

**BEFORE THE SPECIAL JUDICIAL HEARING BOARD
STATE OF WEST VIRGINIA**

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IN THE MATTER OF:

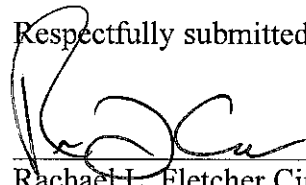
**JIC COMPLAINT NO. 38-2022
SUPREME COURT NO. 22-___**

**HONORABLE DEANNA R. ROCK,
FAMILY COURT JUDGE of the 23rd FAMILY COURT CIRCUIT**

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

Comes now Special Judicial Disciplinary Counsel pursuant to Rule 2.8 of the Rules of Judicial Disciplinary Procedure and on behalf of the Special Judicial Investigation Commission and provides notice to Counsel for the Honorable Deanna R. Rock, Judge of the 23rd Family Court Circuit, by email and United States Mail that on the 21st day of November, 2022, she 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 electronically with File and Serve Xpress.

Respectfully submitted,



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**BEFORE THE SPECIAL JUDICIAL HEARING BOARD
STATE OF WEST VIRGINIA**

IN THE MATTER OF: **COMPLAINT NO. 38-2022**
HONORABLE DEANNA R. ROCK,
FAMILY COURT JUDGE of the 23rd FAMILY COURT CIRCUIT

STATEMENT OF CHARGES

The Special Judicial Investigation Commission, pursuant to Rules 2.7(a) and (d) and Rule 2.8 of the Rules of Judicial Disciplinary Procedure, has determined that probable cause does exist to formally charge Deanna R. Rock with violations of the Code of Judicial Conduct and has determined that formal discipline is appropriate based upon the following findings:

1. Respondent became a licensed member of the West Virginia State Bar on May 13, 2004.
2. As a member of the West Virginia State Bar, Respondent was not sanctioned by the Lawyer Disciplinary Board or the Supreme Court of Appeals of West Virginia.
3. Respondent was elected in an uncontested election to serve as a Family Court Judge for a new seat in the Twenty-Third Family Court Circuit (Hampshire, Mineral and Morgan Counties) in May 2016 and she took office on January 3, 2017.
4. As a member of the judiciary, Respondent has not been sanctioned by the Judicial Investigation Commission or the Supreme Court of Appeals of West Virginia.
5. Respondent and the Honorable Glen R. Stotler are the only family court judges in the Twenty-Third Family Court Circuit. Respondent's primary office is in Mineral County, and FCJ Stotler's primary office is located in Morgan County, West Virginia.
6. Respondent served as the President of the West Virginia Family Court Judicial Association in 2020 and 2021.

7. On or about August 25, 2020, the Judicial Investigation Commission (hereinafter “JIC”) found probable cause existed and pursuant to Rule 2.7 (c) issued an Admonishment to FCJ Shuck for conducting “home visits” and the JIC stated that such home visits were not authorized by any statute, rule or case law and that they were “ill-advised and inappropriate.” FCJ Shuck was publicly admonished for his violations of Rules 1.1; 1.2; 1.3; and 2.5(a) of the Code of Judicial Conduct. FCJ Shuck did not object to the admonishment.
8. On September 23, 2020, JDC filed a Statement of Charges with the Clerk of Court after the JIC found probable cause and voted to issue a One-Count formal Statement of Charges against FCJ Goldston charging her with violating Rules 1.1, 1.2, 1.3, 2.2, 2.4(B), 2.5 and Rules 3.1(A), (B) and (D) of the Code of Judicial Conduct.
9. On or about September 30, 2020, FCJ Goldston and her counsel entered into a written agreement with the JDC whereby she would admit to (1) all of the facts contained in paragraphs 1 through 14 of the formal statement of charges; and (2) violating Rules 1.1, 1.2, 1.3, 2.2(A), 2.4(B) and 2.5 of the Code of Judicial Conduct for her behavior set forth therein. The parties set forth factors in mitigation. The parties further agreed to recommend sanctions of a censure, a \$5,000.00 fine and the payment of costs.
10. The agreement was signed by FCJ Goldston and her Counsel Andy Nason on September 30, 2020, and by JDC on October 5, 2020.
11. Respondent spoke with FCJ Goldston and expressed her concerns that entering the agreement in the judicial disciplinary case admitting that the “home view” she conducted in the subject family court case was a violation of the Code of Judicial Conduct would negatively impact the judiciary.

12. After requesting direction from FCJ Goldston how she may support and offer aid to her in the disciplinary proceeding, on or about October 14 and 15, 2020, Respondent, along with two other family court judges, sent letters of support for FCJ Goldston to the Judicial Investigation Commission.
13. The letters were presented to the Judicial Investigation Commission at its October 16, 2020 meeting, and the Commission directed JDC to advise Respondent (and the other two FCJs) that the letter was in violation Rules 1.3; 2.10(A), and 3.3 of the Code of Judicial Conduct, and although it did not direct that a complaint be opened, JDC was directed to send a letter warning the judges about the conduct.
14. On or about October 21, 2020, the JIC issued Advisory Opinion 2020-25 stating that it was “improper for any judge to voluntarily write a letter of support on behalf of any litigants in any civil or criminal matter pending or impending in any court or administrative venue.”
15. FCJ Goldston’s disciplinary hearing was held on January 15, 2021.
16. On January 20, 2021, JDC filed a Motion to Disqualify JDC Stotler from the Goldston judicial disciplinary matter.
17. By Order prepared by counsel for the JHB and entered January 22, 2021, FCJ Stotler declined to disqualify himself.
18. The JHB issued its recommended decision on or about March 15, 2021.
19. On or about March 18, 2021, FCJ Stotler’s Family Court Coordinator, J.R Campbell, typed the first draft of the “Stotler Letter” as FCJ Stotler dictated the substance to her from his hand-written notes. The Microsoft Word document properties indicate that the creator was “Joy Campbell” and it was saved on J.R. Campbell’s court-issued computer.

20. On March 19, 2021, the Microsoft Word document entitled “Dear Chief Justice Jenkins” - the March 18th version of the “Stotler Letter” created on J.R. Campbell’s computer the day prior-- was opened and saved on Respondent’s court-issued computer.
21. On or about March 22, 2021, Respondent made several edits/corrections to the “Stotler Letter” and transmitted several edits/corrections to the “Stotler letter” to FCJ Stotler’s Family Court Coordinator J.R.Campbell via several Microsoft Teams messages. Respondent further advised that “overall the letter looks good. Please ask Judge to call me before you mail this. Thanks.”
22. On or about March 25, 2021, FCJ Stotler sent and/or directed his staff to send the “Stotler Letter” dated March 25, 2021, addressed to Chief Justice Jenkins and carbon copied Supreme Court Justice Walker; Supreme Court Justice Armstead; Supreme Court Justice Hutchison; Supreme Court Justice Wooton; Charles S. Trump, IV, Esquire, Chairman, Senate Judiciary Committee; Moore Capito, Esquire, Chairman House Judiciary Committee; Lisa A. Tackett, Director, Administrative Office; Joseph Armstrong, Administrative Director; and Respondent in her capacity as the President of the Family Court Judicial Association. FCJ Stotler alleged that Chief Judicial Disciplinary Counsel and Deputy Judicial Disciplinary Counsel engaged in serious misconduct during the investigation and prosecution of two Family Court Judges, specifically FCJ Goldston and FCJ Shuck.
23. Respondent’s March 22, 2021, and March 24, 2021, substantive edits provided to FCJ Stotler’s staff are incorporated into the “Stotler Letter” that was sent by FCJ Stotler on March 25, 2021.

24. On or about April 2, 2021, an article was written by reporter Chris Dickerson and published by the West Virginia Record entitled “Family court judge chastises Judicial Disciplinary Counsel, says they abuse power.”
25. Mr. Chris Dickerson, a reporter for the West Virginia Record, received an anonymous email of the “Stotler Letter” which had the fax line blacked out and some writing in blue ink that was crossed out. The blacked-out portion of the “Stotler Letter” indicates the source of the letter is a court issued fax line that belongs to Respondent.
26. On or about April 6, 2021, while the FCJ Goldston disciplinary matter was still pending before the Supreme Court of Appeals, Respondent emailed a document drafted by or on behalf of FCJ Goldston entitled “jhb objections corrected” from her personal email account to FCJ Stotler’s court-issued email account.
27. On the same date, Respondent emailed FCJ Stotler and forwarded a second email subject titled “Fw: Corrected objections.” The email contained an attachment entitled “jhb objections corrected.docx” The body of the original email was composed by FCJ Goldston and contained the message “I didn’t finish my last sentence”. The email was sent from Respondent’s personal email account to FCJ Stotler’s court-issued email account.
28. Additionally, by letter dated April 6, 2021, Respondent (and two other FCJs) sent a letter to Lisa Tackett, Director of the Division of Court Services at the Supreme Court of Appeals. The letter started “[i]n light of the letter Deanna Rock, President of the Family Judicial Association recently received concerning the actions of Judicial Disciplinary Counsel, please find attached the letters received by the undersigned judges as provided to us by the Judicial Disciplinary Counsel (hereinafter the “JDC”).” The letter discussed the judges’ belief that the issuance of the warning letters was improper and concluded by

stating “[i]n our opinion, this action by the JDC is a gross overreach of their job description and function within the process. The JDC used its power to improperly send a warning to a judge (three in this situation) when the JDC is clearly not authorized to do so. This was nothing short of bullying and had a chilling effect on the rights of judges to express their concerns.”

29. On or about April 12, 2021, the Chairperson of the JIC, provided the “Stotler Letter” to the Office of Lawyer Disciplinary Counsel and requested an investigation into the allegations made by FCJ Stotler regarding misconduct by counsel for the Judicial Investigation Commission.
30. On or about April 23, 2021, Respondent (and two other FCJs) drafted a letter addressed to JDC Tarr and requested an advisory opinion on JDC or JIC warnings. The judges attached the October 2020 warning letters, the April 6, 2021 letter, and the JIC Admonishment of FCJ Sally G. Jackson issued by the JIC on or about February 24, 2021.
31. On or about April 27, 2021, JDC Tarr responded by letter to the request for an advisory opinion and advised that her Office has disqualified themselves from handling any new complaints that involve Judge Stotler or any other judge who may have helped in the submission of the “Stotler Letter” and because the April 6, 2021 letter relates in part to the Stotler matter, her Office was also disqualifying itself. JDC Tarr advised that she was forwarding the request for an advisory opinion to the Chair of the JIC.
32. On April 27, 2021, Respondent sent an email to FCJ Stotler. The email included a response from JDC Tarr to a request for an advisory opinion by Respondent and two other family court judges. The body of the email stated “So someone thinks Dave, Mary Ellen and I helped with your letter. Please read and tell me your response.” The email continued stating

“This makes me very angry. Once again, she is making accusations without proof. Just like her and the problems of that office.”

33. On or about April 30, 2021, Respondent (and two other FCJs) sent a letter to the Chair of the JIC condemning JDC Tarr for implying that they were involved in the drafting and submission of the “Stotler Letter.” The letter indicated that the unfounded accusation of their involvement in the “Stotler Letter” was more evidence of JDC misconduct and requested an apology, and that JDC be recused from anything pertaining to them in the future.
34. On or about May 13, 2021, the Investigative Panel of the Lawyer Disciplinary Board issued its closing of the investigations of JDC Tarr and JDC Lanham. The Investigative Panel found no merit to the allegations and ordered the matters be closed. The Panel directed the public closing be sent to the Chairperson of the JIC and the Administrative Director of the Supreme Court of Appeals.
35. On or about May 25, 2021, the Administrative Director filed a judicial ethics complaint against FCJ Stotler with the Judicial Investigation Commission (I.D. No. 50-2021).
36. After the issuance of a confidential investigation subpoena issued by the Clerk of the Supreme Court, on or about January 31, 2022, Respondent appeared, both personally, and by and through counsel, and gave a sworn statement to Special Judicial Counsel in the course of the confidential investigation of the judicial ethics complaint filed against FCJ Stotler.
37. On or about March 15, 2022, the Special Judicial Commission directed a Statement of Charges to be filed against FCJ Stotler (Supreme Court No. 22-0227) and, to date, that matter is pending before the Judicial Hearing Board.

38. On or about March 15, 2022, the Special Judicial Investigation Commission directed Special Judicial Disciplinary Counsel to open a complaint against Respondent regarding her conduct.
39. By letter dated March 29, 2022, pursuant to Rule 5 of the Rules of Judicial Disciplinary Procedure, the complaint was docketed and sent via First Class Mail and electronic mail to Respondent.
40. After requesting and receiving an extension, on or about May 2, 2022, by and through counsel, Respondent filed an answer to the judicial ethics complaint.

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

CHARGE ONE—Rule 1.1 Compliance With the Law. A judge shall comply with the law, including the West Virginia Code of Judicial Conduct. Respondent’s course of conduct does not comport with the Code of Judicial Conduct.

CHARGE TWO – 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. Respondent’s course of conduct compromises or, at a minimum, appears to compromise her integrity and undermines public confidence in the judiciary.

CHARGE THREE—Rule 2.16(a) Cooperation with Disciplinary Authorities A judge shall cooperate and be candid and honest with judicial and lawyer disciplinary agencies. Despite receiving FCJ Goldston’s drafted objections to the Judicial Hearing Board’s decision on March 30, 2021, approximately ten (10) days prior to the filing of the same with the Clerk of the Supreme Court, on or about January 31, 2022, Respondent denied under oath that she provided the draft versions of the objections to FCJ Stotler, one of the presiding judicial officers on the Judicial Hearing Board.

CHARGE FOUR-- Rule 2.16(a) Cooperation with Disciplinary Authorities A judge shall cooperate and be candid and honest with judicial and lawyer disciplinary agencies. Despite receiving and reviewing a copy of the first version “Stotler Letter” on or about March 19, 2021, on or about January 31, 2022, Respondent testified under oath that prior to her receipt of the March 25, 2021 letter she had not previously seen or heard about the contents of the “Stotler Letter.”

CHARGE FIVE-- Rule 2.16(a) Cooperation with Disciplinary Authorities A judge shall cooperate and be candid and honest with judicial and lawyer disciplinary agencies. 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 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.

CHARGE SIX -- Rule 2.16(a) Cooperation with Disciplinary Authorities A judge shall cooperate and be candid and honest with judicial and lawyer disciplinary agencies. 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.

CHARGE SEVEN – Rule 2.16(a) Cooperation with Disciplinary Authorities A judge shall cooperate and be candid and honest with judicial and lawyer disciplinary agencies. 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.”

CHARGE EIGHT –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. 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.

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. 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 such pleadings.

STATEMENT OF CHARGES issued this the 18th day of November, 2022, and filed the 21st day of November, 2022.



The Honorable Christopher C. Wilkes, Chairperson
Special Judicial Investigation Commission

APPENDIX

Canon 1

A Judge Shall Uphold And Promote The Independence, Integrity, And Impartiality Of The Judiciary, And Shall Avoid Impropriety And The Appearance Of Impropriety.

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.

Canon 2

A Judge Shall Perform The Duties Of Judicial Office Impartially, Competently, And Diligently.

Rule 2.16 Cooperation with Disciplinary Authorities

(A) A judge shall cooperate and be candid and honest with judicial and lawyer disciplinary agencies.

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IN THE MATTER OF:

JIC COMPLAINT NO. 38-2022

SUPREME COURT NO. 22-_____

**HONORABLE DEANNA R. ROCK,
FAMILY COURT JUDGE of the 23rd FAMILY COURT CIRCUIT**

CERTIFICATE OF SERVICE

I, Rachael L. Fletcher Cipoletti, Chief Counsel, in her capacity as Special Counsel for the Special 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 to Respondent's Counsel, Lonnie C. Simmons, Esquire, on behalf of Family Court Judge Deanna R. Rock to Post Office Box 1631, Charleston, West Virginia 25326; and by email to lonnie.simmons@dbdlawfirm.com on this the 21st day of November, 2022.



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