

## STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on October 23, 2023, the following order was made and entered:

**RE: Request for Public Comment on a Proposed Amendment to Rule 2.4 of the Rules of Judicial Disciplinary Procedure, No. 22-748**

On September 29, 2022, the Judicial Investigation Commission, by counsel Teresa A. Tarr, filed a proposed amendment to Rule 2.4 of the Rules of Judicial Disciplinary Procedure. The proposed amendment would modify the confidentiality rule regarding judicial disciplinary complaints or investigations.

The Court has jurisdiction under West Virginia Constitution Article VIII, §§ 1 and 3. Upon consideration and review on October 19, 2023, the Court is of the opinion to and does publish the proposed amendment for public comment for a period of thirty days. Comments must be filed in writing with the Clerk of Court through File & ServeXpress in Docket No. 22-748 on or before November 22, 2023.

The proposed amendment is indicated by strike-through and underscoring as follows:

### **Rules of Judicial Disciplinary Procedure**

\*\*\*\*

#### **Rule 2.4. Confidentiality.**

The details of complaints filed or investigations conducted by the Office of Disciplinary Counsel shall be 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.~~ the Judicial Investigation Commission issues an admonishment pursuant to Rule 2.7(c) or formal charges have been filed pursuant to Rule 2.7(d) or Rule 2.14, the admonishment or the formal charges and all documents filed with the Clerk of the Supreme Court of Appeals and the Judicial Hearing Board shall be public unless otherwise ordered by the Court or the Judicial Hearing Board. Prior to the release of ~~information confirming or denying the existence of a complaint or investigation,~~ reasonable notice shall be provided to the judge.

\*\*\*\*

A True Copy

Attest: /s/ Edythe Nash Gaiser  
Clerk of Court

