



## JUDICIAL INVESTIGATION COMMISSION

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

November 10, 2003

Re: JIC Advisory Opinion 2003-12

Dear

In a recent letter to the Judicial Investigation Commission you asked for an advisory opinion. In that correspondence you stated that you are currently serving a term as the West Virginia University Alumni Association. You attached a copy of an advertisement which appeared in the October 30 issue of the Charleston newspaper to your letter. You stated that as WVU Alumni Association you would like to write a letter responding to the ad unless it would violate judicial ethics. You asked for an advisory opinion regarding whether you could publish a letter in response to the ad. The ad which you attached to your request appeared to be an open letter to the WVU community which was highly critical of the President of West Virginia University. It was signed by an alumnus of the school who has been active in politics in this state.

To address the inquiry which you have made, the Commission reviewed relevant sections of Canon 2 of the Code of Judicial Conduct. Canon 2 states in relevant part:

Canon 2. A judge shall avoid impropriety and the appearance of impropriety in all of the judge's activities.

B. A judge shall not allow family, social, political, or other relationships to influence the judge's judicial conduct or judgment. A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others; nor shall a judge convey or knowingly permit others to convey the impression that they are in a special position to influence the judge . . .

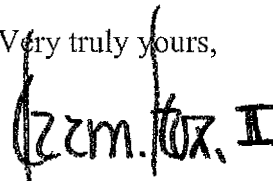
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After reviewing the language contained in this section of Canon 2, it is the opinion of the Commission that any written response by you, as the . the West Virginia University Alumni Association, could create an appearance that the prestige of judicial office was being used to advance the private interest of others. The Commission suggested that another officer in the Alumni Association convey any response which the group wished to make.

Hopefully, this opinion fully addressed 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 black ink, appearing to read "Fred L. Fox, II". The signature is stylized with a large, looped "F" and a distinct "II" at the end.

Fred L. Fox, II, Chairperson  
Judicial Investigation Commission

FLF,II:nb