



JUDICIAL INVESTIGATION COMMISSION

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

December 2, 2002

Re: JIC Advisory Opinion 2002-28

Dear

Your recent letter to the Judicial Investigation Commission requesting an advisory opinion has been reviewed. In that correspondence you stated that you were recently elected Family Court Judge for County. You stated that a couple of lawyers have approached your campaign treasurer and asked if they could hold a fundraiser to help pay off your campaign debts. The only debts you have are to you and your parents for loans made to the campaign committee. You asked whether this could be done under the Code of Judicial Conduct.

To address the question which you have raised, the Commission has reviewed Canon 5C(2) of the Code of Judicial Conduct. It states in relevant part:

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 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.

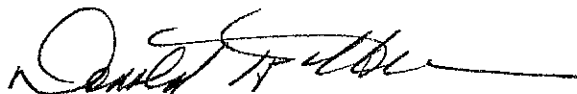
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Based on the language contained in Canon 5C(2) of the Code of Judicial Conduct, it would be permissible for a fundraiser to be held to pay off campaign debts so long as all the fundraising was conducted by your campaign committee.

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

Very truly yours,

A handwritten signature in dark 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