



JUDICIAL INVESTIGATION COMMISSION

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

April 16, 2024

Re: JIC Advisory Opinion 2024-12

Dear :

The Commission has considered your recent request for an advisory opinion. You are running for circuit judge in the May 2024 election. You want to know whether you can appear in photographs or campaign ads with law enforcement officers, that identify them as law enforcement, but who are not in uniform. For example, you would like to have a couple of officers who say that they support you, that you will be tough but fair on crime, and give their name and title. This ad would be paid for by your campaign committee directly.

To address your question, the Commission has reviewed Rule 4.2(B)(4) of the Code of Judicial Conduct which states:

Rule 4.2 – Political and Campaign Activities of Judicial Candidates in Public Elections

(B) A judge or candidate subject to public election may, except as prohibited by law:

(4) seek, accept, or use endorsements from any person or organization:

Comment [1] to the Rule states that “Paragraph (B) permits judicial candidates in public elections to engage in some political and campaign activities otherwise prohibited by Rule 4.1.” Thus, while Rule 4.1(A)(3) prohibits a judicial candidate from endorsing

anyone for any political office, Rule 4.2(B)(4) allows them to use endorsements from anyone or any entity.

Based upon the foregoing, the Commission is of the opinion that you may engage in such activity as described. Thank you for your inquiry. Please do not hesitate to contact the Commission should you have any further questions, comments or concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alan D. Moats". The signature is fluid and cursive, with the first name "Alan" and last name "Moats" clearly distinguishable.

Alan D. Moats, Chairperson
Judicial Investigation Commission

ADM/tat