

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

**IN THE MATTER OF:  
MAGISTRATE WILLIAM RHODES  
MAGISTRATE FOR WOOD COUNTY**

**COMPLAINT NO. 62-2001**

This matter is before the Judicial Investigation Commission upon a complaint filed on April 18, 2001, setting forth certain allegations against Magistrate William Rhodes, Magistrate for Wood County. The complaint alleged that on December 13, 2000, Magistrate Rhodes dismissed a citation issued by the State Police against his son, William Rhodes, II.

Upon receipt of the complaint an investigation was conducted pursuant to the Rules of Judicial Disciplinary Procedure. The investigation revealed that on December 13, 2000, Magistrate Rhodes' son, William R. Rhodes, II, appeared before him with a traffic citation which had been issued to him, charging him with failing to have insurance in effect. Magistrate Rhodes was the only magistrate on intake so he checked a copy of the insurance policy and it showed that his son was covered at the time he received the citation. Magistrate Rhodes made a copy of the insurance policy and attached it to the citation, dismissed the citation and forwarded the paperwork to the clerk's office. A couple weeks later Magistrate Rhodes was informed by the State Police that his son's insurance had run out and he renewed it a day or so after he had received the citation. According to the State Police the date of issue had been changed to reflect that Magistrate Rhodes' son was covered on the day he received the citation. Magistrate Rhodes contacted his son and his son told him that he had changed the date. The magistrate instructed

his son to notify the State Police as soon as possible, which he did. His son was given another citation which came before another magistrate and was fined \$317.00 receiving a 30-day suspended sentence of his driver's license and was required to pay a \$150.00 restatement fee.

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 William Rhodes, Magistrate for Wood County violated Canon 3E(1)(d)(i) of the Code of Judicial Conduct. This section of the Code of Judicial Conduct state in relevant part:

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

E. Disqualification - (1) A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances where:

(d) the judge or the judge's spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:

(i) is a party to the proceeding, or an officer, director or trustee, of a party. . . .

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 William Rhodes.

It is therefore the decision of the Judicial Investigation Commission that Magistrate William Rhodes 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 April 18, 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.