



**JUDICIAL INVESTIGATION COMMISSION**

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October 6, 2020

Re: JIC Advisory Opinion 2020-23

Dear Judge :

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

There is a vacancy on the Worker's Compensation Board of Review. A lawyer that you know has decided to apply for the position and has asked you to write a letter of reference on his/her behalf. You want to know if you may write the recommendation.

To address your question, the Commission has reviewed Rule 1.3 of the Code of Judicial Conduct which state that "[a] judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so. " Comments [2] and [3] to the Rule are instructive and state:

- [2] A judge may provide a reference or recommendation for an individual based upon the judge's personal knowledge. The judge may use official letterhead if there is no likelihood that the use of the letterhead would reasonably be perceived as an attempt to exert pressure by reason of the judicial office.
- [3] Judges may participate in the process of judicial selection by cooperating with appointing authorities and screening committees, and by responding to inquiries from such entities concerning the professional qualifications of person being considered for judicial office.

The Commission notes that Rule 1.3 places no restrictions on who may be the subject of the reference letter. The only requirements as to its content are personal knowledge and truthfulness. Moreover, a member of the Worker's Compensation Board of Review is a quasi-judicial officer within the executive branch of government. Therefore, it is important to remember that our Code of Judicial Conduct does not "apply to administrative law judges[s], hearing examiner[s] or similar officer within the executive branch of government. . . ." See Comment [2] to Application I of the Code. Thus, any strictures pertaining to endorsing or opposing a candidate for election or appointment contained in Canon 4 would not apply in this case.

Based upon the foregoing, the Commission finds that you may write a reference letter for an attorney seeking an appointment to the Worker's Compensation Board of Review as long as you follow the tenets of Rule 1.3. 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,



Alan D. Moats, Chairperson  
Judicial Investigation Commission

ADM/tat