



**JUDICIAL INVESTIGATION COMMISSION**

City Center East - Suite 1200 A  
4700 MacCorkle Ave., SE  
Charleston, West Virginia 25304  
(304) 558-0169 • FAX (304) 558-0831

November 19, 2015

Re: JIC Advisory Opinion 2015-22.

Dear Judge :

Your recent request for an advisory opinion was reviewed by the Judicial Investigation Commission. The factual scenario giving rise to your request is as follows: Your wife is a Certified Public Accountant. She has been asked to assist the campaign treasurer for a gubernatorial candidate in preparing the financial filings and record keeping. You want to know whether or not it is permissible under the Code for your wife to engage in such an activity.

As you may be aware, the Supreme Court of Appeals adopted a new Code of Judicial Conduct on November 12, 2015. The new Code takes effect on December 1, 2015.

Canon 5A(1)(b) of the current Code of Judicial Conduct prohibits a judge from "publicly endorsing or publicly opposing another candidate for judicial office." Canon 5A(3)(a) states that judges "should encourage members of the candidate's family to adhere to the same standards of political conduct in support of the candidate that apply to the candidate." The Comment to the Canon notes that "although a judicial candidate must encourage members of his or her family to adhere to the same standards of political conduct in support of the candidate that apply to the candidate, family members are free to participate in other political activity."

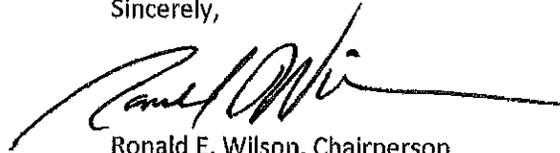
Rule 4.1A(3) of the new Code likewise bars a judge from publicly endorsing or opposing a candidate for any public office. Comment 5 states:

Although members of the families of judges and judicial candidates are free to engage in their own political activity, including running for public office, there is no "family exception to the prohibition in paragraph (A)(3) against a judge or candidate publicly endorsing candidates for public office. A judge or judicial

candidate must not become involved in, or publicly associated with a family member's political activity or campaign for public office. To avoid public misunderstanding, judges and judicial candidates should take, and should urge members of their families to take reasonable steps to avoid any implication that they endorse any family member's candidacy or other political activity.

Because of the language contained in the provisions and commentary, whether a violation of the Code of Judicial Conduct occurs depends on what you do and what your wife decides to do. For that reason, the Commission cannot give you an advisory opinion as to whether it is permissible for her to accept the position. Please do not hesitate to contact the Commission should you have any further questions, comments or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald E. Wilson", with a long horizontal flourish extending to the right.

Ronald E. Wilson, Chairperson  
Judicial Investigation Commission

REW/tat