

SUPREME COURT OF APPEALS OF WEST VIRGINIA

In the Matter of: Judge William M. Watkins, III

233 W. Va. 170 (2013) · No. No. 12-1008 · Decided March 26, 2013

SUMMARY

The Supreme Court of Appeals of West Virginia reviewed disciplinary proceedings against Putnam County Family Court Judge William M. Watkins, III. The court held that it had constitutional and inherent authority to impose disciplinary sanctions short of impeachment, including a suspension without pay extending through the remainder of the judge's term. The court adopted the Judicial Hearing Board's recommended sanctions, including censure for 24 violations, suspension through December 31, 2016, and payment of proceeding costs.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Justice Ketchum; Chief Justice Benjamin
JURISDICTION	West Virginia
DECIDED	March 26, 2013
DOCKET	No. 12-1008
DISPOSITION	other
PROCEDURAL POSTURE	Judicial disciplinary proceeding arising from stipulated misconduct findings and the Judicial Hearing Board's recommended sanctions. The respondent challenged the constitutional authority of the Supreme Court of Appeals to impose a suspension lasting through the end of his judicial term.
STANDARD OF REVIEW	The Supreme Court makes an independent evaluation of the Judicial Hearing Board's findings of fact and recommended sanctions to determine whether the allegations were proven by clear and convincing evidence. Stipulated facts are treated as proven by clear and convincing evidence.
PRECEDENTIAL VALUE	Published opinion; binding West Virginia Supreme Court of Appeals precedent
PARTIES	Judge William M. Watkins, III v. Judicial Investigation Commission

TOPICS

constitutional law

separation of powers

family law

domestic violence

remedies

PRACTICE AREAS

judicial discipline

constitutional law

family law

QUESTIONS PRESENTED

1. Whether the Supreme Court of Appeals of West Virginia had constitutional authority to suspend a family court judge without pay until the end of the judge's current term.
2. Whether a suspension lasting through the remainder of a judge's term is constitutionally equivalent to impeachment and removal, which the West Virginia Constitution reserves to the Legislature.
3. Whether the stipulated misconduct and the Judicial Hearing Board's findings supported censure, suspension without pay, and assessment of proceeding costs.

HOLDINGS

1. The Supreme Court of Appeals may impose a suspension without pay extending through the remainder of a judge's current term; such a suspension is not constitutionally equivalent to impeachment and removal.
2. The Supreme Court of Appeals has inherent and express constitutional authority to inquire into the conduct of judges and impose any disciplinary measure short of impeachment that is necessary to preserve and enhance public confidence in the judiciary.
3. In a judicial disciplinary proceeding requiring clear and convincing proof, stipulated facts are treated as proven by clear and convincing evidence.
4. The appropriate sanctions were censure on each of the twenty-four violations, suspension without pay through December 31, 2016, and payment of the costs of the investigation and prosecution.

KEY QUOTATIONS

"This Court has the inherent power to inquire into the conduct of justices, judges and magistrates, and to impose any disciplinary measures short of impeachment that it deems necessary to preserve and enhance public confidence in the judiciary." (233 W. Va. at 177-78)

"Suspension without pay and other sanctions ordered." (233 W. Va. at 184)

FACTUAL BACKGROUND

William M. Watkins, III, was a Putnam County family court judge whose term ended December 31, 2016. He stipulated to repeated misconduct, including intemperate, profane, threatening, and disrespectful treatment of litigants; failure to promptly resolve matters; failure to recuse himself after acknowledging anger and possible inability to remain impartial; failure to comply with domestic-violence-registry requirements; and inadequate management of his office and staff. The Judicial Hearing Board found twenty-four violations of nine Canons of the Code of Judicial Conduct and concluded that his conduct undermined public confidence in the judiciary.

PROCEDURAL HISTORY

Numerous complaints filed with the Judicial Investigation Commission were consolidated into seven counts alleging at least twenty-four violations of nine Canons of the Code of Judicial Conduct. Judge Watkins stipulated that the alleged conduct was true and violated the Code. After a November 27, 2012 hearing, the Judicial Hearing Board recommended censure for each violation, suspension without pay through December 31, 2016, and payment of proceeding costs. The Supreme Court independently evaluated the record and adopted the recommended sanctions.

DISPOSITION

other

CASES CITED

- West Virginia Judicial Inquiry Commission v. Dostert, 165 W. Va. 233, 271 S.E.2d 427 (1980)
- In re Pauley, 173 W. Va. 228, 314 S.E.2d 391 (1983)
- Matter of Starcher, 202 W. Va. 55, 501 S.E.2d 772 (1998)
- In the Matter of Gorby, 176 W. Va. 16, 339 S.E.2d 702 (1985)
- Committee on Legal Ethics v. Karl, 192 W. Va. 23, 449 S.E.2d 277 (1994)
- In re Toler, 218 W. Va. 653, 625 S.E.2d 731 (2005)
- Matter of Troisi, 202 W. Va. 390, 504 S.E.2d 625 (1998)
- West Virginia State Bar v. Earley, 144 W. Va. 504, 109 S.E.2d 420 (1959)
- In re Kading, 70 Wis. 2d 508, 235 N.W.2d 409 (1975)
- Halverson v. Hardcastle, 123 Nev. 245, 163 P.3d 428 (2007)
- Matter of Ferguson, 304 S.C. 216, 403 S.E.2d 628 (1991)
- Matter of Almeida, 611 A.2d 1375 (R.I. 1992)
- In re O'Dea, 159 Vt. 590, 622 A.2d 507 (1993)
- Matter of Ross, 428 A.2d 858 (Me. 1981)
- Matter of Brown, 427 Mass. 146, 691 N.E.2d 573 (1998)
- State ex rel. Patterson v. Aldredge, 173 W. Va. 446, 317 S.E.2d 805 (1984)
- Matter of Sommerville, 178 W. Va. 694, 364 S.E.2d 20 (1987)
- In re Browning, 192 W. Va. 321, 452 S.E.2d 34 (1994)
- Olmstead v. United States, 277 U.S. 438, 485 (1928) (Brandeis, J., dissenting)
- Lane v. West Virginia State Board of Law Examiners, 170 W. Va. 583, 295 S.E.2d 670 (1982)
- State ex rel. Askin v. Dostert, 170 W. Va. 562, 295 S.E.2d 271 (1982)

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