



JUDICIAL INVESTIGATION COMMISSION

City Center East - Suite 1200 A
4700 MacCorkle Ave., SE
Charleston, West Virginia 25304
(304) 558-0169 • FAX (304) 558-0831

January 13, 2011

Re: JIC Advisory Opinion 12-1.

Dear

Your recent request for an advisory opinion addressed to Counsel was reviewed by the Judicial Investigation Commission. In your letter, you ask if you must have a campaign committee for the 2012 election when you will not be accepting any contributions from other parties. In order to address your request, the Commission has reviewed Canon 5C(2) of the Code of Judicial Conduct, which provides in pertinent 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 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.

The Commission also reviewed Advisory Opinions issued on the same question and dated December 28, 2007, March 15, 2004, and January 12, 2000. The 2007 Opinion provides "that if a judicial candidate receives no contributions from any source but uses only the candidate's personal money and/or assets to fund a judicial campaign, then no committee would be necessary." In reaching this conclusion, the Committee noted that the main objective of Canon 5C(2) is to insulate a judicial candidate from accepting or soliciting campaign contributions.

Although not expressly stated, the 2007 Opinion appeared to overrule the 2004 and 2000 Opinions in which we held that a judicial officer is required to have a committee run the candidate's campaign activities such as advertising, handing out brochures or other details notwithstanding the fact that the candidate is using solely his or her own resources to run the campaign. Therefore, the Commission now expressly states that to the extent that the 2000 and 2004 Opinions are inconsistent with the 2007 Opinion they are overruled. As long as a judicial candidate finances his or her campaign exclusively with his or her personal money and/or assets, the judicial candidate does not have to have a committee. If a judicial candidate accepts money from any other source including but not limited to friends or relatives then he or she must have a committee.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald E. Wilson", with a long horizontal flourish extending to the right.

Ronald E. Wilson, Chairperson
Judicial Investigation Commission