

BEFORE THE JUDICIAL INVESTIGATION COMMISSION OF WEST VIRGINIA

**IN THE MATTER OF:
LYNN FIELDS SLATER
CANDIDATE FOR MAGISTRATE OF GREENBRIER COUNTY**

COMPLAINT NO. 165-2011

The matter is before the Judicial Investigation Commission upon a complaint filed on November 10, 2011, setting forth certain allegations against Lynn Fields Slater, Candidate for Magistrate of Greenbrier County. In the Complaint, it was alleged by the three sitting magistrates that Candidate Slater had violated various provisions of Canon 5 of the Code of Judicial Conduct.

Upon receipt of the complaint, an investigation was conducted pursuant to the Rules of Judicial Disciplinary Procedure which revealed the following: During an October 2011 meeting of the Greenbrier County Democratic Women's Club, Candidate Slater announced her intention to run for Magistrate in the 2012 election and distributed campaign material even though she had not yet filed pre-candidacy papers. Moreover, the material failed to show evidence that she had established a campaign committee. At the same meeting she was also installed as the Club's Parliamentarian. However, the investigation also revealed that like many first-time candidates, Ms. Slater was unaware of the Code of Judicial Conduct or her obligation to abide by the Canons while a candidate for judicial office.

The complaint and the investigation were reviewed by the Judicial Investigation Commission at its meeting on December 9, 2011. The Commission determined that probable cause does exist in the instant complaint and that Ms. Slater, Candidate for Magistrate of Greenbrier County, violated Canon 5A(1)(a), 5A(3)(a), and 5C(2) which provide in pertinent 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 a candidate for election or appointment to judicial office shall not:

(a) act as a leader or hold an office in a political organization; . . .

(3) A candidate* for a judicial office

(a) shall maintain the dignity appropriate to judicial office and act in a manner consistent with the integrity and independence of the judiciary, and shall act in a manner that promotes public confidence in the integrity and impartiality of the judiciary. . . .

C. Judges and candidates subject to public election.

(2) A candidate shall not 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. . . .

E. Applicability. Canon 5 generally applies to all incumbent judges and judicial candidates. A candidate, whether or not an incumbent and whether or not successful, is subject to judicial discipline for his or her campaign conduct.

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 that a written admonishment would be given to Lynn Fields Slater, Candidate for Magistrate of Greenbrier County.

It is therefore the decision of the Judicial Investigation Commission that Lynn Fields Slater, Candidate for Magistrate of Greenbrier County, be and is hereby admonished for this

conduct as fully set forth in the matters asserted herein the complaint filed in this matter on November 10, 2011. While the Commission believes it necessary to deliver this discipline, it at the same time wishes to commend Candidate Slater for taking prompt action to self-correct the violations. On or before November 15, 2011, she had resigned as Parliamentarian and has pledged not to resume campaigning until she has formed a committee and filed pre-candidacy papers.



Ronald E. Wilson, Chairperson
Judicial Investigation Commission

27 DECEMBER 2011

Date