

BEFORE THE JUDICIAL INVESTIGATION COMMISSION OF WEST VIRGINIA

IN THE MATTER OF:
MAGISTRATE BRENDA CHAPMAN
MAGISTRATE FOR CABELL COUNTY

COMPLAINT NO. 22-2006

This matter is before the Judicial Investigation Commission upon a complaint filed on February 3, 2006, setting forth certain allegations against Magistrate Brenda Chapman, Magistrate for Cabell County. The complaint alleged that on or about January 25, 2006, a police detective and a police officer took a defendant to Magistrate Chapman's court for arraignment. The police detective and defendant were African-Americans. After entering the office, Magistrate Chapman was very unprofessional with the African-American detective and called him a "boy" several times.

Upon receipt of the complaint an investigation was conducted pursuant to the Rules of Judicial Disciplinary Procedure. The investigation revealed that on January 25, 2006, a police detective and a police officer took a defendant to the court of Magistrate Chapman for arraignment. The detective and the defendant are African-Americans. After the detective entered the office of Magistrate Chapman she was in his face and pointing her finger at him. The detective backed up toward the door and the officer tried to get him to leave. Magistrate Chapman was acting very unprofessionally and called the detective "boy" several times. The detective did not raise his voice or say anything out of line to the magistrate. The use of this term was considered a racial slur by both the detective and the defendant.

The complaint and the investigation were reviewed by the Judicial Investigation Commission at its meeting on May 5, 2006, and it was determined that there was probable cause to believe that Magistrate Brenda Chapman, Magistrate for Cabell County violated Canon 1, Canon 2A and Canon 3B(4)(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 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.

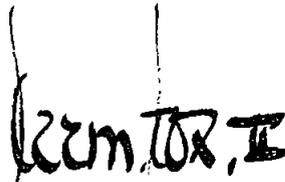
Canon 3. A judge shall perform the duties of judicial office impartially and diligently.

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.

(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 socioeconomic 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 2.4(c) of the Rules of Judicial Disciplinary Procedure, a written admonishment would be given to Magistrate Brenda Chapman. It was further determined that Magistrate Brenda Chapman shall under go sensitivity training administered by the Administrative Office of the Courts. The Administrative Office of the Courts shall notify the Judicial Investigation Commission after a course in sensitivity training has been completed by Magistrate Chapman.

It is therefore the decision of the Judicial Investigation Commission that Magistrate Brenda Chapman be and she hereby is admonished for this conduct as fully set forth in the matters as asserted herein the complaint filed in this matter on February 3, 2006.

A handwritten signature in black ink, appearing to read "Fred L. Fox, II". The signature is stylized and somewhat cursive.

Fred L. Fox, II, Chairperson
Judicial Investigation Commission

May 16, 2006

Date