



JUDICIAL INVESTIGATION COMMISSION

WV Judicial Tower - Suite 700 A
4700 MacCorkle Ave., SE
Charleston, West Virginia 25304
(304) 558-0169

October 20, 2023

Re: JIC Advisory Opinion 2023-26

Dear _____ :

Your request for an advisory opinion to Counsel was reviewed by the Judicial Investigation Commission at its October 13, 2023 meeting. You are currently a member of the West Virginia House of Delegates. You are contemplating a run for judge in the 2024 election. You want to know: (1) If you are allowed to publicly state that you sponsored particular pieces of legislation while a delegate; (2) Whether you are allowed to list awards received by you during your legislative tenure; (3) whether you can state your membership in organizations such as the NRA, WVCDL or Republican National Lawyers Association; and (4) Whether you can list all of the capacities in which you served while in the Legislature.

The answer to each of your questions is yes. Voters have a right to know who they are voting for in an election. Your prior employment, your clubs and organizations, your detailed work in the legislature are all indicative of who you are as a person and a candidate and are therefore appropriate to list on campaign websites or in literature. However, there is a caveat to your question 3. Judges must be mindful not to belong to any organizations that call into question their neutrality or those that are likely to frequently appear in court and cause your disqualification. Therefore, if elected, you must resign from those memberships prior to taking office as judge. To the extent that this opinion overrules any prior missive issued by the JIC the former opinions are overruled.

The Commission hopes that this opinion fully addresses the issues which you have raised. Please do not hesitate to contact the Commission should you have any

questions, comments or concerns.

Sincerely,

A handwritten signature in blue ink that reads "Alan D. Moats". The signature is written in a cursive style with a large, stylized initial "A".

Alan D. Moats, Chairperson
Judicial Investigation Commission

ADM/tat