

BEFORE THE
JUDICIAL INVESTIGATION COMMISSION
OF WEST VIRGINIA

IN THE MATTER:
The Honorable Robert A. Irons
Chief Judge, 31st Judicial Circuit

COMPLAINT NO. 29-97

This matter is before the Judicial Investigation Commission upon a complaint filed on February 18, 1997, setting forth certain allegations against Judge Robert A. Irons, Circuit Judge, 31st Judicial Circuit.

The complaint alleged that Judge Irons failed to render a decision in a case for more than two years after a trial on the matter was conducted.

Upon initiation of the complaint an investigation was conducted pursuant to the Rules of Judicial Disciplinary Procedure. The investigation revealed that Judge Irons while sitting as Special Judge of the Circuit Court of Greenbrier County conducted a trial in a civil action styled Earl E. Berkley, Inc., v. Franklin D. Godby, Civil Action No. 94-C-18 on August 22, 23, and 30, 1994. On December 4, 1996, the Supreme Court of Appeals of West Virginia ordered and adjudged that a writ of mandamus be issued directing Judge Irons to render a decision containing supporting Findings of Fact and Conclusions of Law in Earl E. Berkley, Inc., v. Franklin D. Godby, Civil Action No. 94-C-18 within thirty days of the Supreme Court order. On January 2, 1997, Judge Irons entered an order disposing of the civil action.

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The complaint and the investigation of this matter were reviewed by the Judicial Investigation Commission at its meeting on March 21, 1997, and it was determined that probable cause does exist that Judge Robert A. Irons, Circuit Judge, 31st Judicial Circuit, violated Canon 3B(8) of the Code of Judicial Conduct. This section of the Code of Judicial Conduct states in relevant part:

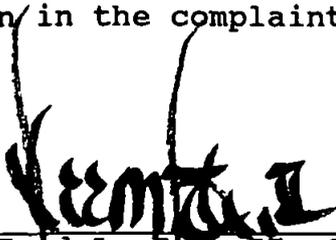
Canon 3. A judge shall perform the duties of judicial office impartially and diligently.

B. Adjudicative responsibilities.

(8) A judge shall dispose of all judicial matters promptly, efficiently, and thoroughly.

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 Judge Robert A. Irons.

It is, therefore, the decision of the Judicial Investigation Commission that Judge Robert A. Irons be and he hereby is admonished for his conduct as more fully set forth in the matters asserted herein in the complaint filed in this matter on February 18, 1997.


Fred L. Fox, II, Chairman

Date: April 18, 1997

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.