

## JUDICIAL INVESTIGATION COMMISSION

212 Dickinson Street  
Post Office Box 1629  
Charleston, West Virginia 25326-1629  
(304) 558-0169 FAX (304) 558-0831

December 13, 1995

Re: JIC Advisory Opinion 1995-34

Dear

Your letter to Counsel for the Judicial Investigation Commission was reviewed by the Commission at its recent meeting. In that letter you state that in preparation for your election campaign in 1996, you have formed a campaign committee. Members of that committee are attorneys who regularly practice before you. Some of the attorneys who are on the committee make personal appearances before you while others have associates or law partners who regularly appear before you. You asked for an opinion regarding the propriety of the practice of having these attorneys on a campaign committee.

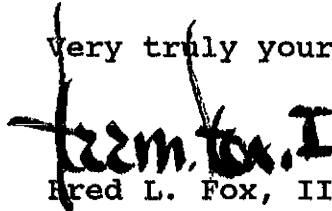
Canon 3E(1) of the Code of Judicial Conduct states that a judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned. The commentary following that Canon states that a judge should disclose on the record information that the judge believes the parties or their lawyers might consider relevant to the question of disqualification, even if the judge believes that there is no real basis for disqualification. Based on the language set forth in Canon 3E(1) the Commission believes that lawyers who appear before you could serve on your campaign committee. However, you must disclose this relationship when one of the attorneys does appear in front of you so that all parties and their attorneys can make an informed decision about whether to seek your recusal from that particular case. See Tennant v. Marion Health Care Foundation, Inc., 1995 WL 361802 (W.Va. 1995).

- 2 -

December 13, 1995

It is hoped this opinion fully addresses the inquiry which you have made. If there is any additional question regarding this matter, do not hesitate to contact the Commission.

Very truly yours,

A handwritten signature in black ink, appearing to read "Fred L. Fox, II". The signature is stylized with a large, sweeping initial "F" and a prominent "I" at the end.

Fred L. Fox, II, Chairman

FLF,II/bl