

BEFORE THE JUDICIAL INVESTIGATION COMMISSION OF WEST VIRGINIA

**IN THE MATTER OF WILLIAM F. HOLROYD
MAGISTRATE OF MERCER COUNTY**

COMPLAINT NO. 48-2018

PUBLIC ADMONISHMENT OF MAGISTRATE WILLIAM F. HOLROYD

The matter is before the Judicial Investigation Commission (“JIC” or “Commission”) upon a complaint filed by Judicial Disciplinary Counsel setting forth certain allegations against William F. Holroyd, Magistrate of Mercer County (hereinafter “Respondent”). Upon receipt of the complaint, an investigation was conducted pursuant to the Rules of Judicial Disciplinary Procedure. After a review of the complaint, the Magistrate’s written response, the information and documents obtained from the investigation, and the pertinent Rules contained in the Code of Judicial Conduct, the JIC found probable cause that Magistrate William F. Holroyd violated Rules 1.1, 1.2, and 3.1(A) and (C) of the Code of Judicial Conduct at a recent meeting and ordered that he be publicly admonished pursuant to Rules 1.11 and Rule 2.7(c) of the Rules of Judicial Disciplinary Procedure (“RJDP”), as set forth in the following statement of facts and conclusions found by the Commission.

STATEMENT OF FACTS

Respondent was first elected as a Magistrate in Mercer County in the May 2016 election and took office on or about January 1, 2017. He has worked continually as a magistrate since that time. On or about April 28, 2018, Respondent was arrested by a Princeton police officer and charged with the misdemeanor offense of 1st offense Driving Under the Influence of Alcohol (“DUI”) in violation of W. Va. Code § 17C-5-2(e)(ii). He was released on \$1,500.00 bond. The case was styled *State v. Holroyd*, Mercer County Case No. 18-M28M-01136.

On April 30, 2018, Judicial Disciplinary Counsel opened a judicial ethics complaint against Respondent alleging he violated Rules 1.1, 1.2 and 3.1(A) and (C) of the Code of Judicial Conduct. Judicial Disciplinary Counsel also spoke with Respondent who readily agreed to accept help from and enter into a treatment program with the West Virginia Judicial and Lawyer Assistance Program (“WVJLAP”).

Respondent has been in treatment and recovery with WVJLAP for approximately two years and is considered one of their success stories.

While the criminal charges were pending, the Chief Judge precluded Respondent from hearing any DUI cases. However, the caseload was redistributed so that Respondent would handle other cases normally assigned to other magistrates. In other words, even though Respondent could not hear DUI cases, he still carried a caseload equal to the other four magistrates in the county. Ultimately, the remaining Mercer County Magistrates recused themselves from presiding over his DUI case. The State Supreme Court then recalled a senior status magistrate who handled Respondent's criminal charge. On March 4, 2020, pursuant to a plea agreement, Respondent pled guilty to the lesser charge of reckless driving,¹ was fined \$500.00 and ordered to pay costs.

CONCLUSIONS

The Commission unanimously found that probable cause does exist in the matters set forth above to find that William F. Holroyd, Magistrate of Mercer County, violated Rules 1.1, 1.2, and 3.1(A) and (C) of the Code of Judicial Conduct as set forth below:

Rule 1.1 – Compliance with the Law

A judge shall comply with the law, including the West Virginia Code of Judicial Conduct.

Rule 1.2 -- Confidence in the Judiciary

A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary and shall avoid impropriety and the appearance of impropriety.

Rule 3.1 – Extrajudicial Activities in General

A judge may engage in extrajudicial activities, except as prohibited by law or this Code. However, when engaging in extrajudicial activities, a judge shall not:

¹ W. Va. Code § 50-1-4 sets forth the qualifications for serving as a magistrate. In order to be a magistrate, a person cannot be convicted of any felony or any misdemeanor involving moral turpitude. The misdemeanor offenses of DUI and reckless driving are usually not considered crimes of moral turpitude when, as in this case, they do not involve; (1) corruption of the legal system or perversion of justice; or (2) intentional dishonesty or illegal activity for personal gain or other corrupt purpose. *See Committee on Legal Ethics v. Six*, 181 W. Va. 52, 380 S.E.2d 219 (1989).

- (A) participate in activities that will interfere with the proper performance of the judge's judicial duties.

...

- (C) participate in activities that would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality; . . .

The Commission further found that formal disciplinary action was not essential since Respondent had: (1) fully cooperated with Judicial Disciplinary Counsel in the investigation of the ethics complaint; (2) readily admitted his wrongdoing; and (3) sought treatment with WVJLAP, which he continues to successfully take part in to this day. However, the Commission found that the violations were serious enough to warrant a public admonishment.

The Preamble to the Code of Judicial Conduct provides:

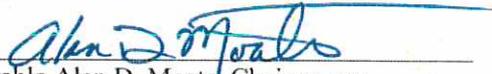
Our legal system is based on the principle that an independent, fair and competent judiciary will interpret and apply the laws that govern us. The role of the judiciary is central to the American concepts of justice and the rule of law. Intrinsic to all sections of this Code are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to enhance and maintain confidence in our legal system. The judge is an arbiter of facts and law for the resolution of disputes and a highly visible symbol of government under the rule of law. . . . Good judgment and adherence to high moral and personal standards are also important.

The Comments to Rule 1.2 make clear that the Code of Judicial Conduct regulates both a judge's professional and personal conduct. The Comment notes that a judge must expect to be the subject of constant public scrutiny. A judge must therefore accept restrictions on the judge's conduct that might be viewed as burdensome by the ordinary citizen and should do so freely and willingly. Importantly, the Comment states that "[a]ctual improprieties include violations of law, court rules or provisions of this Code."

As noted film composer, John Powell, once said, "The only real mistake is the one from which we learn nothing." By his actions, Respondent exhibited extremely poor judgment on April 28, 2018. His conduct was such that he clearly called into question the integrity of the judiciary as a whole. However, Respondent has more than made up for his lack of discernment in the ensuing two years. He accepted responsibility for his misdeed, readily embraced treatment, and has become a beacon for the WVJLAP program. Undoubtedly, Respondent's moment of adversity has resulted in triumph and he will be a better

judge for having gone through it. Therefore, it is the decision of the Judicial Investigation Commission that William F. Holroyd, Magistrate of Mercer County, be disciplined by this Admonishment. Accordingly, the Judicial Investigation Commission hereby publicly admonishes Magistrate Holroyd for his conduct as fully set forth in the matters asserted herein.

Pursuant to Rule 2.7(c) of the Rules of Judicial Disciplinary Procedure, the Respondent has fourteen (14) days after receipt of the public admonishment to file a written objection to the contents thereof. If the Respondent timely files an objection, the Judicial Investigation Commission shall, pursuant to the Rule, file formal charges with the Clerk of the Supreme Court of Appeals of West Virginia.



The Honorable Alan D. Moats, Chairperson
Judicial Investigation Commission

Date April 28, 2020

-ADM/tat