



JUDICIAL INVESTIGATION COMMISSION

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June 3, 2009

Re: JIC Advisory Opinion 2009-13

Dear Judge

In a recent letter to the Commission you asked for an advisory opinion regarding whether a judicial officer is prohibited by the West Virginia Constitution from serving on any commission or only those commissions which the governor appoints the judicial officer to serve. You cited the language contained in Article VIII, Section 7, of the West Virginia Constitution which states "No justice, judge or magistrate shall hold any other office, or accept any appointments for public trust, under this or any other government . . ." You asked whether Article VIII, Section 7 of the West Virginia Constitution prohibited a judge's participation in any and all legislative and executive branch commissions regardless of who made the appointment.

At its recent meeting the Commission reviewed your request and had a lengthy discussion about the Constitutional provisions as well as the authority granted to the Commission regarding advisory opinions. After this discussion the Commission felt that it should not issue an advisory opinion in this matter. In essence, the Commission is being asked to interpret the Constitutional provision. The Commission felt that it was not within the authority granted to the Commission by the Rules of Judicial Disciplinary Procedure to render an opinion on this particular question.

If you have any further question concerning this matter do not hesitate to contact the Commission.

Very truly yours,

A handwritten signature in black ink that reads "Fred L. Fox, II". The signature is stylized with a large "F" and "L".

Fred L. Fox, II, Chairperson
Judicial Investigation Commission