

BEFORE THE JUDICIAL INVESTIGATION COMMISSION OF WEST VIRGINIA

**IN THE MATTER OF:
MAGISTRATE RONNIE McKENZIE
MAGISTRATE FOR McDOWELL COUNTY**

COMPLAINT NO. 29-2001

This matter is before the Judicial Investigation Commission upon a complaint filed on March 9, 2001, setting forth certain allegations against Magistrate Ronnie McKenzie, Magistrate for McDowell County. The complaint alleged that the complainant, Lonnie Blevins had a court case which was to be heard by Magistrate McKenzie. While sitting outside Magistrate McKenzie's office, he overheard Magistrate McKenzie ask an attorney who was involved in the case and when he was told that Lonnie Blevins was, the magistrate made a comment that Mr. Blevins was a bigger crook than the other party.

Upon receipt of the complaint an investigation was conducted pursuant to the Rules of Judicial Disciplinary Procedure. The investigation revealed that on February 14, 2001, while waiting for a hearing outside Magistrate McKenzie's office, Mr. Blevins heard Magistrate McKenzie make remarks which referred to him as crook. The investigation also revealed that Magistrate McKenzie admitted that he made comments referring to Mr. Blevins as a crook and telling him that he did not want him in his court. The magistrate was aware that the comments were totally wrong and that he had no excuse for making them. He apologized for making the comments. The magistrate also had the case reassigned to another magistrate because of his feelings about Mr. Blevins.

The complaint and the investigation of this matter were reviewed by the Judicial Investigation Commission at its meeting on November 2, 2001, and it was determined that

probable cause does exist that Magistrate Ronnie McKenzie, Magistrate for McDowell County violated Canon 1, Canon 2A and Canon 3A and B(4) 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.

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.

(4) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, and of staff, court officials, and others subject to the judge's direction and control.

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

Ronnie McKenzie.

It is therefore the decision of the Judicial Investigation Commission that Magistrate Ronnie McKenzie be and he hereby is admonished for his conduct as fully set forth in the matters as asserted here in the complaint filed in this matter on March 9, 2001.



Donald H. Cookman, Chairperson
Judicial Investigation Commission

11-14-01

Date

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.