Judicial Conduct. That section of Canon 2 states in relevant part:

Canon 2. A judge shall avoid impropriety and the appearance of impropriety in all the judge's activities.

B. A judge shall not allow family, social, political, or other relationships to influence the judge's conduct or judgment. A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others; . . .

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 Justice Joseph P. Albright.

It is, therefore, the decision of the Judicial Investigation Commission that Justice Joseph P. Albright be and he hereby is admonished for his conduct as is more fully set forth in the matters asserted herein in the complaint filed in this matter on April 8, 1996.



FRED L. FOX, II, CHAIRMAN

DATE: September 23, 1996