

December 1, 2005

REPORT TO THE VIRGINIA GENERAL ASSEMBLY

In accordance with Section 17.1-905 of the Code of Virginia, the Judicial Inquiry and Review Commission makes the following report concerning its activities during the past twelve months:

1. The Commission continues to keep statistical information on all incoming complaints, telephone calls and correspondence. Complaints and inquiries are separated into categories indicating the source, the nature of the complaint or inquiry, and whether a violation of the Canons of Judicial Conduct was alleged. The statistics are attached and made a part of this report.

2. The Commission's 2005 statistical report also includes the number of times during the year that the Commission issued formal charges against a judge, the number of formal hearings conducted, the number of informal meetings with judges to discuss complaints, and the number of cases in which Commission findings were reported to the General Assembly.

3. Pamphlets describing the function of the Commission recently have been revised and continue to be made available to the public. They are distributed to all the Clerks' offices of General District, Juvenile, and Circuit Courts. The pamphlet explains how complaints are initiated, the confidential nature of Commission proceedings, and the array of dispositions available to the Commission. Similar pamphlets specifically aimed at lawyers also have been distributed widely to members of the bar.

4. Information concerning the Commission also is available on the Internet on the home page of the Virginia Supreme Court. The Commission's Rules, the Canons of Judicial Conduct and complaint forms are accessible on the website.

5. Commission Counsel provides informal ethics advice to Virginia judges on a daily basis. During the past twelve months, Counsel responded to 441 such requests.

6. The Judicial Ethics Advisory Committee responds to requests from judges for formal opinions concerning whether proposed future conduct complies with the Canons of Judicial Conduct. Commission staff continues to provide administrative support for this Committee. Information concerning the Ethics Committee and an index of the Committee's formal opinions also are available on the Internet.

7. The Commission presents numerous educational programs concerning judicial ethics. These programs have been conducted at local, regional, and state meetings for judges and bar groups. Commission staff also held training programs for substitute judges during October and November in Abingdon, Harrisonburg, Henrico, Manassas, Rustburg, and Suffolk. In April, Commission Counsel participated in "Law School for Legislators," a program designed by the Virginia State Bar to educate members of the General Assembly about various legal aspects of state government, including the duties and functions of the Commission. Commission Counsel made a similar presentation in September at a workshop for Senate Legislative Assistants.

Respectfully submitted,

Martin A. Thomas
Chairman

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Enclosure

JUDICIAL INQUIRY AND REVIEW COMMISSION
December 1, 2004 to November 30, 2005

Judges subject to the jurisdiction of the Commission	782
State Corporation Commission Judges	3
Virginia Workers' Compensation Commission	3

Written inquiries received		Nature of written inquiry	
Attorneys	7	Ruling/decision	151
Judges	18	Ex parte	11
Court employees	0	Bias or prejudice	79
General public	6	Delay	24
Litigants	132	Rude behavior	50
Victims	0	Failure to follow the law	26
Inmates	205	Ethics opinion	17
Media	0	How to file	51
Other	40	Other	40
TOTAL	408		449

Telephone inquiries received		Nature of telephone inquiry	
Attorneys	39	Ruling/decision	188
Judges	417	Ex parte	17
Court employees	6	Bias or prejudice	61
General public	25	Delay	36
Litigants	361	Rude behavior	67
Victims	5	Failure to follow the law	62
Inmates	3	Ethics opinion	424
Media	0	How to file	148
Other	97	Other	117
In Person	20		
TOTAL	973		1120

Files opened upon the complaint of		Commission Dispositions	
Attorney	8	No violation	12
General public	1	No further action	18
Litigant	7	Informal meetings	9
Judge	0	Suspensions	1
Inmate	0	Formal charges	2
Court Staff	0	Formal hearings	3
Commission	17	Canons breached	4
Victims	0	Findings reported to General Assembly	4
Other	0	Supreme Court complaints	1
		Retired	1
		Resigned	1
		Pending	10
TOTAL	33		

Recusals	
Staff	0
Commission	1