



JUDICIAL INVESTIGATION COMMISSION

Post Office Box 1629
Charleston, West Virginia 25326-1629
(304) 558-0169 • FAX (304) 558-0831
September 28, 2001

Re: JIC Advisory Opinion 2001-18

Dear

In a letter to the Judicial Investigation Commission you asked for an advisory opinion. In that correspondence you stated that when you ran for the

1996 you lent your campaign \$20,000. You indicated that you have since closed out the committee in regard to your candidacy and need to know whether you have to form a new committee in order to solicit contributions to retire that debt.

To address the inquiry which you have made, the Commission has reviewed Canon 5 of the Code of Judicial Conduct which states in relevant part as follows:

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

C. Judges and candidates subject to public election.

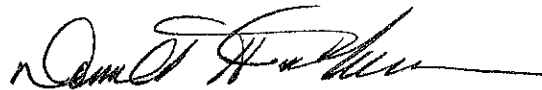
(2) A candidate shall not personally solicit or accept campaign contributions or personally solicit publicly stated support. A candidate may, however, establish committees of responsible persons to conduct campaigns for the candidate through media advertisements, brochures, mailings, candidate forums, 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.

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Based upon the clear language contained in Canon 5C(2) of the Code of Judicial Conduct, it is the opinion of the Judicial Investigation Commission that you must have a committee in order to solicit funds to retire the debt. The continuation of the committee or the formation of a new committee must be done in accordance with the Canon and Election Laws of West Virginia.

It is hope that this opinion fully addresses the inquiry which you have raised. If you have any further question regarding this matter do not hesitate to contact the Commission.

Very truly yours,

A handwritten signature in black ink, appearing to read "Donald H. Cookman", with a long horizontal flourish extending to the right.

Donald H. Cookman, Chairperson
Judicial Investigation Commission

DHC:nb