



## **COMMONWEALTH of VIRGINIA**

### **Judicial Inquiry and Review Commission**

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December 1, 2012

#### **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 maintains 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 2012 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 suspensions; the number of informal meetings with judges to discuss complaints; the number of cases in which Commission findings were reported to the General Assembly; and the number of formal complaints filed in the Supreme Court of Virginia.

3. Pamphlets describing the function of the Commission are widely 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.

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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 more than 450 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 educational programs concerning judicial ethics. The Commission participated in ethics training sessions for new judges and at the mandatory judicial conferences for district court and circuit court judges. The Commission also conducted ethics training for substitute judges in Virginia Beach, Roanoke, Staunton, and Richmond.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'B. Cavado', written over a horizontal line.

Bradley B. Cavado  
Chairman

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Enclosure

JUDICIAL INQUIRY AND REVIEW COMMISSION  
December 1, 2011 to November 30, 2012

|  |     |
|--|-----|
| Judges subject to the jurisdiction of the Commission | 794 |
| State Corporation Commission Judges                  | 3   |
| Virginia Workers' Compensation Commission            | 3   |

| Telephone inquiries received |            | Nature of telephone inquiry |             |
|------------------------------|------------|-----------------------------|-------------|
| Attorneys                    | 34         | Ruling/decision             | 205         |
| Judges                       | 456        | Ex parte                    | 9           |
| Court employees              | 6          | Bias or prejudice           | 45          |
| General public               | 73         | Delay                       | 19          |
| Litigants                    | 342        | Rude behavior               | 53          |
| Victims                      | 6          | Failure to follow the law   | 30          |
| Inmates                      | 1          | Ethics opinion              | 481         |
| Media                        | 0          | How to file                 | 207         |
| Other                        | 60         | Other                       | 237         |
| In Person                    | 21         |                             |             |
| <b>TOTAL</b>                 | <b>996</b> |                             | <b>1286</b> |

| Written inquiries received |            | Nature of written inquiry |            |
|----------------------------|------------|---------------------------|------------|
| Attorneys                  | 11         | Ruling/decision           | 329        |
| Judges                     | 3          | Ex parte                  | 11         |
| Court employees            | 0          | Bias or prejudice         | 45         |
| General public             | 11         | Delay                     | 15         |
| Litigants                  | 233        | Rude behavior             | 76         |
| Victims                    | 0          | Failure to follow the law | 48         |
| Inmates                    | 165        | Ethics opinion            | 1          |
| Media                      | 0          | How to file               | 25         |
| Other                      | 27         | Other                     | 233        |
| <b>TOTAL</b>               | <b>450</b> |                           | <b>783</b> |

| Files opened upon the complaint of |           | Commission Dispositions               |    |
|------------------------------------|-----------|---------------------------------------|----|
| Attorney                           | 5         | Informal Meetings                     | 7  |
| Litigant                           | 3         | Dismissed                             | 23 |
| Judge                              | 1         | Suspensions                           | 0  |
| Inmate                             | 0         | Formal charges                        | 0  |
| Court Staff                        | 2         | Formal hearings                       | 1  |
| Commission                         | 13        | Canons breached                       | 1  |
| Victims                            | 0         | Findings reported to General Assembly | 0  |
| Other                              | 0         | Supreme Court complaints              | 1  |
|                                    |           | Retired                               | 2  |
|                                    |           | Resigned                              | 0  |
|                                    |           | Pending                               | 1  |
| <b>TOTAL</b>                       | <b>24</b> |                                       |    |

| Recusals   |   |
|------------|---|
| Staff      | 0 |
| Commission | 7 |

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