



JUDICIAL INVESTIGATION COMMISSION

City Center East - Suite 1200 A
4700 MacCorkle Ave., SE
Charleston, West Virginia 25304
(304) 558-0169 • FAX (304) 558-0831

March 23, 2022

Re: JIC Advisory Opinion 2022-12.

Dear Magistrate :

Your recent request for an advisory opinion was reviewed by the Judicial Investigation Commission. The factual scenario giving rise to your request is as follows: your wife has a close friend that is running for city council. Your wife would like to place her friend's campaign sign in the yard of the home you jointly own.

The Commission has reviewed the applicable law and Code of Judicial Conduct to address the question which you have raised. Specifically, Rule 4.1:

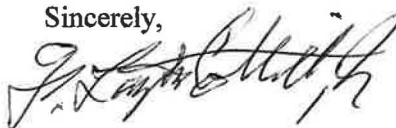
Rule 4.1 Political and Campaign Activities of Judges and Judicial Candidates in General

- (A) Except as permitted by law, or by Rules 4.2, 4.3, and 4.4, a judge or a judicial candidate shall not:
- (3) publicly endorse or oppose a candidate for any public office;

The Commission is of the opinion that while your wife has the right to vote for and support any candidate she chooses, Rule 4.1 clearly prohibits you as a judge from publicly endorsing or opposing a candidate. Because the property is jointly owned it would be very difficult for a member of the public to determine that your wife alone was endorsing the candidate.

Based on the foregoing, the Commission believes that you should not have any campaign signs but your own in your yard. Thank you for your inquiry. We hope this answers your question. If you have any further questions regarding this matter please do not hesitate to contact the Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "F. Layton Cottrill, Jr.", written in a cursive style.

F. Layton Cottrill, Jr., Esquire, Vice-Chairman
Judicial Investigation Commission

FLC/bjl