



**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 26, 2018

Re: JIC Advisory Opinion 2018-02.

Dear

Your recent request for an advisory opinion was reviewed by the Judicial Investigation Commission. The factual scenario giving rise to your request is as follows: You are running for Circuit Judge in the May 2018 election. You named your campaign treasurer in papers filed with the West Virginia Secretary of State's Office. Subsequently, your treasurer decided to run for the West Virginia House of Delegates. You want to know if your treasurer can serve you in that capacity and concurrently run for House of Delegates. To address your question the Judicial Investigation Commission has reviewed Rules 1.2, 2.11(A)(4), 2.12(A), 4.1(A)(3) and 4.4 of the Code of Judicial Conduct which provide in pertinent part:

**Rule 1.2 – Confidence in the Judiciary**

A judge shall act at all times in a manner that promotes public confidence in the independence, integrity and impartiality of the judiciary; and shall avoid impropriety and the appearance of impropriety.

**Rule 2.11 – Disqualification**

- (A) A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to the following circumstances:
  - (4) The judge, while a judge or a judicial candidate, has made a public statement, other than in a court proceeding, judicial decision, or opinion, that commits or appears to commit the judge to reach a particular result or rule in a particular way in the proceeding or controversy.

**Rule 2.12 – Supervisory Duties**

- (A) A judge shall require court staff, court officials and others subject to the judge's direction and control to act in a manner consistent with the judge's obligations under this Code.

**Rule 4.1 – Political and Campaign Activities of Judges and Judicial Candidates in General**

- (A) Except as permitted by law, or by Rules 4.2, 4.3 and 4.4, a judge or a judicial candidate shall not:

(3) publicly endorse or publicly oppose a candidate for any public office.

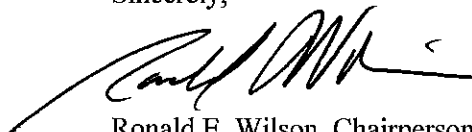
**Rule 4.4 – Campaign Committees**

A judicial candidate subject to public election may establish a campaign committee to manage and conduct a campaign for the candidate, subject to the provisions of this Code. The candidate is responsible for ensuring that his or her campaign committee complies with applicable provisions of this Code and other applicable law.

Judges have an obligation not to be or perceived to be involved in other peoples' elections. The public might conceivably believe that a judge is endorsing a particular candidate for House of Delegates because the individual is also serving as the judge's treasurer. The public may also think that the judge is endorsing the particular House of Delegate candidate's/treasurer's philosophy concerning given statutes or proposed laws. Since the above-cited Rules require a judge or judicial candidate to refrain from engaging in such conduct, the Commission is of the opinion that someone running for the House of Delegates cannot concurrently serve as a campaign treasurer for a judicial candidate.

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 stylized flourish at the end.

Ronald E. Wilson, Chairperson  
Judicial Investigation Commission