

BEFORE THE JUDICIAL INVESTIGATION COMMISSION OF WEST VIRGINIA

IN THE MATTER OF:

JANET SHEEHAN

COMPLAINT NO. 58-2008

CANDIDATE FOR MAGISTRATE OF OHIO COUNTY

This matter is before the Judicial Investigation Commission upon a complaint filed on May 2, 2008, setting forth certain allegations against Janet Sheehan, Candidate for Magistrate in Ohio County. The complaint alleged that Ms. Sheehan while a candidate for magistrate personally solicited campaign contributions.

Upon receipt of the complaint a review was conducted pursuant to the Rules of Judicial Disciplinary Procedure. The investigation revealed that a letter dated April 28, 2008, Ms. Sheehan personally solicited campaign contributions.

The complaint and the review were reviewed by the Judicial Investigation Commission at its meeting on May 30, 2008 and it was determined that there is probable cause to believe that Janet Sheehan, Candidate for Magistrate in Ohio County, violated Canon 5C(2) of the Code of Judicial Conduct. This Canon states in relevant part:

Canon 5. A judge or judicial candidate shall refrain from inappropriate political activity.

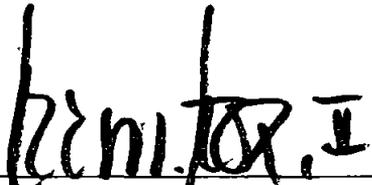
C. Judges and candidates subject to public election.

(2) A candidate shall not personally solicit or accept campaign contributions or personally solicit publicly stated support. A candidate may, however, establish

committees of responsible persons to conduct campaigns for the candidate through media advertisements, brochures, mailings, candidate forums, and other means not prohibited by law. Such committees may solicit and accept reasonable campaign contributions, manage the expenditure of funds for the candidate's campaign and obtain public statements of support for his or her candidacy. Such committees are not prohibited from soliciting and accepting reasonable campaign contributions and public support from lawyers. A candidate shall not use or permit the use of campaign contributions for the private benefit of the candidate 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) of the Rules of Judicial Disciplinary Procedure, a written admonishment would be given to Janet Sheehan, Candidate for Magistrate.

It is therefore the decision of the Judicial Investigation Commission that Janet Sheehan be and she hereby is admonished for this conduct as fully set forth in the matters as asserted herein the complaint filed in this matter on May 2, 2008.



Fred L. Fox, II, Chairperson
Judicial Investigation Commission

6/10/08

Date

Rule 2.7. Review of complaints.

(a) Within sixty days after the date of a report by the Office of Disciplinary Counsel, the Commission shall file a written decision regarding whether it believes there is probable cause to formally charge the judge with a violation of the Code of Judicial Conduct or that the judge, because of advancing years and attendant physical or mental incapacity, should not continue to serve, or whether the matter should be investigated further by the Office of Disciplinary Counsel.

(b) When it has been determined that probable cause does not exist, the Commission shall issue a brief explanatory statement in support of its decision to close the complaint.

(c) When it has been determined that probable cause does exist, but that formal discipline is not appropriate under the circumstances, the Commission shall issue a written admonishment to the respondent, who has fourteen days after its receipt to object. The written admonishment shall be available to the public. If the Office of Disciplinary Counsel or the respondent files a timely objection to the written admonishment, the Commission shall file a formal charge with the Clerk of the Supreme Court of Appeals. Admonishment shall not be administered if (1) the misconduct involves the misappropriation of funds; (2) the misconduct resulted or will likely result in substantial prejudice to a litigant or other person; (3) the respondent has been disciplined in the last three years; (4) the misconduct is of the same nature as misconduct for which the respondent has been disciplined in the last five years; (5) the misconduct involves dishonesty, deceit, fraud, or misrepresentation by the respondent; (6) the misconduct constitutes a crime that adversely reflects on the respondent's honesty, trustworthiness, or fitness as a judge; or (7) the misconduct is part of a pattern of similar misconduct.

(d) When it has been determined that probable cause does exist, and that formal discipline is appropriate, the Commission shall file a formal charge with the Clerk of the Supreme Court of Appeals. After the filing and service of formal charges, all documents filed with the Clerk of the Supreme Court of Appeals and the Judicial Hearing Board shall be available to the public.