



JUDICIAL INVESTIGATION COMMISSION

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

February 2, 2017

Re: JIC Advisory Opinion 2017-05

Dear

Your request for an advisory opinion was recently reviewed by the Judicial Investigation Commission. The factual scenario giving rise to your request is as follows: Your son-in-law is running for City Council. Your daughter owns an 85% percent interest in a real estate business. Your wife owns a 5% interest in the business. The real estate office is in a prime location for campaign signs. Your daughter wants to place a banner on the property in support of your son-in-law's campaign. You do not have any ownership interest in the real estate business or the property in question, and your daughter and son-in-law reside in a separate household. You want to know if you violate Rule 4.1(A)(3) of the Code of Judicial Conduct if the campaign sign is placed at the real estate office.

Rule 4.1(A)(3) states that a judge "shall not publicly endorse or oppose a candidate for any public office." Comment 5 to the Rule notes:

Although members of the families of judges and judicial candidates are free to engage in their own political activity, including running for public office, there is no "family exception" to the prohibition in paragraph (A)(3) against a judge or candidate publicly endorsing candidates for public office. A judge or judicial candidate must not become involved in, or publicly associated with a family member's political activity or campaign for public office. To avoid public misunderstanding, judges and judicial candidates should take, and should urge members of their families to take reasonable steps to avoid any implication that they endorse any family member's candidacy or other political activity.

Based upon the foregoing, the Commission is of the opinion that your daughter and son-in-law may place a campaign banner at the real estate office without triggering a violation of Rule 4.1(A)(3) since your daughter is the primary owner of the real estate company and you do not have any involvement in the business. We hope this opinion fully addresses the issue which you raised. If there is any further question regarding this matter do not hesitate to contact the Commission.

Sincerely,



Ronald E. Wilson Chairperson
Judicial Investigation Commission