



# *COMMONWEALTH of VIRGINIA*

## *Judicial Inquiry and Review Commission*

P.O. Box 367  
Richmond, Virginia 23218-0367  
(804) 786-6636  
Fax: (804) 371-0650

December 1, 2014

### 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 2014 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. Commission Counsel provides informal ethics advice to Virginia judges on a daily basis. During the past twelve months, Counsel responded to more than 550 such requests.

4. The Commission hired a new Assistant Counsel in August 2013, Katherine B. Burnett, who became Counsel on January 1, 2014. In November 2013, the Commission hired Robert Q. Harris, who started as Assistant Counsel on January 1, 2014.

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5. 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.

6. The Commission presents educational programs concerning judicial ethics. Commission Counsel participated in ethics training sessions for the legal staff of the Court of Appeals of Virginia and the Supreme Court of Virginia, for special justices, and for district court and circuit court judges at their mandatory judicial conferences.

Respectfully submitted,

A handwritten signature in cursive script, reading "Katherine Burnett".

Katherine B. Burnett  
Counsel

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Enclosure

JUDICIAL INQUIRY AND REVIEW COMMISSION  
December 1, 2013 to November 30, 2014

|  |     |
|--|-----|
| Judges subject to the jurisdiction of the Commission | 788 |
| State Corporation Commission Judges                  | 3   |
| Virginia Workers' Compensation Commission            | 3   |

| Telephone inquiries received |             | Nature of telephone inquiry |             |
|------------------------------|-------------|-----------------------------|-------------|
| Attorneys                    | 47          | Ruling/decision             | 127         |
| Judges                       | 506         | Ex parte                    | 4           |
| Court employees              | 10          | Bias or prejudice           | 25          |
| General public               | 124         | Delay                       | 2           |
| Litigants                    | 302         | Rude behavior               | 23          |
| Victims                      | 2           | Failure to follow the law   | 5           |
| Inmates                      | 1           | Ethics opinion              | 511         |
| Media                        | 0           | How to file                 | 306         |
| Other                        | 48          | Other                       | 250         |
| In Person                    | 31          |                             |             |
| <b>TOTAL</b>                 | <b>1071</b> |                             | <b>1253</b> |

| Written inquiries received |            | Nature of written inquiry |            |
|----------------------------|------------|---------------------------|------------|
| Attorneys                  | 10         | Ruling/decision           | 323        |
| Judges                     | 45         | Ex parte                  | 5          |
| Court employees            | 0          | Bias or prejudice         | 54         |
| General public             | 8          | Delay                     | 8          |
| Litigants                  | 226        | Rude behavior             | 38         |
| Victims                    | 1          | Failure to follow the law | 12         |
| Inmates                    | 176        | Ethics opinion            | 38         |
| Media                      | 0          | How to file               | 34         |
| Other                      | 17         | Other                     | 250        |
| <b>TOTAL</b>               | <b>483</b> |                           | <b>762</b> |

| Files opened upon the complaint of |           | Commission Dispositions               |    |
|------------------------------------|-----------|---------------------------------------|----|
| Attorney                           | 10        | Informal Meetings                     | 2  |
| Litigant                           | 3         | Dismissed                             | 37 |
| Judge                              | 4         | Suspensions                           | 0  |
| Inmate                             | 1         | Formal charges                        | 1  |
| Court Staff                        | 0         | Formal hearings                       | 1  |
| Commission                         | 22        | Canons breached                       | 1  |
| Victims                            | 1         | Findings reported to General Assembly | 1  |
| Other                              | 3         | Supreme Court complaints              | 0  |
|                                    |           | Retired                               | 0  |
|                                    |           | Resigned                              | 0  |
|                                    |           | Under Supervision                     | 1  |
|                                    |           | Pending                               | 6  |
| <b>TOTAL</b>                       | <b>44</b> |                                       |    |

| Recusals   |   |
|------------|---|
| Staff      | 0 |
| Commission | 1 |