



## JUDICIAL INVESTIGATION COMMISSION

Post Office Box 1629  
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March 19, 2004

Dear

In recent correspondence to the Judicial Investigation Commission you asked for some guidance whether or not in the form of an advisory opinion about one of your probation officers who is a close personal friend and fellow church member with Candidate . The probation officer serves in the                      Judicial Circuit consisting of                      and                      Counties and lives in                      West Virginia, just a few minutes from the courthouse. His primary case load is comprised of juveniles and he has served in this capacity since the late 1980's. He has never been especially concerned in political races before, but because of his friendship with                      he has asked you whether he can attend political meetings of                      and assist                      in his campaign. The proposed activities would not take place within his circuit and would not involve making any public verbal endorsement as an employee or representative of the West Virginia Supreme Court.

The Commission has reviewed your request at its recent meeting. The hours and availability responsibilities of a probation officer appear to be somewhat unique from other judicial employees. It is the understanding of the Commission that a probation officer is virtually on call any time of the day or week and must be able to provide assistance to those individuals coming under his purview. Because of the unique schedule and time restraints placed on a probation officer, it is the feeling of the Commission that spending much time outside his circuit to be actively involved in the activities stated by you would cause a problem.

It is hoped the questions which you have raised have been fully addressed. 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 "Fred L. Fox, II".

Fred L. Fox, II, Chairperson  
Judicial Investigation Commission

FLF,II:nb