

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

IN THE MATTER OF:  
THE HONORABLE LOUISE E. GOLDSTON,  
JUDGE OF THE 13<sup>th</sup> FAMILY COURT CIRCUIT

SUPREME COURT No. 20-0742  
JIC COMPLAINT NOS. 30 & 33-2020

FORMAL STATEMENT OF CHARGES

The West Virginia Judicial Investigation Commission, pursuant to Rules 2.7 (a) and (d) and 2.8 of the Rules of Judicial Disciplinary Procedure, has determined that probable cause does exist to formally charge the Honorable Louise E. Goldston, Judge of the 13th Family Court Circuit ("Respondent" or "Judge Goldston"), with violations of the Code of Judicial Conduct and that formal discipline is appropriate:

Respondent has served as a Family Law Master/Family Court Judge for approximately 26 years. At all times relevant to the charges set forth below Respondent was serving in her capacity as a Family Court Judge.

On March 11, 2020, Judicial Disciplinary Counsel opened Complaint No. 30-2020 and on March 18, 2020, Matthew Gibson filed Complaint No. 33-2020. The two complaints alleged the same misconduct.

After investigating and evaluating the Complaints, the Judicial Investigation Commission finds that there is probable cause to make the following CHARGES and FINDINGS:

FAMILY COURT JUDGE GOLDSTON violated Rule 1.1 (compliance with the law), Rule 1.2 (confidence in the judiciary), Rule 1.3 (avoiding abuse of prestige of office), Rule 2.2 (impartiality and fairness), Rule 2.4(B) (external influences), Rule 2.5 (competence, diligence and cooperation) and Rule 3.1(A), (B), (D) (extrajudicial activities in general) of the Code of Judicial Conduct as set forth in the attached Appendix when she committed the following acts:

1. Over the past twenty years as a Family Court Judge, Respondent has been engaging in the practice of visiting homes of litigants appearing in front of her. Respondent went to the litigants' homes to either determine if certain disputed marital property was present and/or to supervise the transfer of disputed property. Respondent admitted to conducting these home visits in her capacity as a Family Court Judge on eleven separate occasions in different cases.
2. In every instance except Mr. Gibson's case, all of Respondent's home visits were prompted by a motion by a litigant's attorney and not objected to by the opposing party and with full knowledge of the purpose therein. Most of the Respondent's home visits occurred during a court hearing in the case. A party's attorney would move the Court to leave directly from the bench and accompany the parties to the home. After granting the motion, Respondent would meet the parties at the home.
3. On March 4, 2020, during a contempt hearing in the Matthew Gibson divorce case, there was an allegation that Mr. Gibson negligently damaged marital property he was ordered to turn over to the opposing property. The opposing party further alleged that Mr. Gibson failed to turn over several items of sentimental value as previously ordered by the Court.
4. During the hearing, Respondent suddenly and without explanation asked Mr. Gibson, who was representing himself *pro se*, for his address. Respondent *sua sponte* stopped the hearing and ordered the parties to meet her at Mr. Gibson's house in ten minutes again without any explanation. Because of Respondent's failure to explain the reason for the home visit, Mr. Gibson was unable to raise any objection while still at the hearing.

5. Once everyone arrived at Mr. Gibson's home and the purpose of the visit became clear, Mr. Gibson moved to recuse Respondent on the ground that she had become a potential witness in the case. Respondent denied the motion as untimely.
6. Mr. Gibson then verbally refused to allow Respondent or anyone else in his house without a search warrant. Respondent threatened to put Mr. Gibson in jail if he denied them entry into his house. Mr. Gibson felt he had no choice but to relent.
7. Upon Respondent's arrival at Mr. Gibson's property, Mr. Gibson had a bystander video record the initial interactions outside the house between Respondent and the parties. Mr. Gibson also secretly recorded several minutes of audio of the initial interaction on his cell phone.
8. When the video and audio recordings were discovered by Respondent, she ordered both recordings stopped. However, once inside the house, Respondent's bailiff used his phone to record both video and audio of the separation of marital assets.
9. On July 22, 2020, Judicial Disciplinary Counsel took Respondent's sworn statement. Respondent admitted that she failed to inform Mr. Gibson of the purpose of the home visit while the parties were in the courtroom and that she did not give him any opportunity to object thereto until everyone was at his house.
10. Respondent opined that she believed it was proper to visit litigants' homes. Respondent likened the practice to a jury view or similar continuation of the court proceeding and stated that as a finder of fact it was necessary to determine whether a party could be held in contempt for not turning over personal property as previously ordered by the Court.
11. When asked, Respondent could provide no statute, rule or case that gave her the authority to conduct home visits. Respondent also acknowledged that there was nothing in the

contempt powers that gave her the authority to conduct a home visit. Respondent confessed that she never held anyone in contempt prior to going to the home and that she failed to enter any order subsequent to the visit reflecting what had happened at the residence, whether any items had been secured and/or whether or not a party was in contempt.


12. Respondent admitted that she never had any clear or written procedures for conducting a home visit, including but not limited to, when the proceeding should be utilized and how the process should take place. She also acknowledged that she never took a court reporter to the scene.
13. Upon reflection, Respondent agreed that the practice could make her a potential witness to a future proceeding which could then result in her disqualification. Respondent further agreed that family court judges run the risk of disqualification if he/she were to become a witness in a subsequent proceeding pertaining thereto.
14. Respondent also agreed that the burden of proof in a contempt proceeding rests not with the Family Court Judge but with the moving party. She agreed that it is the moving party's responsibility to provide evidence in support of his/her contention that the other side has failed to produce the items in question. Respondent admitted to improperly putting herself in the role of litigant.

\* \* \* \* \*

Respondent is advised that she has the right to file responsive pleadings to the charges made against her not more than 30 days after service of the formal charges upon her by the Clerk of the Supreme Court of Appeals of West Virginia. Rule 2.10 of the Rules of Judicial Disciplinary Procedure provides:

The judge may file responsive pleadings as provided in the West Virginia Rules of Civil Procedure. Any such pleadings shall be filed by the judge with the Clerk of the Supreme Court of Appeals and the Office of Disciplinary Counsel not more than thirty (30) days after the date of the formal charges. For good cause shown, the Office of Disciplinary Counsel may extend the time for filing of such pleadings.

STATEMENT OF CHARGES issued this 18<sup>th</sup> day of September, 2020.

  
The Honorable Alan D. Moats, Chairperson  
Judicial Investigation Commission

ADM/bjl

## **APPENDIX**

### **WEST VIRGINIA CODE OF JUDICIAL CONDUCT**

#### **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 1.3 Avoiding Abuse of the Prestige of Judicial Office**

A judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others or allow others to do so.

#### **Rule 2.2 Impartiality and Fairness**

A judge shall uphold and apply the law and shall perform all duties of judicial office fairly and impartially.

#### **Rule 2.4 External Influences on Judicial Conduct**

- B. A judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment.

#### **Rule 2.5 Competence, Diligence, and Cooperation**

- A. A judge shall perform judicial and administrative duties, competently and diligently.

#### **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:



- 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; . . . .
- D. engage in conduct that would appear to a reasonable person to be coercive;

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SUPREME COURT No. \_\_\_\_\_

THE HONORABLE LOUISE E. GOLDSTON, JIC COMPLAINT Nos. 30-2020 & 33-2020  
JUDGE OF THE 13<sup>th</sup> FAMILY COURT CIRCUIT

**RULE 2.8 NOTICE OF FILING OF  
FORMAL STATEMENT OF CHARGES**

Comes now Judicial Disciplinary Counsel pursuant to Rule 2.8 of the Rules of Judicial Disciplinary Procedure and on behalf of the Judicial Investigation Commission and provides notice to Louise E. Goldston, Judge of the 13<sup>th</sup> Family Court Circuit, by email and United States Mail that on the 23<sup>rd</sup> day of September 2020, he duly filed the attached Formal Statement of Charges in the above-captioned matter with the Clerk of the Supreme Court of Appeals of West Virginia by hand delivering the original and nine copies to the Clerk's Office located at the Capitol Complex, Building One, Room E-317, 1900 Kanawha Boulevard East, Charleston, West Virginia 25305.

Respectfully submitted,

  
Brian J. Lanham, Deputy Counsel  
WV Bar I.D. No. 7736  
Judicial Investigation Commission  
City Center East Suite 1200A  
4700 MacCorkle Avenue SE  
Charleston, WV 25304  
(304) 558-0169



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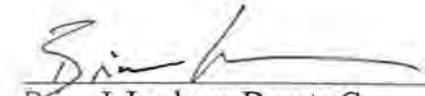
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CERTIFICATE OF SERVICE

I, Brian J. Lanham, Deputy Counsel for the Judicial Investigation Commission, do hereby certify that I served the Notice of Filing and a true and accurate copy of the Formal Statement of Charges on Respondent by placing the same in the United States mail first-class postage pre-paid and addressed as follows: Family Court Judge Louise Goldston, Raleigh County Judicial Center, 222 Main Street, Beckley, WV 25801; and by email to Lou.Goldston@courtswv.gov on this the 23rd day of September, 2020.

  
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