



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 11, 2022

Re: JIC Advisory Opinion 2022-07

Dear Judge :

Your recent request for an advisory opinion was reviewed by the Judicial Investigation Commission. The facts giving rise to your request are as follows: You are running for judge in your circuit in the May 2022 election for judge. You want to know how long you must disclose that a lawyer who appears in front of you has also served as a member of your campaign committee.

In JIC Advisory Opinion 1995-34, the Commission stated that a judge running for office had a duty to disclose that attorneys appearing in his/her courtroom were serving on his/her campaign committee and to follow Trial Court Rule 17 if a Motion to Disqualify was filed. However, the opinion never addressed the length of time that a judge must disclose the relationship. The Commission is of the opinion that the judge must disclose the nature of the relationship when the lawyer becomes a member of the campaign committee and should continue to do so for one year after the judicial candidate takes office or for one year after the dissolution of the campaign committee, whichever is longer.

We hope that this opinion fully addresses the issue which you have raised. Please do not hesitate to contact the Commission should you have any questions,

comments or concerns or desire additional advice.

Sincerely,

A handwritten signature in blue ink, reading "F. Layton Cottrill, Jr." in a cursive script.

F. Layton Cottrill, Jr., Esquire, Vice- Chairman¹
Judicial Investigation Commission

FLC/tat

¹ JIC Chairman Alan D. Moats, Judge of the 19th Judicial Circuit has been appointed as a temporary Justice of the Supreme Court of Appeals of West Virginia beginning February 7, 2022 following the February 6, 2022 resignation of former Justice Evan Jenkins. Judge Moats will serve as a Justice until such time as Governor Justice has filled the vacancy and the appointee takes the bench. Until that time, Judge Moats will serve as a non-voting *ex officio* member of the JIC.