

**BEFORE THE  
JUDICIAL INVESTIGATION COMMISSION  
OF WEST VIRGINIA**

IN THE MATTER OF:  
MAGISTRATE G. LIND ADAMS  
WETZEL COUNTY MAGISTRATE

COMPLAINT NO. 86-98

This matter is before the Judicial Investigation Commission upon a complaint filed on April 28, 1998, setting forth certain allegations against Magistrate G. Lind Adams, Magistrate for Wetzel County. The complaint alleged that on April 11, 1998, Magistrate Adams was charged with the offense of DUI.

Upon initiation of the complaint an investigation was conducted pursuant to the Rules of Judicial Disciplinary Procedure. The investigation revealed that Magistrate Adams was charged with the offense of DUI on April 11, 1998. He immediately notified the circuit judges in his county of the incident and informed them that he intended to enter a plea of no contest to the charge. A special magistrate was appointed by the chief judge and on April 13, 1998, Magistrate Adams entered a no contest plea before the special magistrate.

The complaint and the investigation of this matter were reviewed by the Judicial Investigation Commission at its meeting on August 14, 1998 and it was determined that probable cause does exist that Magistrate G. Lind Adams, Magistrate for Wetzel County West Virginia violated Canon 1 and Canon 2A 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 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 objective.

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

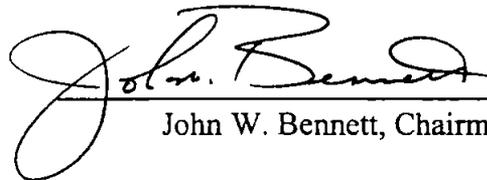
A. A judge shall respect and comply with the law, shall avoid impropriety and the appearance of impropriety in all of the judge's activities, and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

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) of the Rules of Judicial Disciplinary Procedure that a written admonishment would be given to Magistrate G.

Lind Adams.

It is, therefore, the decision of the Judicial Investigation Commission that Magistrate G. Lind Adams 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 April 28, 1998.

  
John W. Bennett, Chairman

Date: September 17, 1998

**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.