



JUDICIAL INVESTIGATION COMMISSION

City Center East - Suite 1200 A
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Charleston, West Virginia 25304
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August 31, 2023

Re: JIC Advisory Opinion 2023-19

Dear Judge :

Your request for an advisory opinion to Counsel was recently reviewed by the Judicial Investigation Commission. The factual scenario giving rise to your request is as follows:

You are running for re-election in the 2024 election, and you have a campaign committee. You want to know if your campaign committee can sponsor a benefit for , which is a charitable 501(C) organization. advised you that because of its status your campaign committee would not be able to use its name "Keep Judge" because of its political nature but that you could list the sponsorship as "Judge ." You want to know if your campaign committee can sponsor the benefit and, if so, whether the listing is acceptable.

To address your question, the Commission has reviewed Rule 4.4 and 3.7(A)(2) which state:

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.

Rule 3.7 – Participation in Educational . . . or Civic Organizations & Activities

- (A) Subject to the requirements of Rule 3.1, a judge may participate in activities sponsored by organizations or governmental entities concerned with the law, the legal system or the administration of justice, and those sponsored by or on behalf of educational religious, charitable fraternal or civic organizations not conducted for profit, including but not limited to the following activities:
- (2) soliciting contributions for such organization or entity, but only from members of the judge's family, or from judges over whom the judge does not exercise supervisory or appellate authority.

Based upon the foregoing, it is the position of the Commission that since a sitting judge cannot sponsor a benefit for a charitable organization seeking to raise funds for itself the judge's campaign committee would also be precluded from sponsoring the event. Therefore, the Commission is of the opinion that neither you nor your campaign committee may serve as a sponsor for the upcoming benefit.

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,



Alan D. Moats, Chairperson
Judicial Investigation Commission