

BEFORE THE
JUDICIAL INVESTIGATION COMMISSION
OF WEST VIRGINIA

IN THE MATTER OF:
Magistrate Wendy A. DePue
Magistrate for Roane County
West Virginia

Complaint No. 119-95
Complaint No. 147-95

These matters are before the Judicial Investigation Commission upon Complaint No. 119-95 filed on July 10, 1995, and Complaint No. 147-95 filed August 14, 1995, both setting forth certain allegations against Magistrate Wendy A. DePue, Magistrate for Roane County.

In Complaint No. 119-95 the complainant alleged that Magistrate DePue had contacted her home and spoken to her son on several occasions during an evening. She also asserted that Magistrate DePue had mentioned to the son having the Welfare Department check the home of the complainant and her son's situation.

Upon receipt of the complaint it was investigated pursuant to the Rules of Judicial Disciplinary Procedure. During the investigation of this matter it was learned that Magistrate DePue had returned a call from a woman who stated to the Magistrate that her ex-husband had not returned her children to her residence pursuant to a court visitation order. The woman asked Magistrate DePue to contact her ex-husband and try to ascertain the whereabouts of the children. Magistrate DePue told her that she would try to contact him. Magistrate DePue made calls to the residence

119-95

where the ex-husband was residing at 7:55 p.m. and spoke to a young man by telephone. She asked to speak to the ex-husband and was told that he was not there. She gave her telephone number to the person and asked him to have the ex-husband call her. Magistrate DePue called the residence and had the same conversation at 8:25 p.m. and 9:05 p.m. During the last conversation she stated that she should contact the Welfare Department and have them check out the young man's safety.

The complaint and the investigation of this matter were reviewed by the Judicial Investigation Commission at its meeting on October 27, 1995. It was determined that probable cause exists that Magistrate Wendy A. DePue violated Canons 1 and 2A and B of the Code of Judicial Conduct. It was further determined that formal discipline was not appropriate under the circumstances. The Judicial Investigation Commission determined that pursuant to Rule 2.7(c) a written admonishment would be issued to Magistrate Wendy A. DePue. It is, therefore, the decision of the Judicial Investigation Commission that Magistrate Wendy A. DePue be, and she is hereby, admonished for her conduct as more fully set forth in the matters asserted herein and Complaint No. 119-95 filed in this matter on July 10, 1995.

In Complaint No. 147-95 the complainant alleged among other things that Magistrate DePue contacted her in August and accused her of lying in the complaint filed with the Judicial Investigation Commission and said that she was going to file a law suit against her.

Upon receipt of the complaint it was investigated pursuant to the Rules of Judicial Disciplinary Procedure. During the investigation of this matter, it was learned that Magistrate DePue had contacted the complainant and during the telephone conversation had stated that she was going to sue the complainant because of allegations set forth in the complaint filed with the Judicial Investigation Commission.

The complaint and the investigation of this matter were reviewed by the Judicial Investigation Commission at its meeting on October 27, 1995. It was determined that probable cause exists that Magistrate Wendy A. DePue violated Canons 1 and 2A of the Code of Judicial Conduct. It was further determined that formal discipline was not appropriate under the circumstances. The Judicial Investigation Commission determined that pursuant to Rule 2.7(c) a written admonishment would be issued to Magistrate Wendy A. DePue. It is, therefore, the decision of the Judicial Investigation Commission that Magistrate Wendy A. DePue be, and she is hereby, admonished for her conduct as more fully set forth in matters asserted herein and Complaint No. 147-95 filed in this matter on August 14, 1995.


Fred L. Fox, II, Chairman

Date NOVEMBER 17, 1995