

JUDICIAL INVESTIGATION COMMISSION

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

October 27, 2015

Re: JIC Advisory Opinion 2015-15.

Dear Mr. :

Your recent request for an advisory opinion to Counsel was reviewed by the Judicial Investigation Commission at its October 23, 2015 meeting. Specifically, you want to know if a magistrate assistant can serve as an elected member of a county political executive committee.

Canon 5A(1)(a) of the Code of Judicial Conduct states that "a judge or candidate for election or appointment to judicial office shall not act as a leader or hold an office in a political organization." The term "political organization" means "a political party or other group, the principle purpose of which is to further the election or appointment of candidates to political office." In an Advisory Opinion dated February 17, 2004, the Commission held that a candidate for magistrate could not simultaneously serve as the treasurer for the Berkeley County Republican Executive Committee while also running for office. In Advisory Opinion 2012-07, the Commission again held that a candidate for magistrate could not simultaneously serve as president of the County Federation of Democratic Women while also running for office.

Canon 5A(3)(b) states that "[a] candidate for judicial office shall prohibit employees and officials who serve at the pleasure of the candidate, and shall discourage other employees and officials subject to the candidate's direction and control from doing on the candidate's behalf what the candidate is prohibited from doing under [this Canon]." Meanwhile, Canon 3C(5) states that "[a] judge shall not require any personnel subject to the

judge's direction to act contrary to any code of ethics applicable to the judge or to the personnel. . . .”

Based upon the foregoing, the Commission is of the opinion that a magistrate assistant cannot concurrently serve as a member of a county political executive committee. It is hoped that this opinion fully addresses the issues which you have raised. Please do not hesitate to contact the Commission should you have any further question regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ronald E. Wilson', written in a cursive style.

Ronald E. Wilson, Chairperson
Judicial Investigation Commission

REW/tat