

BEFORE THE HEARING BOARD

STATE OF WEST VIRGINIA

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IN THE MATTER OF:

JIC COMPLAINT NO. 38-2022
SUPREME COURT NO. 22-862

HONORABLE DEANNA R. ROCK,
FAMILY COURT JUDGE of the
TWENTY-THIRD FAMILY COURT CIRCUIT

ANSWER TO FORMAL STATEMENT OF CHARGES

In response to the **FORMAL STATEMENT OF CHARGES** issued on or about November 21, 2022, Respondent Honorable Judge Deanna R. Rock states as follows:

1. Respondent admits the allegations in paragraph 1 of the **FORMAL STATEMENT OF CHARGES**.
2. Respondent admits the allegations in paragraph 2 of the **FORMAL STATEMENT OF CHARGES**.
3. Respondent admits the allegations in paragraph 3 of the **FORMAL STATEMENT OF CHARGES**.
4. Respondent admits the allegations in paragraph 4 of the **FORMAL STATEMENT OF CHARGES**.
5. Respondent admits the allegations in paragraph 5 of the **FORMAL STATEMENT OF CHARGES**.
6. Respondent admits the allegations in paragraph 6 of the **FORMAL STATEMENT OF CHARGES** and states, more specifically, that she was President of the West Virginia Family Court Judicial Association from January 1, 2020, until May 11, 2021.

7. Respondent has a general understanding that the allegations in paragraph 7 of the **FORMAL STATEMENT OF CHARGES** are true, but does not have detailed first hand knowledge of the facts alleged.
8. Respondent has a general understanding that the allegations in paragraph 8 of the **FORMAL STATEMENT OF CHARGES** are true, but does not have detailed first hand knowledge of the facts alleged.
9. Respondent has a general understanding that the allegations in paragraph 9 of the **FORMAL STATEMENT OF CHARGES** are true, but does not have detailed first hand knowledge of the facts alleged.
10. Respondent has a general understanding that the allegations in paragraph 10 of the **FORMAL STATEMENT OF CHARGES** are true, but does not have detailed first hand knowledge of the facts alleged and also notes the documents referenced speak for themselves.
11. Respondent admits the allegations in paragraph 11 of the **FORMAL STATEMENT OF CHARGES**.
12. Respondent admits the allegations in paragraph 12 of the **FORMAL STATEMENT OF CHARGES**.
13. Respondent denies the allegations in paragraph 13 of the **FORMAL STATEMENT OF CHARGES** because she does not have actual knowledge of the facts asserted.
14. Respondent admits the allegations in paragraph 14 of the **FORMAL STATEMENT OF CHARGES** and further notes the complete document referenced, which is quoted in part, speaks for itself.

15. Respondent admits the allegations in paragraph 15 of the **FORMAL STATEMENT OF CHARGES**.
16. Respondent has a general understanding that the allegations in paragraph 16 of the **FORMAL STATEMENT OF CHARGES** are true, but does not have detailed first hand knowledge of the facts alleged and also notes the document referenced speaks for themselves.
17. Respondent has a general understanding that the allegations in paragraph 17 of the **FORMAL STATEMENT OF CHARGES** are true, but does not have detailed first hand knowledge of the facts alleged and also notes the document referenced speaks for themselves.
18. Respondent admits the allegations in paragraph 18 of the **FORMAL STATEMENT OF CHARGES**.
19. Respondent denies the allegations in paragraph 19 of the **FORMAL STATEMENT OF CHARGES** because she does not have actual knowledge of the facts asserted and also notes the document and computer notation referenced speak for themselves.
20. Respondent admits the allegations in paragraph 20 of the **FORMAL STATEMENT OF CHARGES** are true and further notes Respondent opened the email and the attached Word document, but took no further action with respect to that Word document at that time, and the computer system automatically saved this opened document by naming it as "Dear Chief Justice Jenkins." Further, Respondent notes the document and the computer notation speak for themselves. At the time Respondent opened this email, she was not aware that the computer system automatically saved opened emails as described above.

21. Respondent admits the allegations in paragraph 21 of the **FORMAL STATEMENT OF CHARGES** insofar as Respondent reviewed the letter on March 22, 2021, and the partial quote from Respondent is accurate, but denies that she edited and corrected the Stotler letter. The Microsoft Teams messages speak for themselves and make it clear Respondent simply answered a question from Joy Campbell, who is Judge Stotler's Case Coordinator. Ms. Campbell asked Respondent to provide her with Respondent's official title as well as the title for Keith Hoover. Respondent provided her information and confirmed the information regarding Mr. Hoover. It was not until March 24, 2021, that Respondent had reviewed a faxed version of the Stotler letter because she did not know that her computer system had saved the emailed version which had given the title of "Dear Chief Justice Jenkins" to the Word version of the Stotler letter. The only other comment made by Respondent in response to Ms. Campbell's Microsoft Teams message after Respondent was faxed a copy of the Stotler letter was that there was a minor typo on page 2 and the year for the case cited in the letter was 1956. That is the full extent of any comments made by Respondent in connection with the Stotler letter. Respondent did not personally edit or correct anything in the Stotler letter itself. Although Respondent did ask Ms. Campbell to pass on a message to Judge Stotler for him to call Respondent, Judge Stotler never called Respondent prior to him mailing out his letter.
22. Respondent admits the allegations in paragraph 22 of the **FORMAL STATEMENT OF CHARGES** insofar as the Stotler letter speaks for itself and Respondent notes she did receive a copy of this letter some time after it was mailed.

23. Respondent denies the allegations in paragraph 23 of the **FORMAL STATEMENT OF CHARGES** because she never made any “substantive edits” to the Stotler letter, but only pointed out a minor typo on page 2 and gave the year for the case cited, and further notes the letter speaks for itself.
24. Respondent admits the allegations in paragraph 24 of the **FORMAL STATEMENT OF CHARGES**.
25. Respondent denies the allegations in paragraph 25 of the **FORMAL STATEMENT OF CHARGES** to the extent there is any implication that Respondent sent the Stotler letter to Chris Dickerson, which she absolutely did not. Respondent has recalled during this investigation that she faxed the Stotler letter to a couple of other Family Court Judges, which explains how the faxed letter has the stamp on top showing it was sent from her office. In her first sworn statement, Respondent stated she may have sent the Stotler letter to Judge Greenberg and Judge Griffith. (First Sworn Statement, at 63-64, 83). In her second sworn statement, Respondent stated she may have sent the Stotler letter to Family Court Judge James Douglas. (Second Sworn Statement, at 58-60). Respondent further explained in her second sworn statement that the particular fax machine that was in her office when the Stotler letter was faxed had been replaced and was not available to review the history of faxes sent. (Second Sworn Statement, at 59). Respondent does not have any knowledge as to what the recipients of the faxed Stotler letter did with it.
26. Respondent admits the allegations in paragraph 26 of the **FORMAL STATEMENT OF CHARGES**, but has no recollection either of sending the referenced document

deliberately or intentionally to Judge Stotler or that Judge Stotler had requested a copy of the document sent. At that time, Respondent and Family Court Judge David Greenberg had been communicating with and assisting Family Court Judge Louise Goldston in connection with her ongoing judicial ethics proceeding. In connection with this effort, Judge Goldston shared briefs and related documents with Respondent and/or Judge Greenberg. During this process, these Family Court Judges used their private email addresses rather than their judicial office email addresses. The fact that this email shows it was sent to Judge Stotler to his judicial office email address suggests to Respondent that when she typed in the letter "G" for Judge Greenberg, the email self-populated the address with Judge Stotler's judicial office email and Respondent simply did not notice the error.

27. Respondent admits the allegations in paragraph 27 of the **FORMAL STATEMENT OF CHARGES**, but has no recollection either of sending the referenced document deliberately or intentionally to Judge Stotler or that Judge Stotler had requested a copy of the document sent. At that time, Respondent and Family Court Judge David Greenberg had been communicating with and assisting Family Court Judge Louise Goldston in connection with her ongoing judicial ethics proceeding. In connection with this effort, Judge Goldston shared briefs and related documents with Respondent and/or Judge Greenberg. During this process, these Family Court Judges used their private email addresses rather than their judicial office email addresses. The fact that this email shows it was sent to Judge Stotler to his judicial office email address suggests to Respondent that when she typed in the letter "G" for Judge

Greenberg, the email self-populated the address with Judge Stotler's judicial office email and Respondent simply did not notice the error.

28. Respondent admits the allegations in paragraph 28 of the **FORMAL STATEMENT OF CHARGES** and notes the document referenced speaks for itself.
29. Respondent denies the allegations in paragraph 29 of the **FORMAL STATEMENT OF CHARGES** because she does not have actual knowledge of the facts asserted.
30. Respondent admits the allegations in paragraph 30 of the **FORMAL STATEMENT OF CHARGES**.
31. Respondent admits the allegations in paragraph 31 of the **FORMAL STATEMENT OF CHARGES** and notes the document referenced speaks for itself. Respondent has no idea what facts or information JDC Tarr had at the time she wrote her letter regarding the identity of any person who may have helped in the submission of the Stotler letter.
32. Respondent admits the allegations in paragraph 32 of the **FORMAL STATEMENT OF CHARGES** and notes the email speaks for itself.
33. Respondent admits, in part, the allegations in paragraph 33 of the **FORMAL STATEMENT OF CHARGES**, notes the letter speaks for itself, and denies the letter requests an apology. The letter clearly states asking for an apology would be futile.
34. Respondent admits the allegations in paragraph 34 of the **FORMAL STATEMENT OF CHARGES**, notes the document referenced speaks for itself, and denies any implication that the charges asserted were not made in good faith.

35. Respondent denies the allegations in paragraph 35 of the **FORMAL STATEMENT OF CHARGES** because she does not have actual knowledge of the facts asserted.
36. Respondent admits the allegations in paragraph 36 of the **FORMAL STATEMENT OF CHARGES**.
37. Respondent denies the allegations in paragraph 37 of the **FORMAL STATEMENT OF CHARGES** because she does not have actual knowledge of the facts asserted.
38. Respondent denies the allegations in paragraph 38 of the **FORMAL STATEMENT OF CHARGES** because she does not have actual knowledge of the facts asserted.
39. Respondent admits the allegations in paragraph 39 of the **FORMAL STATEMENT OF CHARGES**.
40. Respondent admits the allegations in paragraph 40 of the **FORMAL STATEMENT OF CHARGES**.
41. Respondent denies **CHARGE ONE** and further denies that any of her actions violated Rule 1.1 of the West Virginia Code of Judicial Conduct. Respondent always has strived to comply with all of her ethical obligations required under the West Virginia Code of Judicial Conduct as well as the Code of Professional Conduct and is not aware of any action she has taken that does not “comport with the Code of Judicial Conduct.” This charge lacks specificity making it very difficult for Respondent to provide a more detailed response.
42. Respondent denies **CHARGE TWO** and further denies that any of her actions violated Rule 1.2 of the West Virginia Code of Judicial Conduct. Respondent always has strived to comply with all of her ethical obligations required under the West

Virginia Code of Judicial Conduct as well as the Code of Professional Conduct and is not aware of any action she has taken that compromised or appeared to compromise her integrity and undermines public confidence in the judiciary.” This charge lacks specificity making it very difficult for Respondent to provide a more detailed response.

43. Respondent denies **CHARGE THREE** and further denies that any of her actions violated Rule 2.16(a) of the West Virginia Code of Judicial Conduct. Respondent was fully cooperative, honest, and candid with the disciplinary authorities throughout the investigation. Although the **STATEMENT OF CHARGES** does not identify with any specificity the particular answer given by Respondent that somehow allegedly violates her ethical obligations, Respondent has made an effort to discern which answers are being challenged. As noted above, at the first sworn statement, the second sworn statement, and even today, Respondent has no recollection whatsoever of either sending the referenced document deliberately or intentionally to Judge Stotler or that Judge Stotler had requested a copy of the document sent. Thus, although the email record speaks for itself and it does appear that two emails were sent to Judge Stotler, Respondent has no recollection of sending these emails to Judge Stotler on purpose. During that time period, Respondent and Family Court Judge David Greenberg had been communicating with and assisting Family Court Judge Louise Goldston in connection with her ongoing judicial ethics proceeding. In connection with this effort, Judge Goldston shared briefs and related documents with Respondent and/or Judge Greenberg. During this process, these Family Court

Judges used their private email addresses rather than their judicial office email addresses. The fact that these April 6, 2021 accidental emails show they were sent to Judge Stotler to his judicial office email address suggests to Respondent that when she typed in the letter “G” for Judge Greenberg, the email self-populated the address with Judge Stotler’s judicial office email and Respondent simply did not notice the error. On the rare occasions when Respondent would send an email to Judge Stotler, Respondent’s practice was to call Judge Stotler first to alert him to the fact that an email was coming. Respondent did this because Judge Stotler did not review his emails on a regular basis. But again Respondent has no memory either of calling Judge Stotler about these emails or of sending them to him.

44. Respondent denies **CHARGE FOUR** and further denies that any of her actions violated Rule 2.16(a) of the West Virginia Code of Judicial Conduct. Respondent was fully cooperative, honest, and candid with the disciplinary authorities throughout the investigation. Although the **STATEMENT OF CHARGES** does not identify with any specificity the particular answer given by Respondent that somehow allegedly violates her ethical obligations, Respondent has made an effort to discern which answers are being challenged. This allegation addresses a statement made by Respondent in her first sworn statement that the first time she had heard about or seen the contents of the Stotler letter was when she received it in the mail from Judge Stotler. At the time Respondent answered this question, she had not been provided a copy of some relevant documents that very easily and obviously would have shown that, in fact, Respondent had seen the Stotler letter prior to receiving it in the mail.

Thus, when Respondent answered these related questions, her responses were truthful based upon what she recalled at that time, without the benefit of reviewing relevant documents. Had the documents identified below been presented to Respondent during the first sworn statement, there would not have been any controversy relating to her response.

During her first sworn statement, Respondent was asked several questions about the first time she either saw or heard about the contents of the Stotler letter:

Q. Okay. Were you surprised when you received the letter?

A. I was.

Q. Okay. Did you -- after you received the letter, did you cause or direct the letter that you received to be sent to anyone else? And I can -- any other members of the court?

A. I don't -- I don't remember.

Q. Okay. How about the public, so outside of the judiciary?

A. No. No.

Q. How about the Legislature?

A. No.

Q. The administrative office?

A. No.

Q. How about the press?

A. No.

Q. So you don't recall or remember sending this or causing it to be sent to anyone outside of your office?

A. I may have sent it to Judge Greenberg, but I don't remember.

Q. Okay. So aside from Judge Greenberg, you can't recall anyone else?

A. No, I don't recall.

Q. Did you -- do you believe that your staff would've sent it to anyone else outside of your office?

A. I don't think they ever had it in their possession. (First Sworn Statement, at 63-64).

* * *

Q. Okay. when you received the March 25th letter, yeah, the 25th letter, was that the first time that you had seen or heard about the contents of the letter?

A. Yes.

Q. Did Judge Stotler speak to you about the contents of the letter before he sent it to you on March 25th?

A. No.

Q. Even to say I'm sending you a letter?

A. No. (First Sworn Statement, at 66).

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[W]hen I got Judge Stotler's letter, and that's why I believe I sent it to Judge Greenberg. I don't recall sending it to Judge Griffith, but maybe I did." (First Sworn Statement, at 83).

* * *

A. Because I'm sure--yes. I mean I didn't call them to say did you help write that [Stotler] letter? But in our conversation, their outrage was the same as mine. We didn't help with any letter. Why are we being excluded because of Judge Stotler's letter, a letter we had nothing to do with. (First Sworn Statement, at 103).

At the time Respondent gave the foregoing answers under oath, she believed those answers to be true because at that time, she had no recollection of ever seeing the Stotler letter prior to receiving it in the mail. After Respondent gave her statement, she reviewed additional materials, including the documents provided by Special Judicial Disciplinary Counsel (SJDC) in the written complaint filed dated March 29, 2022. The SJDC extended Respondent some additional time to file her written response on May 2, 2022. In particular, the draft of the Stotler letter that was on Respondent's office computer prior to March 25, 2021, as well as the IM messages refreshed Respondent's memory about seeing a draft of the Stotler letter prior to it being mailed to her. Respondent located both sides of the IM messages she had with Joy Campbell, Judge Stotler's Case Coordinator, starting on March 22, 2021.

The first message relating to the Stotler letter is the IM from Ms. Campbell on 3/22/21 at 2:50 p.m. In this message, Ms. Campbell asked Respondent about her official title as well as the title for Keith Hoover. Respondent explained her title and confirmed the title for Mr. Hoover was correct. (IM 3/22/21 at 3:11 p.m.). In the IM sent on 3/24/21 at 10:01 a.m., from Ms. Campbell, she asked Respondent if she had received the fax from Judge Stotler. In reviewing this IM, Respondent believes the document faxed was the Stotler letter. After the Stotler letter was refaxed because a page was missing, Respondent noted there was a typo on page 2, first paragraph and also explained the year 1956 needed to be inside the parenthesis. (IM 3/24/21 at 11:01 a.m.). When you review the Stotler letter, 1956 is the date listed for the *Westover* case cited on page 2. After reviewing the faxed Stotler letter, Respondent

sent an IM explaining, “[O]verall, the letter looks good. Please ask Judge to call me before you mail this. Thanks.” (IM 3/24/21 11:05 a.m.). Respondent wanted to inquire whether Judge Stotler actually was going to send the letter or if he simply was venting to get it off of his chest. Judge Stotler did not speak with Respondent about this letter prior to it being mailed.

Having reviewed these documents, Respondent corrected the record when she filed her May 2, 2022 written response to the complaint and explained that she now remembers she did read the Stotler letter prior to it being mailed to her and she did send IM’s to Ms. Campbell noting a couple of corrections. Although Rule 4.3 of the West Virginia Rules of Judicial Disciplinary Procedure requires all hearings to be conducted in accordance with the West Virginia Rules of Civil Procedure and West Virginia Rules of Evidence, for some reason, the rules are silent on whether the procedures followed during the investigative stage are governed by these same Rules. Because Rule 2.2 of the West Virginia Rules of Disciplinary Procedure is silent about the procedures that must be followed in the investigative stage, Rule 30 of the West Virginia Rules of Civil Procedure governing depositions is not followed. Thus, Respondent was not given the opportunity to review her sworn statement to make note of any corrections. Witnesses are deposed every day in civil litigation and sometimes these witnesses may not recall a particular fact or mistakenly thought they knew something. Frequently during the process of reviewing the deposition transcript, the witness realizes an answer was incorrect and under Rule 30(e), the witness is permitted to correct any errors in the testimony and that is the end of it.

As she testified during her statement, Respondent may have proofread some of the documents in Judge Goldston's case "because I was like the grammar person." (First Sworn Statement, at 48). In her role as President of the Family Court Judicial Association, Respondent sometimes was asked to review documents by other Family Court Judges. Therefore, to ensure the accuracy of the record, the correct answer to the question as to whether or not Respondent had seen the contents of the Stotler letter prior to March 25, 2021, is yes, she had seen an earlier draft of the letter, had read it, had made some minor suggestions, and had asked Ms. Campbell to have Judge Stotler call Respondent before the letter was mailed.

To the extent that any answer given under oath by Respondent during her first sworn statement is inconsistent with the facts, Respondent categorically denies that her answers were deliberately and intentionally false. Instead, her answers were true, based upon the facts she recalled at that time because during the first sworn statement, without being presented with the documents identified above, she honestly did not recall seeing the Stotler letter prior to receiving it in the mail from him.

45. Respondent denies **CHARGE FIVE** and further denies that any of her actions violated Rule 2.16(a) of the West Virginia Code of Judicial Conduct. Respondent was fully cooperative, honest, and candid with the disciplinary authorities throughout the investigation. Although the **STATEMENT OF CHARGES** does not identify with any specificity the particular answer given by Respondent that somehow allegedly violates her ethical obligations, Respondent has made an effort to discern which answers are being challenged. In this **CHARGE**, it is alleged that, "Despite

speaking with both the employee in FCJ Stotler's direct control and supervision and FCJ Stotler about the 'Stotler Letter' prior to his office sending the same out to its recipients, on or about January 31 , 2022, Respondent testified under oath that she did not discuss the 'Stotler Letter' **with FCJ Stotler** until after the letter was sent by his office on or about March 25, 2021." (Emphasis added).

In responding to this **CHARGE**, the response to **CHARGE FOUR** is incorporated herein by reference, rather than repeating the same facts. The IM messages with Judge Stotler's Case Coordinator certainly is not the same as discussing "the 'Stotler Letter' **with FCJ Stotler.**" Additionally, this **CHARGE** accuses Respondent of lying about when she first actually discussed the Stotler letter with Judge Stotler. Several questions asked during the first sworn statement relate to the date Respondent spoke with Judge Stotler about his March 25, 2021 letter. Here is that portion of the statement:

Q. Okay. Focusing your attention on the month of March of 2021, did there come a time that you told Judge Stotler about your conversations with Judges Goldston and Shuck?

A. No.

Q. So as you sit here today, have you had any conversations with Judge Stotler about your conversations with Judge Goldston and Shuck?

A. Yes.

Q. Okay. when did you discuss -- okay. when was that?

A. **I don't recall exactly, but I know by the conference in May**, we had our judicial conference in May, and it was all abuzz around there.

Q. So May of 2021, correct? Yeah. Her hearing was in January. The letter was in March.

A. Yes. Yes. Because we didn't have our conference in October of 2021, but we did -- yes, so it was at the Marriott in Morgantown. Yes.

Q. All right. so tell me about your conversation in or around May of 2021.

A. **I can't remember specifically.** It was -- I mean it was in the -- it was at the seminar. It was many judges. You couldn't walk up on a group of judges at that seminar and not have some discussion going on about Lou's case, Lou's situation. And by that time, there were some other situations that had come up.

Q. Okay. So did you tell Judge so your -- I just want to make sure I'm -- this was in May of 2021 at the judiciary conference whenever that was in May in Morgantown, that is when you discussed with Judge Stotler about your conversations with Judge Shuck and Judge Goldston?

A. Yes. Yeah.

Q. Okay. Did you tell anyone else other than Judge Stotler about your conversations with Judge Shuck and Judge Goldston?

A. Yes. Yeah.

Q. Okay. Did you tell anyone else other than Judge Stotler about your conversations with Judge Shuck or Judge Goldston?

A. Prior to the conference?

Q. Yes, ma'am.

A. Maybe my staff. (Emphasis added). (First Sworn Statement, at 54-56).

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Q. Did you ask to review--after--excuse me, I think you just answered that. After you received the March 25th letter, did you contact Judge Stotler to discuss the letter contents with him?

A. Eventually.

Q. Okay. Is that in May when you talked to him at the conference?

A. **No. It was prior to that, but I don't know when it was, but it wasn't like the day I got the letter.**

Q. Okay.

A. **I think he came--whenever he came to my courthouse next, you know, I might've just said, 'I got a letter from you.' And I'm sure we had conversation then, but I don't remember to what degree we talked about anything.** (Emphasis added). (First Sworn Statement, at 67).

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Q. Okay. So when you spoke with Judge Stotler, you don't--you're thinking it was close in time to the next time he would've been in your courthouse?

A. **It was probably within a week of receiving the letter.** (Emphasis added). (First Sworn Statement, at 68-69).

It is not clear what specific answer is being challenged in this **CHARGE**. From the answers she gave, Respondent stated she was uncertain as to the first time she had spoken with Judge Stotler about his letter and she could not recall the specifics of any conversation with him at the conference. However, she believed this discussion occurred prior to the May conference. She did not dispute the fact that the Stotler letter was discussed at the May conference, but that does not mean May was the first time she had discussed the letter with him.

In an effort to be as complete as possible in connection with her May 2, 2022 written response, Respondent went through her schedule and found that on April 1, 2021, she presided over cases in Morgan County, which is Judge Stotler's home office. Based upon their schedules, Respondent would have had an opportunity to speak with Judge

Stotler about his letter either when he held court in Mineral County or on April 1, 2021, when Respondent held court in Morgan County. However, Respondent does not have any specific recollection of any such conversation. Respondent categorically denies that any of her answers were deliberately and intentionally false.

46. Respondent denies **CHARGE SIX** and further denies that any of her actions violated Rule 2.16(a) of the West Virginia Code of Judicial Conduct. Respondent was fully cooperative, honest, and candid with the disciplinary authorities throughout the investigation. Although the **STATEMENT OF CHARGES** does not identify with any specificity the particular answer given by Respondent that somehow allegedly violates her ethical obligations, Respondent has made an effort to discern which answers are being challenged. In this **CHARGE**, it is alleged that “Despite receiving a copy of the ‘Stotler Letter’ on or about March 19, 2021, and reviewing the same and providing edits and corrections of the same to the employee in FCJ Stotler’s direct control and supervision, Respondent testified under oath on January 31, 2022, that she had nothing to do with the letter and did not help with the letter.”

These allegations duplicate the allegations made in **CHARGE FOUR**. In responding to this **CHARGE**, the response to **CHARGE FOUR** is incorporated herein by reference, rather than repeating the same facts. As noted previously, to the extent that any answers given under oath by Respondent during her first sworn statement are inconsistent with the facts, Respondent categorically denies that her answers were deliberately and intentionally false. Instead, her answers were true, based upon the facts she recalled at that time because during the first sworn statement, without being presented with the documents identified above, she honestly did not recall

seeing the Stotler letter prior to receiving it in the mail from him or having reviewed it previously.

47. Respondent denies **CHARGE SEVEN** and further denies that any of her actions violated Rule 2.16(a) of the West Virginia Code of Judicial Conduct. Respondent was fully cooperative, honest, and candid with the disciplinary authorities throughout the investigation. In this **CHARGE**, it is alleged that "Despite her involvement with the drafting of the 'Stotler Letter' by letter dated April 30, 2021, Respondent (and two other FCJs) not only accused JDC of being biased and impartial, but specifically represented to the Chairperson of the Judicial Investigation Commission that " .. there is NO association between the three of us and the writing or sending of Judge Stotler's letter."

In responding to this **CHARGE**, the response to **CHARGE FOUR** is incorporated herein by reference, rather than repeating the same facts. Respondent and Family Court Judges Mary Ellen Griffith and David Greenberg did sign the April 30, 2021 letter sent to the Honorable Judge Alan D. Moats, Chairman of the Judicial Investigation Commission, and did accuse the JDC of being biased and impartial. Respondent and these two other Judges in good faith believed that the JDC was biased and not impartial. Are all Judges who make a good faith allegation that a lawyer is biased and not impartial subject to having their ethics challenged or is it only Judges who challenge the JDC? Is it an ethical violation for a judge to accuse a lawyer of unethical conduct? Respondent is not aware of any ethical rule or case holding that this statement in an unsworn letter, that was made in good faith, is a violation of any ethical duty.

In the May 2, 2022 written response, Respondent denied any allegation of wrongdoing in connection with the April 30, 2021 letter sent to Judge Moats. In this letter, Respondent and these Judges were asking about the propriety of the warning letters sent by the JDC:

In the aforementioned letter from Ms. Tarr (attached herein as Exh. A), there is a strong and unfounded implication that each of us were involved **in the drafting and the submission of the letter** dated March 25, 2021 by Judge Glen Stotler which was sent to the Supreme Court and various others, including Judge Rock as President of the Family Court Judicial Association.

In addition to this implication contained in her April 27, 2021 letter being completely without merit or foundation, we find the implication to be misplaced, inappropriate, insulting, biased, prejudicial, and sadly reproducing the very issue we have with the "warning" letters about which we inquired. (Emphasis added).

Respondent did not draft or submit the Stotler letter, as stated in her letter to Judge Moats. However, as explained above, after having her memory refreshed, Respondent acknowledges after receiving a faxed version of the Stotler letter she reviewed this earlier draft and recognized two minor errors.

Also, the complete quote mentioned in this **CHARGE** is "Other than Judge Stotler's letter serving as a springboard for our inquiry, there is NO association between the three of us and the writing or sending of Judge Stotler's letter." That statement is true. Respondent and these Judges did not write or send the Stotler letter. Respondent categorically denies that any statements in this letter were deliberately and intentionally false and further notes there was nothing unethical with Respondent and these Judges stating in the letter to Judge Moats that they believed, in good faith, that the JDC was biased and not impartial.

48. Respondent denies **CHARGE EIGHT** and further denies that any of her actions violated Rule 1.3 of the West Virginia Code of Judicial Conduct. In this **CHARGE**, it is alleged that “Respondent used the prestige of her judicial office to advance the allegations of misconduct about JDC and to attempt to obtain preferential treatment by requesting that JDC be recused from any and all future matters that involved her, and the other two FCJs.” While this **CHARGE** once again is not very specific, Respondent believes it is a reference to the April 30, 2021 letter Respondent and two other Judges sent to Judge Moats.

Respondent and Judges Griffith and Greenberg had a legitimate question about the JDC and the warning letters the JDC had sent out. Because there did not appear to be any legal support for the JDC to send out any warning letter, Respondent and these Judges reached out to Judge Moats in his capacity as the Chairman of the JIC. In the letter, Respondent and these Judges asserted:

It should be noted that we never received any response to our April 6th letter either by Mr. Lanham or the Judicial Investigation Commission. Neither were we informed that there was an April 5th letter in which Mr. Lanham had disqualified himself from anything having to do with the three of us. As a result of that failure to get a response, we decided to ask for an official advisory opinion. It is unclear as to why either disciplinary counsel would need to recuse themselves from a request for an advisory opinion. This is not personal to just us; it will impact all judges. There is a need to know how a "warning", which appears to be unsanctioned by the rules, can impact a judge's career In the future.

We cannot express to you how strongly we resent the implication in her letter. As a result of Ms. Tarr jumping to these unsupported and indecorous conclusions, we believe that it is obvious that she is biased toward the three of us.

Consequently, we have lost all faith in Ms. Tarr's and Mr. Lanham's ability to ever be impartial or unbiased toward the three of us. But for the futility of it, we would request an apology.

Finally, we welcome Ms. Tarr's recusal as well as Brian Lanham's from anything that has to do with any of us professionally now or in the future. We believe that the recusal should be made only once but It should be perpetual.

By the time this letter was written, JDC Tarr and Lanham already had disqualified themselves from providing an advisory opinion as requested and further disqualified themselves from any other matters dealing with Judge Stotler or anyone who may have helped in the submission of the Stotler letter. Respondent and these Judges were not using the "prestige" of their judicial offices to advance anything, but rather sought to obtain a specific answer to the question regarding the legal authority of the JDC to issue warning letters to Judges. Respondent and these Judges questioned why these JDC lawyers disqualified themselves from providing a legal answer to what authority existed for them to send out a warning letter to a Judge, but welcomed their recusal in any future matters involving these Judges. Simply making that request does not mean it would be granted. For the type of ethics question raised, certainly a letter to the Chairman of the JIC was the appropriate course of conduct because he was the head of the JIC. Respondent had every right to send this letter to Judge Moats and there was nothing in the letter that violated any of Respondent's judicial ethics.

Respondent Honorable Judge Deanna R. Rock respectfully asserts there is no merit whatsoever to any of the allegations in the **FORMAL STATEMENT OF CHARGES** filed against

her, she has not violated any of her ethical obligations under the West Virginia Code of Judicial Conduct, and ultimately these **FORMAL STATEMENT OF CHARGES** should be dismissed.

HONORABLE DEANNA R. ROCK, Respondent,

–By Counsel–

/s/ Lonnie C. Simmons

Lonnie C. Simmons (W.Va. I.D. No. 3406)

DIPIERO SIMMONS MCGINLEY & BASTRESS, PLLC

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Charleston, West Virginia 25326

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BEFORE THE HEARING BOARD

STATE OF WEST VIRGINIA

IN THE MATTER OF:

**JIC COMPLAINT NO. 38-2022
SUPREME COURT NO. 22-862**

**HONORABLE DEANNA R. ROCK,
FAMILY COURT JUDGE of the
TWENTY-THIRD FAMILY COURT CIRCUIT**

CERTIFICATE OF SERVICE

I Lonnie C. Simmons do hereby certify that a copy of the foregoing **ANSWER TO
FORMAL STATEMENT OF CHARGES** was served electronically on December 28, 2022, to the
following:

Rachael L. Fletcher Cipoletti
Special Judicial Disciplinary Counsel
Office of Disciplinary Counsel
4700 MacCorkle Avenue SE, Suite 1200C
Charleston, West Virginia 25304
rfcipoletti@wvdc.org

Edythe Nash Gaiser, Clerk
West Virginia Supreme Court
State Capitol, Room E-317
1900 Kanawha Blvd. East
Charleston West Virginia 25305
Edythe.Gaiser@courtsww.gov

/s/ Lonnie C. Simmons
Lonnie C. Simmons (W.Va. I.D. No. 3406)

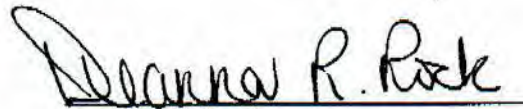
VERIFICATION

STATE OF WEST VIRGINIA

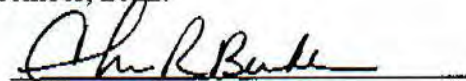
COUNTY OF MINERAL, to-wit:

I, Deanna R. Rock, after having been duly sworn under oath, do hereby state as follows:

1. I'm the named Respondent in the case styled **IN THE MATTER OF: THE HONORABLE DEANNA ROCK OF FAMILY COURT JUDGE of the TWENTY-THIRD FAMILY COURT CIRCUIT**, JIC Complaint No.: 38-2022; Supreme Court No.: _____.
2. I have reviewed the foregoing **ANSWER TO FORMAL STATEMENT OF CHARGES** filed in response to the **FORMAL STATEMENT OF CHARGES** served on me by mail and received by my counsel on November 28, 2022.
3. In the **ANSWER TO FORMAL STATEMENT OF CHARGES**, I have admitted or denied the allegations therein, as appropriate, based upon my own knowledge and belief, and to the extent my responses are based upon information and belief, I believe my responses are true.


Deanna R. Rock

Sworn to and signed before me this 27th day of December, 2022.


Notary Public

My commission expires 08/02/26.

