

BEFORE THE
JUDICIAL INVESTIGATION COMMISSION
OF WEST VIRGINIA

IN THE MATTER:
Magistrate Mary Jane Jarrell
Jackson County Magistrate

COMPLAINT NO. 60-97

This matter is before the Judicial Investigation Commission upon a complaint filed on April 21, 1997, setting forth certain allegations against Magistrate Mary Jane Jarrell, Magistrate for Jackson County, West Virginia.

The complaint alleged, among other things, that Magistrate Jarrell on a couple of occasions discouraged defendants from requesting court-appointed counsel in criminal cases.

Upon initiation of the complaint an investigation was conducted pursuant to the Rules of Judicial Disciplinary Procedure. The investigation revealed that Magistrate Jarrell in a case involving defendant, Daniel H. Parsons, (Case No. 96-M-831) told the defendant during his arraignment that if he wanted appointed counsel his jail time, fine, and costs were be stiffer. The investigation also revealed that Magistrate Jarrell, during two arraignments in 1996 of defendant Robert Donohue, advised the defendant that if he asked for appointed counsel he could expect the maximum jail time.

The complaint and the investigation of this matter were reviewed by the Judicial Investigation Commission at its

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meeting on June 6, 1997, and it was determined that probable cause does exist that Magistrate Mary Jane Jarrell, Magistrate for Jackson County, violated Canon 1, Canon 2A, and Canon 3A and 3B(2) and (5) of the Code of Judicial Conduct. These sections of the Code of Judicial Conduct state in relevant part:

Canon 1. A judge shall uphold the integrity and independent 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 objective.

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 of the judge's activities, and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

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

A. Judicial duties in general. - The judicial duties of a judge take precedence over all the judge's other activities. The judge's judicial duties include all the duties of the judge's office prescribed by law. In the performance of these duties, the following standards apply.

B. Adjudicative responsibilities. -

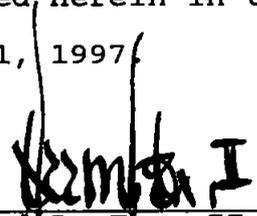
(2) A judge shall be faithful to the law and maintain professional competence in it. A judge shall not be swayed by partisan interests, public clamor, or fear of criticism.

(5) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation, or socio-economic

status, and shall not permit staff, court officials and others subject to the judge's direction and control to do so.

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 Mary Jane Jarrell.

It is, therefore, the decision of the Judicial Investigation Commission that Magistrate Mary Jane Jarrell be and she hereby is admonished for her conduct as more fully set forth in the matters asserted herein in the complaint filed in this matter on April 21, 1997.



Fred L. Fox, II, Chairman

Date: June 25, 1997