

BEFORE THE JUDICIAL INVESTIGATION COMMISSION OF WEST VIRGINIA

**IN THE MATTER OF:
THE HONORABLE C. DARREN TALLMAN
FAMILY COURT JUDGE**

COMPLAINT NO. 166-2007

This matter is before the Judicial Investigation Commission upon a complaint filed on October 25, 2007, setting forth certain allegations against Family Court Judge C. Darren Tallman. The complaint alleged among other things that during a hearing the Judge made a statement after learning that the complainant had filed a formal complaint against the guardian ad litem, that if anything came of the complaint the judge would use it against the complainant in the child support hearing.

Upon receipt of the complaint an investigation was conducted pursuant to the Rules of Judicial Disciplinary Procedure. The investigation revealed that on during a hearing, alleged to have been on June 5, 2007 by the complainant, the judge made a comment that was not appropriate. The Judge stated to the complainant who was a party in the hearing that he was aware that the complainant had made a complaint against the guardian ad litem in the case and said words to the effect that "if anything comes of this complaint I will hold it against you."

The complaint and the investigation were reviewed by the Judicial Investigation Commission at its meeting on May 30, 2008 and it was determined that there is probable cause to believe that Judge C. Darren Tallman, Family Court Judge, violated Canon 1, Canon 2A and 3B(4) 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.

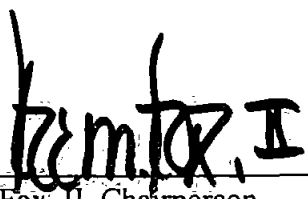
Canon 3. A judge shall perform the duties of judicial office impartially and diligently.

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.

It was further determined that formal discipline was not appropriate under the circumstances. The Judicial Investigation Commission determined that pursuant to Rule 2.7(c) of the Rules of Judicial Disciplinary Procedure, a written admonishment would be given to Family Court Judge C. Darren Tallman.

It is therefore the decision of the Judicial Investigation Commission that Family Court Judge C. Darren Tallman be and he hereby is admonished for this conduct as fully set forth in the matters as asserted herein the complaint filed in this matter on October 25, 2007.



Fred L. Fox, II, Chairperson
Judicial Investigation Commission



Date