



JUDICIAL INVESTIGATION COMMISSION

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

April 18, 2016

Re: JIC Advisory Opinion 2016-12.

Dear

Your request for an advisory opinion to Counsel was recently reviewed by the Judicial Investigation Commission. The factual scenario giving rise to your request is as follows: You are running for Family Court Judge in the May 2016 Election. You want to know if you can campaign with the wife of a candidate for county commissioner. She would not stump for her husband while you two are together on the campaign trail.

To address your question, the Commission has reviewed Rule 4.1(A)(3) of the Code of Judicial Conduct which states that "a judge or a judicial candidate shall not publicly endorse or oppose a candidate for any public office[.]" Comment [1] to the Rule states:

Even when subject to public election, a judge plays a role different from that of a legislator or executive branch official. Rather than making decisions based upon the expressed views or preferences of the electorate, a judge makes decisions based upon the law and the facts of every case. Therefore, in furtherance of this interest, judges and judicial candidates must, to the greatest extent possible, be free and appear to be free from political influence and political pressure."

Comment [4] states that the prohibition against publicly endorsing or opposing other candidates for office is designed to prevent judges or judicial candidates from abusing the prestige of judicial office to advance the interests of others.

In JIC Advisory Opinion 2016-06, the Commission stated that a Magistrate would violate Rule 4.1(A)(3) if he campaigned door to door with a candidate for circuit clerk. The Commission also held that it would be improper for the two candidates to ride in the same vehicle together

to the neighborhoods in which they planned to campaign door to door even if they did so independently of one another.

Based upon the foregoing, the Commission is of the opinion that you cannot campaign with the wife of the county commission candidate because the public may construe that you are endorsing her husband simply by virtue of the two of you appearing together at campaign events. The Commission hopes that this opinion fully addresses the issues which you have raised. Please do not hesitate to contact the Commission should you have any questions, comments or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ronald E. Wilson', with a stylized flourish at the end.

Ronald E. Wilson, Chairperson
Judicial Investigation Commission

REW/tat