

**BEFORE THE JUDICIAL INVESTIGATION COMMISSION OF WEST VIRGINIA**

**IN THE MATTER OF  
THE HONORABLE MATTHEW JEFFRIES  
MAGISTRATE OF FAYETTE COUNTY**

**COMPLAINT NO. 67-2022**

**PUBLIC ADMONISHMENT OF MAGISTRATE JEFFRIES**

The matter is before the Judicial Investigation Commission upon a complaint filed by Shawn L. Campbell, former Magistrate of Fayette County, (“Complainant”) setting forth certain allegations against the Honorable Matthew Jeffries, Magistrate of Fayette County (hereinafter “Respondent”). Complainant alleged that Respondent improperly wore a law enforcement uniform in campaign advertisements/social media postings for Magistrate in the May 2022 election and created the appearance that he was publicly supporting other candidates for non-judicial office in violation of the Code of Judicial Conduct.

Upon receipt of the complaint, an investigation was conducted pursuant to the Rules of Judicial Disciplinary Procedure. After a review of the complaint, the Respondent’s written reply, the information and documents obtained from the investigation and the pertinent Rules contained in the Code of Judicial Conduct, the West Virginia Judicial Investigation Commission (hereinafter “Commission”), at its August 12, 2022 meeting, found probable cause to believe that Respondent violated Rules 1.1, 1.2, 4.1(A)(3) and 4.2(A)(1) of the Code of Judicial Conduct and orders that he be publicly admonished pursuant to Rules 1.11 and 2.7(c) of the Rules of Judicial Disciplinary Procedure, as set forth in the following statement of facts and conclusions:

**STATEMENT OF FACTS**

Both Complainant and Respondent were former law enforcement officers in and around Fayette County. In 2021, Complainant was appointed to fill a vacancy created by the retirement

of a longtime Magistrate. In 2022, Complainant and Respondent ran against each other to fill the unexpired term. Respondent was elected and took office on or about June 6, 2022.

Meanwhile, on May 25, 2022, Complainant filed a judicial ethics complaint against Respondent. Complainant, who complied with the Code of Judicial Conduct while running for office, alleged that Respondent wore his law enforcement uniform in some of his campaign advertisements/postings for Magistrate. Complainant also asserted that Respondent improperly created the appearance that he was supporting other candidates running for non-judicial office. Complainant provided two campaign photos of Respondent in his law enforcement uniform. He also provided a photo of Respondent sitting in front of campaign signs for two other candidates for non-judicial office while talking to another individual.

By letter dated June 23, 2022, Counsel for the JIC asked Respondent to reply to the allegations contained in the complaint. Thereafter Respondent submitted his response in an undated letter. Concerning the law enforcement uniform, Respondent stated:

I was a first-time candidate for public office in the 2022 Primary Election and had no knowledge of the rules and regulations prohibiting candidates from wearing a uniform in advertisements promoting their candidacy. Obviously, had I known of this prohibition during my campaign, I would have immediately discontinued the use of such depiction of myself in uniform. At no time during my campaign did I represent or imply in any way that my former professional experience as a law enforcement officer would impact or color my fair and independent judgment as a magistrate. To the contrary, my consistent message to the voters during my campaign was that I would always faithfully discharge the duties and responsibilities of this office in a fair and impartial manner.

In retrospect, I now see that my failure to carefully review and consider certain informational materials related to the conduct of affairs in running for a judicial office has proven to be problematic and central to this complaint. While I accept full responsibility for compliance monitoring during this campaign, I am also of the strong opinion and belief that those who monitor and enforce compliance with established election rules and regulations have a responsibility to ensure that all candidates have information and access to this material. Unfortunately, I was unaware of the existence of the 2020 Judicial Campaign Ethics Handbook nor was I aware of the existence of the advisory opinions posted on your website.

Regarding the photo with the campaign posters of non-judicial candidates, Respondent said:

During [a meet and greet event held at Ace Adventures in Minden], I noticed a few campaign posters for other candidates placed on a table within the meeting room. I was not involved in the placement of these signs, nor do I think that it is reasonable to conclude that these signs represented and endorsement of these or any other candidate for public office.

### **CONCLUSIONS**

The Commission, by a vote of 6-0,<sup>1</sup> determined that probable cause does exist in the instant complaint and that the Honorable Matthew Jeffries, Magistrate of Fayette County, violated Rules 1.1, 1.2, 4.1(A)(3) and 4.2(A)(1) of the Code of Judicial Conduct which provide in pertinent part:

#### **Rule 1.1 Compliance With the Law**

A judge shall comply with the law, including the West Virginia Code of Judicial Conduct.

#### **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 & Campaign Activities of Judges & 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 oppose a candidate for any public office; . . . .

#### **Rule 4.2 Political & 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.

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<sup>1</sup> The Commission consists of six judicial officers and three lay members. One judicial officer and two lay members were not in attendance at the August 12, 2022 meeting.

The Commission further determined that formal discipline was not appropriate under the circumstances. However, the Commission found that the violations were serious enough to warrant a public admonishment.

Preamble [1] to the Code of Judicial Conduct states in pertinent part:

An independent, fair and impartial judiciary is indispensable to our system of justice. The United States legal system is based upon the principle that an independent, impartial, and competent judiciary, composed of men and women of integrity, will interpret and apply the law that governs our society. Thus, the judiciary plays a central role in preserving the principles of justice and the rule of law. Inherent in all the Rules contained in this Code are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to maintain and enhance confidence in the legal system.

Preamble [2] provides that “[j]udges should maintain the dignity of judicial office at all times, and avoid both impropriety and the appearance of impropriety in their professional and personal lives. They should aspire at all times to conduct that ensures the greatest possible public confidence in their independence, impartiality, integrity and competence.

Comment [1] to Rule 1.2 states that “public confidence in the judiciary is eroded by improper conduct and conduct that creates an appearance of impropriety. This principle applies to both the professional and personal conduct of a judge.” Meanwhile, Comment [2] notes that a judge must expect to be the subject of constant public scrutiny. A judge must therefore accept restrictions on the judge’s conduct that might be viewed as burdensome by the ordinary citizen and should do so freely and willingly. Comment [5] states that actual improprieties include “violations of law, court rules or provisions of this Code.” It also sets forth a test for appearance of impropriety – “whether the conduct would create in reasonable minds a perception that the judge violated this Code or engaged in other conduct that reflects adversely on the judge’s . . . impartiality.” Comment [4] to Rule 4.1 provides that Paragraph (A)(3) “prohibit[s] judges and

judicial candidates from . . . publicly endorsing or opposing candidates for public office . . . to prevent them from abusing the prestige of judicial office to advance the interest of others.”

Thomas Jefferson once said that “[i]gnorance of the law is no excuse in any country. If it were, the laws would lose their effect, because it can always be pretended.” As a former police officer charged with upholding the multitude of state laws over the years and a newly elected Magistrate, Respondent should wholeheartedly understand and appreciate this fundamental tenet.

The first thing judicial candidates must do after announcing a run for office is to familiarize themselves with the Code of Judicial Conduct and in particular Canon 4. By failing to do so, a judicial candidate risks violating the Code at his/her own peril. The Judicial Investigation Commission makes it easy for a judicial candidate to learn the rules associated with running for office. Our campaign handbook is on our website and the West Virginia Secretary of State’s website. Our Code of Judicial Conduct and all of our advisory opinions, including the many authored on campaign activities, are on our public website in their entirety for all to see.

By appearing in photographs with campaign signs advocating the election of other candidates, Respondent created the appearance, however wrong it may be, that he publicly endorsed those candidates in violation of Rule 4.1(A)(3). By wearing a law enforcement uniform in campaign advertisements/social media posts, Respondent created the appearance, however wrong it may be, that he will not be neutral and detached but will be biased in favor of law enforcement in violation of Rule 4.2(A)(1).

A proper judicial officer doesn’t complain or make excuses for his failures. Instead, he admits his wrongdoing and learns from his mistakes. Respondent wants to blame the JIC for his failure to learn and follow the Code of Judicial Conduct while campaigning for judicial office.

Instead, the blame falls solely and squarely at his feet alone, and he must be held accountable for his misconduct.

Based upon the foregoing, it is the decision of the Judicial Investigation Commission that the Honorable Matthew Jeffries, Magistrate of Fayette County, be disciplined. Accordingly, the Judicial Investigation Commission hereby publicly admonishes Magistrate Jeffries for his conduct as fully set forth in the matters asserted herein and warns him to refrain from engaging in similar behavior in the future.

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Pursuant to Rule 2.7(c) of the Rules of Judicial Disciplinary Procedure, the Respondent has fourteen (14) days after receipt of the public admonishment to file a written objection. If the Respondent timely files an objection, the Judicial Investigation Commission shall, pursuant to the Rule, file a formal charge with the Clerk of the Supreme Court of Appeals of West Virginia.



Alan D. Moats, Chairperson  
Judicial Investigation Commission



Date

ADM/tat