



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 11, 2019

Re: JIC Advisory Opinion 2019-02.

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 were recently appointed to a seat on the Supreme Court of Appeals of West Virginia by Governor Justice. You officially took office on January 4, 2018. You will be running for the seat in the May 2020 election. You would like the Circuit Clerk of County, who is your longtime close personal friend, to serve as your campaign treasurer. The Circuit Clerk will **not** be running for office in the 2020 election but will seek re-election in 2022.

To address the question, the Commission has reviewed Rules 1.2, 4.1(A)(3) and 4.4 of the Code of Judicial Conduct which provide:

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 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.

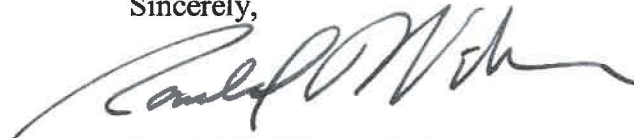
In JIC Advisory Opinion 2018-02, we held that an individual who was running for the House of Delegates could not concurrently serve as campaign treasurer for a judicial candidate who was running for office at the same time. We noted in that opinion that:

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.

Based upon the foregoing, the Commission is of the opinion that the Circuit Clerk can serve as your campaign treasurer in your 2020 campaign for a seat on the State Supreme Court. Unlike the situation in JIC Advisory Opinion 2018-02, the Circuit Clerk is not running in the 2020 campaign. Therefore, there is no chance the public could misconstrue that you are endorsing him for Circuit Clerk since he will not be running for any office at that time.

It is hoped that this opinion fully addresses the issues which you have raised. 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", written in a cursive style.

Ronald E. Wilson, Chairperson
Judicial Investigation Commission