



JUDICIAL INVESTIGATION COMMISSION

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

August 21, 2018

Re: JIC Advisory Opinion 2018-17.

Dear _____ :

Your August 14, 2018 request for an advisory opinion was reviewed by the Judicial Investigation Commission. The facts giving rise to your request are as follows:

You are contemplating applying for a vacancy on the Supreme Court of Appeals of West Virginia. The seat was vacated by Justice _____ prior to the start of impeachment proceedings by the House of Delegates. You are also considering a run for the seat in the November 2018 general election. If you decide not to apply/run for the seat vacated by Justice _____, you are considering applying/running for any other vacancy that may/has occur(red) on the Court.

You want to know if your participation in the impeachment vote precludes you from applying/running for any vacancy on the Court. You did not preside over the impeachment proceedings before the house. Instead, you turned that task over to the Speaker Pro Tempore. You also asked to be excused from the August 13, 2018 impeachment vote in the full House concerning Justices _____ and _____.

However, due to a rule that requires members of a class possibly affected to vote, the President Pro Tempore required you to cast your ballot for/against the various articles of impeachment.

The Commission has reviewed Canon 4 of the Code of Judicial Conduct and can find no impediment to your applying/running for a vacancy on the Court since the impeachment proceedings are now in the breast of the State Senate. Therefore the

Commission is of the opinion that you may apply/run for a seat on the State Supreme Court.

Thank you for your inquiry. If there is any further question regarding this matter please do not hesitate to contact the Commission.

Sincerely,

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

Ronald E. Wilson, Chairperson
Judicial Investigation Commission

REW/tat