

JUDICIAL INVESTIGATION COMMISSION

ANNUAL REPORT - 2004



SUPREME COURT OF APPEALS OF WEST VIRGINIA

Pursuant to Rule 1.11(3) of the Rules of Judicial Disciplinary Procedure, the Judicial Investigation Commission of West Virginia respectfully submits this Annual Report for its activities during the period of January 1, 2004, through December 31, 2004.

THE COMMISSION

The Supreme Court of Appeals of West Virginia is required by Article 8, Section 8 of the Constitution of West Virginia to use its inherent rule-making power to "from time-to-time, prescribe, adopt, promulgate, and amend rules prescribing a judicial code of ethics, and a code of regulations of standards of conduct and performances for justices, judges and magistrates, along with sanctions and penalties for any violation thereof." Under this constitutional authority the Court "is authorized to censure or temporarily suspend any justice, judge or magistrate having the judicial power of this State, including one of its own members, for any violation of any such code of ethics, code of regulations and standards, or to retire any such justice, judge or magistrate who is eligible for retirement under the West Virginia judges' retirement system (or any successor or substitute retirement system for justices, judges, and magistrates of this State) and who, because of advancing years and attendant physical or mental incapacity, should not, in the opinion of the Supreme Court of Appeals, continue to serve as a justice, judge or magistrate."

The Constitution provides that "no justice, judge or magistrate shall be censured, temporarily suspended or retired under the provisions of this section unless he shall have been afforded a right to have a hearing before the Supreme Court of Appeals, nor unless he shall have received notice of the proceedings, with a statement of the cause or causes alleged for his censure, temporary suspension or retirement, at least 20 days before the day on which the proceeding is to commence." When rules authorized by this provision of the Constitution are "prescribed, adopted and promulgated, they shall supersede all laws and parts of laws in conflict therewith, and such laws shall be and become of no further force or effect to the extent of such conflict." Under the constitutional provision "[a] justice or judge may be removed only by impeachment in accordance with provisions of section nine, article four, of this Constitution. A magistrate may be removed from office in the manner provided by law for the removal of county officers."

By Order entered December 15, 1982, the Supreme Court of Appeals of West Virginia created the Judicial Investigation Commission to exist as of 12:01 A.M., December 16, 1982. At that time, the Judicial Inquiry Commission, created by Rule promulgated October 1, 1976, ceased to exist. The Chairman and the Executive Secretary of the Judicial Inquiry Commission provided to the Judicial Investigation Commission all of the records, files, and reports on cases of the Judicial Inquiry Commission. By Orders entered November 29, 1989, and December 20, 1989, effective January 1, 1990, and an Order entered November 29, 1990, effective January 1, 1991, and an Order entered March 24, 1993, effective July 1, 1993, the Supreme Court of Appeals of West Virginia further amended the Rules of Procedure for the Handling of Complaints Against Justices, Judges, and Magistrates which are now the Rules of Judicial Disciplinary Procedure. By

Order entered on May 25, 1993, effective July 1, 1994, the Rules of Judicial Disciplinary Procedure superseded the prior Rules of Judicial Disciplinary Procedure adopted December 15, 1982, and amended by Orders as stated hereinabove.

The West Virginia Rules of the Judicial Disciplinary Procedure, Rule 1, establishing the Judicial Investigation Commission, states "the ethical conduct of judges is of the highest importance to the people of the State of West Virginia and to the legal profession. Every judge shall observe the highest standards of judicial conduct. In furtherance of this goal, the Supreme Court of Appeals does hereby establish a Judicial Investigation Commission [Commission] to determine whether probable cause exists to formally charge a judge with a violation of the Code of Judicial Conduct promulgated by the Supreme Court of Appeals to govern the ethical conduct of judges or that a judge, because of advancing years and attendant physical and mental incapacity, should not continue to serve."

The West Virginia Rules of Judicial Disciplinary Procedure, Rule 2, using the Code of Judicial Conduct definition, defines "judge" as "anyone whether or not a lawyer who is an officer of a judicial system and who performs judicial functions including but not limited to Justices of the Supreme Court of Appeals, Circuit Judges, Family Court Judges, Magistrates, Mental Hygiene Commissioners, Juvenile Referees, Special Commissioners, and Special Judges."

The Commission consists of nine members: three circuit judges; one magistrate; one family court judge; one mental hygiene commissioner; and three members of the public. The Supreme Court of Appeals appoints all members of the Commission.

The Commission shall have the authority to: (1) determine whether probable cause exists to formally charge a judge with a violation of the Code of Judicial Conduct or that a judge, because of advancing years and attendant physical or mental incapacity should not continue to serve; (2) propose rules of procedure for judicial disciplinary proceedings for promulgation by the Supreme Court of Appeals; (3) file an annual report with the Supreme Court of Appeals on the operation of the Commission; (4) inform the public about the existence and operation of the judicial disciplinary system, the filing of formal charges, and the discipline imposed or recommended on formal charges; (5) delegate in its discretion, to the Chairperson or Vice-Chairperson, the authority to act for the Commission on administrative and procedural matters; (6) nominate, for selection by the Supreme Court of Appeals, candidates for the position of Judicial Disciplinary Counsel; and (7) engage in such other activities related to judicial discipline as it deems appropriate.

The Commission held six regular meetings during 2004 in the Judicial Investigation Commission Conference Room, 910 Quarrier Street, Charleston, West Virginia, on

January 9, March 5, April 30, July 23, October 1, and December 3. Copies of all pertinent documents are distributed to the members of the Commission prior to each meeting so that they may review the materials and be prepared to discuss them actively in the meeting. The Commission has a support staff of a full-time Executive Secretary, full-time Counsel, and four part-time Examiners, who conduct investigations of complaints.¹

PROCEDURE FOR HANDLING COMPLAINTS

Complaints filed with the Commission are referred to counsel, who reviews each complaint and either refers it to an examiner for investigation, asks the respondent judge for a response, or sends it directly to the members of the Commission for study prior to consideration at the next meeting. Those complaints which are referred directly to the Commission for consideration at a meeting are either dismissed for lack of probable cause or referred to an examiner for investigation.

Prior to any finding of probable cause by the Commission, a respondent judge shall be notified in writing of the nature of the complaint. The judge shall have ten days after the date of the notice to file a written response to the complaint. All decisions on whether probable cause exists to refer the complaint to the Judicial Hearing Board are made by the Commission at meetings with a majority of the members in attendance. Likewise all decisions on dismissal of complaints are made by the Commission at meetings with a majority of the members in attendance. Parties are contacted about the action of the Commission after a decision has been made on a complaint.

¹While not a part of the work of the Commission, Counsel to the Judicial Investigation Commission pursuant to the Protocol for Fatality Review Teams, initially promulgated by the Supreme Court of Appeals in 1994 and amended in 1998 and 2000, is charged with initiating a confidential investigation and preparing a report for a designated Fatality Review Team. These reports are subsequently presented to a Fatality Review Team at a scheduled meeting. Commission staff is utilized in the investigation and preparation of these reports. During 2004 there were fifteen (15) fatalities referred to the Commission for investigation; there are also three (3) reports still pending from 2003 to be reviewed by the Fatality Review Teams. No Team meetings were held in 2004.

Some complaints contain more than one allegation against a judge, and the Commission may dismiss part of a complaint and find probable cause on part of a complaint.

By Orders entered March 24, 1993, effective July 1, 1993, and May 25, 1993, effective July 1, 1994, the Rules of Judicial Disciplinary Procedure were amended to include a provision that all information provided, documents filed or testimony given with respect to any investigation or proceeding under the Rules of Judicial Disciplinary shall be privileged in any action for defamation. All members of the Commission, the Judicial Committee on Assistance and Intervention, the Office of Disciplinary Counsel, and their employees, shall be absolutely immune from civil suit in the same manner as members of the judiciary in this State for any conduct in the course of their official duties.

All proceedings of the Commission are confidential except that when a complaint has been filed or an investigation has been initiated the Office of Disciplinary Counsel may release information confirming or denying the existence of a complaint or investigation, explaining the procedural aspects of the complaint or investigation, or defending the right of the judge to a fair hearing. Prior to the release of information confirming or denying the existence of a complaint or investigation, reasonable notice shall be provided to the judge.

EXTRAORDINARY PROCEEDINGS

The Rules of Judicial Disciplinary Procedure provide that when the Administrative Director of the Courts has received information that a judge:

- (1) has been convicted of a serious offense;
- (2) has been indicted or otherwise charged with a serious offense;
- (3) has engaged or is currently engaging in a serious violation of the Code of Judicial Conduct, or;
- (4) has become unable or unwilling to perform his or her official duties, the Administrative Director may file a complaint with Judicial Disciplinary Counsel.

Upon receipt of such complaint, Judicial Disciplinary Counsel shall conduct an immediate investigation and shall within ten days present to the Chief Justice of the Supreme Court a report indicating whether, in the opinion of Judicial Disciplinary Counsel, the integrity of the legal system has been placed into question by virtue of a judge's (1) having been convicted of a serious offense; (2) having been indicted or otherwise charged with a serious offense; (3) having engaged in or currently engaging in a serious violation of the Code of Judicial Conduct; or (4) inability or unwillingness to perform his or her official

duties. The Office of Disciplinary Counsel shall attempt to provide reasonable notice to the judge prior to the filing of this report.

Upon receipt of the report, from the Chief Justice, the Supreme Court shall determine whether probable cause exists. A finding of probable cause hereunder shall be in lieu of a probable cause finding made pursuant to Rule 2.7(c). If it is determined that probable cause exists, the Court may:

- (1) direct the Disciplinary Counsel to file formal charges with the Clerk of the Supreme Court; and
- (2) provide notice to the judge of a right to a hearing on the issue of temporary suspension, said hearing to be in not less than 30 days; with the judge provided notice of the hearing is not less than 20 days before the proceeding; or
- (3) in the alternative, remand the complaint for proceedings pursuant to Rule 2.7(d) and Rule 4.

If the judge has been convicted of a serious offense or has been indicted or otherwise charged with a serious offense, the Chief Justice may order that the judge not hear any further civil or criminal matters or perform other judicial functions while the matter is pending, with or without pay.

If pursuant to the rule on extraordinary proceedings the Court finds probable cause to believe that a judge has engaged or is currently engaging in a serious violation of the Code of Judicial Conduct or has become unable or unwilling to perform his or her official duties, the Court may direct that the judge not hear any further civil or criminal matters or perform other judicial functions while the matter is pending, with or without pay.

After the hearing on the issue of suspension, the Court may temporarily suspend the judge with or without pay while the matter is pending before the Judicial Hearing Board and until the Court has disposed of the formal charges.

Both the details of the complaint filed by the Administrative Director of the Courts and the investigation conducted by the Office of Disciplinary Counsel under this rule shall be confidential, except that when a formal charge has been filed with the Clerk of the Supreme Court, all documents filed with the Clerk and the Judicial Hearing Board shall be made available to the public.

However, Disciplinary Counsel may release information confirming or denying the existence of a complaint or investigation, explaining the procedural aspects of the complaint or investigation, or defending the right of the judge to a fair hearing. Prior to the release of information confirming or denying the existence of a complaint or investigation, reasonable notice shall be provided to the judge.

During 2004 there was (1) proceeding under this section of the Rules of Judicial Disciplinary Procedure and a synopsis of those cases is as follows:

In the Matter of: Magistrate Tommy Toler, Magistrate for Wayne County

Complaint No. 122-2004 Supreme Court of Appeals No. 31797 – On July 8, 2004, the Acting Administrative Director of the Courts filed a complaint against William Tommy Toler, Magistrate for Wayne County alleging among other things that on July 7, 2004, Magistrate Toler was indicted on eight felony counts of sexual abuse, a count of demanding a bribe and a misdemeanor count of indecent exposure. The complaint had attached to it a copy of the indictment returned against Magistrate Toler. After the complaint was filed an immediate investigation of the matters alleged was begun and a report of Judicial Disciplinary Counsel was filed with the Chief Justice of the Supreme Court of Appeals of West Virginia. On the filing of the report of Judicial Disciplinary Counsel, the Court filed an order, which found probable cause to believe that Magistrate Toler was engaging in a serious violation of the Code of Judicial Conduct. He was suspended without pay and prohibited from hearing any further civil or criminal matters or performing other judicial functions during the pendency of this matter. The matter was remanded to the Judicial Investigation Commission for the filing of formal charges. It was further order that the formal charges once filed be held in abeyance pending the outcome of the criminal charges pending against Magistrate Toler. On August 5, 2004, formal charges were filed against Magistrate Toler with the Clerk of the Supreme Court and the West Virginia Judicial Hearing Board. Magistrate Toler was reelected to the Office of Magistrate for Wayne County in the election of November 2004. On November 3, 2004, another indictment was returned against Magistrate Toler, which reinstated all the initial charges, which had been contained in the first indictment and added, counts ten and eleven. On November 5, 2004, a supplemental report of Judicial Disciplinary Counsel was filed with the Chief Justice of the Supreme Court of Appeals of West Virginia. On the filing of the supplemental report of Judicial Disciplinary Counsel, the Court filed an order on November 12, 2004, which held in light of the reelection of the Respondent to the Office of Magistrate of Wayne County, the Court was of the opinion that there was probable cause to believe the Respondent has engaged or is currently engaging in a serious violation of the Code of Judicial Conduct. The Court further directed that Magistrate Toler be suspended without pay and prohibited from hearing any civil or criminal matters or performing any other judicial functions during the pendency of the matter. The Respondent was notified of his right to request a hearing on the issue pursuant to Rule 2.14(c) of the Rules of Judicial Disciplinary Procedure and Article VIII, Section 8 of the Constitution of West Virginia. This matter was pending on December 31, 2004.

ADVISORY OPINIONS

A judge or the Administrative Director of the Courts may, by written request to the Commission, seek an advisory opinion as to whether certain specific actions contemplated may constitute a violation of the Code of Judicial Conduct. The Commission may render in writing such advisory opinion as it may deem appropriate. An advisory opinion is not binding upon the Judicial Hearing Board or the Supreme Court, but shall be admissible in

any subsequent disciplinary proceeding involving the judge who made the request. During 2004 there were thirty-two (32) issues raised in advisory opinion requests, and a synopsis of the Commission's opinion on each follows.

- A judge who had been approached to teach a college class at the local college concerning Police Organization and Management, would be able to teach the college class without any ethical or legal problems concerning this outside employment, however, he was required by the Commission to obtain permission from the Administrative Office of the Courts concerning this outside employment. Canon 4A(1)(2)(3) and Canon 4B.
- A judge could serve on the Multi-Disciplinary Team to advise on a project to establish comprehensive approaches to sex offender management. Canon 4B
- A judge could participate in a training video to be utilized by the Department of Health and Human Resources, Bureau for Child Support Enforcement. Canon 4B
- A candidate for judge would be required to resign his/her position with the county Republican Executive Committee while seeking the office of judge in that county. Canon 5A(1)
- A judge would be precluded from sitting on a case that occurred while he was serving as prosecuting attorney in that county. Canon 3E(1)(b), JIC Advisory Opinion 1/5/93
- A judge who had a divorce case pending before him and which resulted in a hearing to be held before the circuit judge asked the Commission whether he should reveal to the Circuit Judge information from a juvenile file relevant to this case. It was the opinion of the Commission that the question raised was not an ethical inquiry but a legal issue which should be resolved by the circuit judge during the course of the hearing. The judge would be bound by the rulings the circuit judge made regarding the information, which he had learned reviewing the juvenile file, and to what extent such information may be used. No Canon cited
- A judge should disqualify himself from possible conflicts involving former clients before he became a judge. The judge should disclose his prior employment as a practicing attorney in all cases involving that practice and afford the parties or their

attorneys an opportunity to file any appropriate motion. Canon 3E(1)(a)(b), JIC Advisory Opinion 3/16/99

- A judge, whose campaign treasurer and the attorney who served as his chairperson for the campaign, should disclose their involvement in the judge's campaign when the attorneys appear before the judge. This disclosure should be made for a six-month period beginning with the closure of the judge's campaign and the committee. If, after such disclosure, either party has an objection to the judge's hearing the case, the procedures set forth in Trial Court Rule 17 may be utilized. Canon 3E(1), Tennant v. Marion County Health Foundation, Inc., 194 W.Va. 97, 459 S.E.2d 374 (1995) and JIC Advisory Opinion 12/13/95
- A judge does not have to voluntarily recuse himself from a case involving an attorney who sub-leases office space in a building owned by the judge's wife. Because the judge does not share an interest, ownership or control in the building owned by his wife and his wife does not have direct contact with the attorney, there does not appear to be any reason for recusal. Canon 4D(1)(a)(b)
- A judge who won a randomly picked door prize of \$75.00 asked the Commission if door prize should be treated as a "gift" as discussed in the Canons. The opinion of the Commission was that the door prize did not fall within the scope of the Code of Judicial Conduct. Canon 4D(5)
- A judge cannot be employed by a local supermarket when the judge is off duty in his county. Canon 4D(3) unequivocally states that a judge may not be an employee of any business entity with the exceptions being a business closely held by the judge or members of the judge's family or a business entity primarily engaged in investment of the financial resources of the judge or the judge's family. Canon 4D(3)(a)(b)
- A judge should not employ an assistant who also works as a dispatcher for the local police department. Canon 1A and Canon 2A
- A judge may serve on the recruitment board for the Department of Family Medicine and the Extension Service of West Virginia University and various rural health agencies in West Virginia, as long as such service falls within the guidelines set forth in Canon 4. Canon 4A(1)(2)(3)

- A judge's name should not appear on letterhead nor should he/she serve as the Honorary Chair on the Committee to Commemorate the Annual Children's Memorial Flag Day. Canon 1A, Canon 4A(1) and Canon 4C(3)(a)
- A judge is required to have a committee when running a judicial campaign, if any campaign is run, such as advertising, handing out brochures or other activities. Canon 5C(2)
- A judge's assistant would be permitted to engage in certain activity on behalf of her spouse, who is a candidate for elected office, after office hours and outside the area where court proceedings are conducted. The Canon prohibits public display of any campaign paraphernalia in any area where judicial activities are conducted or the knowing display of such material. Canon 5A(1)(d)
- Each judge should decide on an individual basis whether his/her law clerk would be in violation of the Judicial Canons by making a campaign contribution to a political candidate. Each judge knows better the circumstances surrounding the matters and should carefully view the constraints and perimeters established for judges in the Code of Judicial Conduct.
- A judge's probation officer should not spend much time outside his circuit to be actively involved in the campaign activities of a personal friend running for Governor.
- A judge's assistant would be required to resign her position if she chose to run for a non-judicial office. Canon 5A(2)
- A judge should not have to disqualify himself/herself from a hearing because the judge is a friend to an attorney who may be appearing before the judge. However, if there are cases which the judge feels a bias or a prejudice for or against a party or lawyer because of the friendship it is the judge's duty to disclose that information and/or seek disqualification from that case. Canon 3B(1) and Canon 3E(1)
- A judicial candidate should not team up with another candidate in renting or purchasing equipment to share during the campaign. That action could give an appearance that the candidates were supporting each other and indirectly contributing to the other's campaign. Further, reporting requirements about campaign expenses could reveal the shared expense relationship and constitute a

public disclosure of at least support through the shared expenses. Canon 5A(1), Canon 5B(2) and Canon 5C(1)(3)(b)

- A Mental Hygiene Commissioner should not act as an attorney for a Petitioner in a Conservator and Guardianship matter in a county neighboring the county where he is a Mental Hygiene Commissioner. Canon 6C(2)
- A judge may participate as a panelist in a continuing legal education seminar, which would last one day. Canon 4A(1)(2)(3) and Canon 4B
- At the request of the Dean of Howard Law School, a state circuit judge who is a graduate of that University may make a donation to that school in the judge's name in lieu of a honorarium fee for the Dean who was asked to speak at the commemorate 50th anniversary of Brown v. Board of Education.
- A judge should not engage in self-employment as a professional musician for pay and perform at a fundraiser for a candidate seeking office as a prosecuting attorney since it could be construed as a public endorsement. Canon 5
- A judge should not allow CASA to raise money at the judge's yearly golf outing, nor should the judge supply CASA with the names of the attorneys or firms who participate in the golf outing each year. This endorsement could be viewed as an indirect solicitation of funds for the CASA organization. Canon 4C(3)(b)
- A judge may attend a candidates' forum sponsored by West Virginians for Life, however the judge should not make any comments on right-to-life issues, which would be addressed at the forum. Canon 5A(3)(d)(i)(ii)
- A judge should not employ a person who is a frequent litigant in the judge's court. Canon 2
- A judge may write a letter of reference for law school admission for a domestic violence advocate who regularly is involved in proceeding in his court. However, the Commission feels that the judge should not speak at a one-day seminar sponsored by the advocate's agency. Canon 2A and Canon 2B

- A judge may serve on two different non-governmental bodies involving the local school improvement council and the judge's city compliance board. Canon 4A(1)(2)(3) and Canon 4C(3)(a)
- It would be inappropriate for a judge to make any public comment on any issues raised in the Arbaugh decision and it would be inappropriate to make any public statements concerning the validity of the decision and the internal court procedures and mechanism that resulted in the decision.
- A Mental Hygiene Commission should fully develop cases without engaging in ex parte communications. Perhaps a checklist could be provided which sets forth the condition or behavior of the respondent and could be completed by medical personnel and provided to the commissioner with the petition seeking an evaluation of the respondent. Canon 3B(7)(a)(1)(ii) and Canon 3D(1)

STATISTICS

On January 1, 2004, there were 72 complaints which remained pending before the Judicial Investigation Commission. During 2004, 258 new complaints were received for a total of 330 to be considered by the Commission. Of these 330 complaints considered, 74 required formal investigations. Two hundred forty-three 243 were dismissed when no probable cause was found; it was determined that the Commission had no jurisdiction in 7 complaints; 1 complaint was withdrawn by the complainant with the approval of the Commission; and 5 admonishment were issued. A synopsis of these admonishments follows:

In the Matter of Complaint No. 156-2003 - A judicial officer was admonished for a violation of Canon 1 and Canon 2 of the Code of Judicial Conduct. Upon initiation of the complaint against the judicial officer the investigation found that at the time the complaint was filed the judicial officer was licensed as a private investigator or process server. The judicial officer had served process for an attorney on several occasions. The judicial officer further heard cases in which defendants were represented by the attorney whom he had served process.

In the Matter of: Complaint Nos. 72-2004 and 73-2004 - These two complaints were consolidated for the issuance of an admonishment. In Complaint No. 72-2004, the judicial officer was admonished for violation of the Constitution of West Virginia, Article VIII, § 7, Canon 1 and Canon 4D(1)(a)(b) of the Code of Judicial Conduct. On

initiation of the complaint against the judicial officer, the investigation found that the judicial officer had placed in the Big Book, a telephone directory, an advertisement showing her picture and the Seal of the State of West Virginia, and advertised the judicial officer as Notary Public of West Virginia and a member of the National Notary Association. In Complaint No. 73-2004, the judicial officer was admonished for violation of Canon 1, Canon 2A and B, and Canon 3A, B and E of the Code of Judicial Conduct. Upon initiation of the complaint against the judicial officer, the investigation found that an individual, who rented a house from the judicial officer and her daughter, went to the judicial officer's residence and discussed a matter seeking a protective order with the judicial officer. The individual completed a petition for the protective order at the judicial officer's residence and gave it to the judicial officer and she issued the protective order.

In the Matter of: Complaint No. 115-2004 – A judicial officer was admonished for violation of Canon 2A and Canon 3A and 3B(2) of the Code of Judicial Conduct. Upon initiation of the complaint against the judicial officer the investigation revealed that an individual was convicted of speeding for an incident which occurred in January 2004. The citation was forwarded to the Division of Motor Vehicles and the speeding citation resulted in the agency assessing five points to the individual's driving record giving the individual a cumulative total of 13 points, which resulted in a license suspension. The judicial officer forwarded or caused to be forwarded another document to the Division of Motor Vehicles which was an amended abstract of judgment which corrected the individual's speeding citation to a citation for failure to use due care. The judicial officer was unaware that failure to use due care resulted in the same points being assessed as a speeding violation. The judicial officer then forwarded another document to the Division of Motor Vehicles which corrected the citation for failure to use due care to a citation for illegal parking. These amended abstracts of judgment were sent the Division of Motor Vehicles in May 2004. The judicial officer admitted amending the speeding ticket for the individual from speeding to illegal parking.

In the Matter of Complaint No. 213-2004 – A judicial officer was admonished for violation of Canon 5A(1)(b) and Canon 5C(2) of the Code of Judicial Conduct. Upon initiation of the complaint against the judicial officer the investigation found that during the campaign the judicial officer had signs erected which supported the judicial officer and another judicial officer who was running in the same campaign. At the bottom of the disclaimer the sign said, "paid for by the candidate." The judicial officer admitted that the other individual and he jointly purchased and placed the campaign signs.

In the Matter of Complaint No. 214-2004 – A judicial officer was admonished for violation of Canon 5A(1)(b) and Canon 5C(2) of the Code of Judicial Conduct. Upon initiation of the complaint against the judicial officer the investigation found that during the campaign the judicial officer had signs erected which supported the judicial officer and another judicial officer who was running in the same campaign. At the bottom of the

disclaimer the sign said, "paid for by the candidate." The judicial officer admitted that the other individual and he jointly purchased and placed the campaign signs.

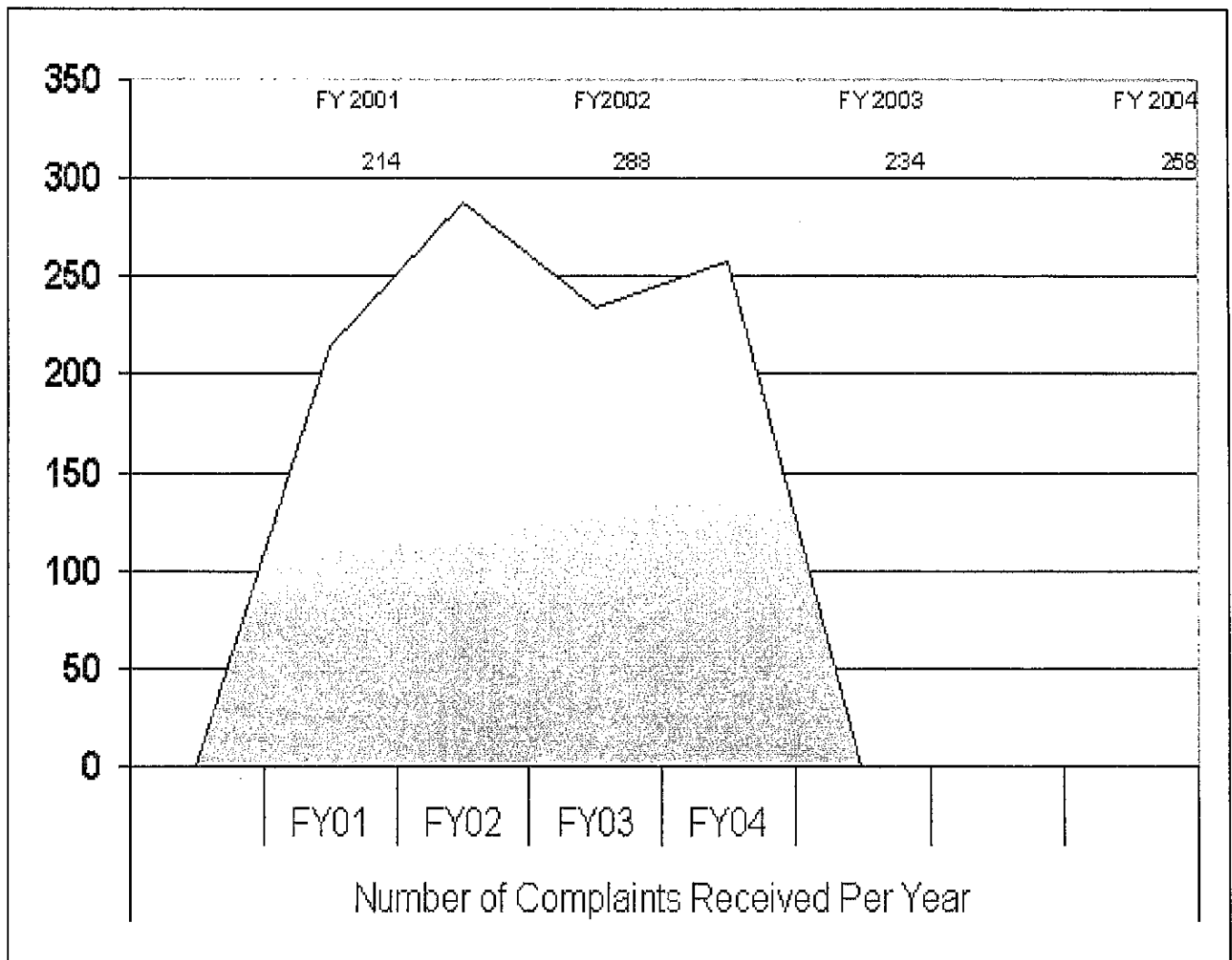
On December 31, 2004, there were no pending reports from Judicial Committee on Assistance and Intervention; (35) complaints were pending completion of ordered investigations; (8) complaints were pending waiting requested responses from the judicial officers; (1) complaint was withdrawn; (1) complaint tabled until next meeting; (12) complaints had been received too late for the last meeting in 2004 and (1) extraordinary proceeding was pending awaiting outcome of criminal trial.

Respectfully submitted,
JUDICIAL INVESTIGATION COMMISSION

By:

A handwritten signature in black ink that reads "Fred L. Fox, II". The signature is written in a cursive, somewhat stylized font.

Judge Fred L. Fox, II, Chairperson



Justices	5
Judges	104
FCJ	72
Mag.	68
MHC	1

