

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

**IN THE MATTER OF JOHN PAUL RIGGS  
FORMER MAGISTRATE OF PLEASANTS COUNTY**

**COMPLAINT NO. 136-2022**

**PUBLIC ADMONISHMENT OF FORMER MAGISTRATE JOHN PAUL RIGGS**

The matter is before the Judicial Investigation Commission ("JIC" or "Commission") upon a complaint filed by Judicial Disciplinary Counsel setting forth certain allegations against John Paul Riggs, former Magistrate of Pleasants 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 former Magistrate John Paul Riggs violated Rules 1.1, 1.2, and 3.1(A), (B) 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 appointed as a Magistrate in Pleasants County on or about September 21, 2021. He worked continually as a magistrate until October 2, 2023, when he officially resigned. Because of his limited years of service, Respondent is not eligible to work as a senior status magistrate. At all times relevant to the facts set forth below, Respondent was working as a magistrate.

On or about December 7, 2022, Respondent was arrested by a Pleasants County Sheriff's Deputy and charged with the misdemeanor offense of Aggravated Driving Under the Influence of Alcohol ("DUI") in violation of W. Va. Code § 17C-5-2(A)(f). He was released on \$1,000.00 personal recognizance bond. The case was styled *State v. Riggs*, Pleasants County Case No. 22-M37M-00453.

On December 8, 2022, Judicial Disciplinary Counsel opened a judicial ethics complaint against Respondent alleging he violated Rules 1.1, 1.2 and 3.1(A), (B) 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 remained in treatment and recovery during his remaining service as a magistrate without relapse.

While the criminal charges were pending, Respondent was precluded from hearing any DUI cases in Pleasants County. Meanwhile, a Wood County Magistrate was assigned to hear Respondent's criminal case. On May 1, 2023, Respondent pled guilty to Non-Aggravated DUI and was ordered to pay a fine of \$100.00 and court costs in the amount of \$245.25. On or about September 20, 2023, Respondent tendered his resignation effective October 2, 2023.

### **CONCLUSIONS**

The Commission unanimously found that probable cause does exist in the matters set forth above to find that John Paul Riggs, former Magistrate of Pleasants County, violated Rules 1.1, 1.2, and 3.1(A), (B) 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:

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<sup>1</sup> W. Va. Code § 50-1-4 sets forth the qualifications for serving as a magistrate. A person cannot be convicted of any felony or any misdemeanor involving moral turpitude. The misdemeanor offense of DUI is usually not considered a crime 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;
- (B) participate in activities that will lead to frequent disqualification of the judge;
- (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 fully cooperated with Judicial Disciplinary Counsel in the investigation of the ethics complaint; (2) readily admitted his wrongdoing; (3) sought treatment with WVJLAP; and (4) resigned his position of his own free will. 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."


Respondent violated state law by driving while intoxicated. His actions caused his disqualification in all such cases initiated in Pleasant County Magistrate Court and cast a negative shadow on the court system as a whole. To his credit, Respondent admitted his conduct and readily sought treatment.

Therefore, it is the decision of the Judicial Investigation Commission that John Paul Riggs, former Magistrate of Pleasants County, be disciplined by this Admonishment.

Accordingly, the Judicial Investigation Commission hereby publicly admonishes former Magistrate Riggs for his conduct as fully set forth in the matters asserted herein.

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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.

  
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The Honorable Alan D. Moats Chairperson  
Judicial Investigation Commission

Date 10/13/2023

ADM/tat