



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 7, 2018

Re: JIC Advisory Opinion 2018-05.

Dear

Your recent request for an advisory opinion was reviewed by the Judicial Investigation Commission. You are running in the May 2018 Election for the position of Circuit Judge in the Judicial Circuit. You currently serve as President of the West Virginia Association for Justice. Your term as President is scheduled to end in June 2018. You want to know if you can keep your position as President and contemporaneously run for Circuit Court Judge.

To address the questions, the Commission has reviewed Rules 1.2 and 4.1(A)(1) and 4.2(A)(1) of the Code of Judicial Conduct which provide:

Rule 1.2

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 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:
 - (1) act as a leader in, or hold an office, in, a political organization;

Rule 4.2 -- Political and Campaign Activities of Judicial Candidates in Public Elections

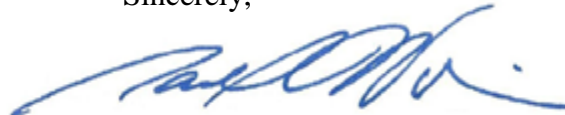
- (A) A judge or candidate subject to public election shall:
- (1) act at all times in a manner consistent with the independence, integrity, and impartiality of the judiciary;

The Commission recognizes that the West Virginia Association for Justice is a non-profit Association that is seen as a partisan group advocating for laws benefitting plaintiffs and their attorneys. Young and experienced lawyers, representing both plaintiffs and defendants, have benefited from its outstanding educational programs – but, historically, the educational programs have been generally geared to improving the skills of plaintiffs’ lawyers. The commission, in support of its position also notes that its membership application requires that an applicant for membership has to certify that his or her practice – and the practice of the firm for which the applicant is affiliated – “does not include the defense of personal injury claims, wrongful death claims, workers compensation claims and/or the representation of other interest adverse to consumers, workers and the mission of the West Virginia Association for Justice.”

While the Commission has great respect for the organization and recognizes that, when they practiced law, a number of our circuit court judges have benefited from your educational programs, it believes that it would be improper for a judicial candidate, who must at all times act in a manner consistent with the impartiality of the judiciary, to contemporaneously serve as the group’s president while also running for the position of Circuit Court Judge.

Based upon the foregoing, the Commission is of the opinion that you must immediately resign your position as president of the West Virginia Association for Justice. If there is any further question regarding this matter do not hesitate to contact the Commission.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ronald E. Wilson", is written over a horizontal line.

Ronald E. Wilson, Chairperson
Judicial Investigation Commission