

BEFORE THE
JUDICIAL INVESTIGATION COMMISSION
OF WEST VIRGINIA

IN THE MATTER:

COMPLAINT NO. 171-96

Magistrate Sharon A. Hull
Lewis County Magistrate

This matter is before the Judicial Investigation Commission upon a complaint filed on September 3, 1996, setting forth certain allegations against Magistrate Sharon A. Hull, Magistrate for Lewis County.

The complaint alleged that Magistrate Hull had used a copying machine in the magistrate offices to make copies for the Democratic Executive Committee.

Upon initiation of the complaint an investigation was conducted pursuant to the Rules of Judicial Disciplinary Procedure. The investigation revealed that Magistrate Hull made copies of an announcement of a Democrat picnic using a magistrate court copy machine. The announcement was sent out by an individual who was a member of the Democratic Executive Committee to all Democratic candidates state and county.

The complaint and the investigation of this matter were reviewed by the Judicial Investigation Commission at its meeting on November 15, 1996, and it was determined that probable cause does exist that Magistrate Sharon A. Hull, Magistrate for Lewis County, West Virginia, violated Canons 1 and 2A and B of the Code of Judicial Conduct. These sections of the Code of Judicial Conduct state in relevant part:

171-96

Canon 1. A judge shall uphold the integrity and independence of the judiciary.

A. An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing high standards of conduct, and shall personally observe those standards so that the integrity and independence of the judiciary will be preserved. The provisions of this Code are to be construed and applied to further that objection.

Canon 2. A judge shall avoid impropriety and the appearance of impropriety in all of the judge's activities.

A. A judge shall respect and comply with the law, shall avoid impropriety and the appearance of impropriety in all the judge's activities, and shall act at all times in the manner that promotes public confidence in the integrity and impartiality of the judiciary.

B. A judge shall not allow family, social, political, or other relationships to influence the judge's judicial conduct or judgment. The judge shall not lend the prestige of judicial office to advance the private interests of the judge or others; nor shall the judge convey or knowingly permit others to convey the impression they are in a special position to influence the judge. . . .

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 given to Magistrate Sharon A. Hull.

It is, therefore, the decision of the Judicial Investigation Commission that Magistrate Sharon A. Hull be and she hereby is admonished for this conduct as is more fully set forth in the matters asserted herein in the complaint filed in this matter on September 3, 1996.

Handwritten signature

Fred L. Fox, II, Chairman

Date: November 21, 1996

Rule 2.7. Review of complaints.

(a) Within sixty days after the date of a report by the Office of Disciplinary Counsel, the Commission shall file a written decision regarding whether it believes there is probable cause to formally charge the judge with a violation of the Code of Judicial Conduct or that the judge, because of advancing years and attendant physical or mental incapacity, should not continue to serve, or whether the matter should be investigated further by the Office of Disciplinary Counsel.

(b) When it has been determined that probable cause does not exist, the Commission shall issue a brief explanatory statement in support of its decision to close the complaint.

(c) When it has been determined that probable cause does exist, but that formal discipline is not appropriate under the circumstances, the Commission shall issue a written admonishment to the respondent, who has fourteen days after its receipt to object. The written admonishment shall be available to the public. If the Office of Disciplinary Counsel or the respondent files a timely objection to the written admonishment, the Commission shall file a formal charge with the Clerk of the Supreme Court of Appeals. Admonishment shall not be administered if (1) the misconduct involves the misappropriation of funds; (2) the misconduct resulted or will likely result in substantial prejudice to a litigant or other person; (3) the respondent has been disciplined in the last three years; (4) the misconduct is of the same nature as misconduct for which the respondent has been disciplined in the last five years; (5) the misconduct involves dishonesty, deceit, fraud, or misrepresentation by the respondent; (6) the misconduct constitutes a crime that adversely reflects on the respondent's honesty, trustworthiness, or fitness as a judge; or (7) the misconduct is part of a pattern of similar misconduct.

(d) When it has been determined that probable cause does exist, and that formal discipline is appropriate, the Commission shall file a formal charge with the Clerk of the Supreme Court of Appeals. After the filing and service of formal charges, all documents filed with the Clerk of the Supreme Court of Appeals and the Judicial Hearing Board shall be available to the public.