



Affidavit of Ronald E. Wilson, Sr.

STATE OF WEST VIRGINIA:

COUNTY OF KANAWHA:

TO WIT:

The undersigned, Ronald E. Wilson, Sr., being duly sworn, hereby deposes and says:

1. I am over the age of 18 and am a resident of the State of West Virginia. I have personal knowledge of the facts herein, and, if called as a witness, would testify completely thereto;
2. I suffer no legal disabilities and have personal knowledge of the facts set forth herein;
3. I am a Judge of the 1st Judicial Circuit in West Virginia, which is comprised entirely of Hancock, Brooke and Ohio Counties. I have served continuously as a circuit court judge for approximately 37 years;
4. I have never been the subject of any judicial discipline including a Formal Statement of Charges, Admonishment or any other form of discipline;
5. I have served continuously as a member of the Judicial Investigation Commission since on or about January 1, 2005. I have continuously served as the Chair of the Judicial Investigation Commission since approximately 2009;
6. In my almost fourteen years on the Judicial Investigation Commission, I have become very familiar with the Rules of Judicial Disciplinary Procedure and the Code of Judicial Conduct;
7. There are nine members of the Judicial Investigation Commission including me. Three of the members including me are elected circuit court judges, one member is an elected family court judge, one member is an elected magistrate, one member is a senior status judge, and three members come from the public at large. The members are appointed by the Court and all but the Chair and Vice Chair are subject to term limitations. The judicial members serve without remuneration;
8. The Judicial Investigation Commission operates as an independent body primarily charged with determining whether probable cause exists to formally charge a judge with a violation of the Code of Judicial Conduct. The Commission does not and has not always agreed with the Supreme Court. The Commission has always brought charges against justices and other judicial officers when warranted. In fact, a comparison of our record with other states show that each year since 2014 we have been near the top of the list for the public discipline of judges;
9. On or about April 18, 2018, our counsel opened complaints against Justices Walker, Workman and Davis. The complaint against Justice Walker was given number 41-2018;
10. Following a three month investigation in which evidence was gathered evidence and witnesses were interviewed, Judicial Disciplinary Counsel brought the matter before the

Commission for discussion and review on or about July 20, 2018. After a thorough review, the Commission found that there was no probable cause to believe that Justice Walker violated the Code of Judicial Conduct and voted to dismiss the complaint against her. The Commission also voted to dismiss the complaints against Justices Workman and Davis for the same reason;

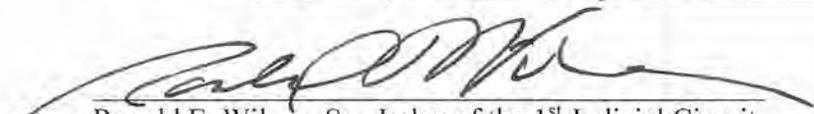
11. Immediately after the vote to dismiss, the Commission voted to release the dismissal letters to the public provided the Justices agreed to waive confidentiality. The decision to release the dismissal letters was for the same reason stated in the press release accompanying them. This was the sole reason for releasing the dismissal letters. There was no other motivation for the action;
12. After I signed the dismissal letters on July 23, 2018, our counsel provided each of the Justices only their respective dismissal letters by email and then asked each of them if they would agree to waive confidentiality and authorize the public release of their letter;
13. Upon notification by our counsel that the three justices' each agreed to the release of their individual dismissal letter, I instructed her (our counsel) to prepare a press release. I did not author the press release but I approved its content prior to dissemination. The release was authored by our counsel;
14. After the public release of the dismissal letters, the Judicial Investigation Commission received a subpoena *duces tecum* from the House Judiciary Committee on July 24, 2018, seeking:

[a]ny and all documents and records including, but not limited to, transcripts, audio or video recordings, and written statements that were used in the investigation of, and as the basis of closing all the outstanding ethics complaints and taking no disciplinary action against Justice Beth Walker, Justice Robin Davis, and Justice Margaret Workman as indicated in the Judicial Investigation Commission ("JIC") press release dated July 23, 2018;
15. Our counsel was instructed to consult with each of the Justices and seek a waiver for the release. Each of the justices agreed to the release of the evidence provided they also received the same;
16. The Commission then voted to release the majority of the evidence it reviewed in relation to the ethics complaints involving Justices Walker, Workman and Davis, subject to their approval. The information not provided was listed in an August 1, 2018 letter from our counsel to House Judiciary Committee Counsel Marsha Kauffman (See Exhibit No. 14 to the Motion to Quash) and to my knowledge consisted of items considered attorney work product or information that may have been gleaned as a result of an investigation involving another individual or individuals that has not been made public. The decision not to release those items has never been challenged by the House Judiciary Committee;
17. On or about August 1, 2018, our counsel hand-delivered the evidence to Ms. Kauffman and emailed the same pertaining to each justice only to that specific justice.

18. Neither I nor any member of the Judicial Investigation Commission violated Rule 2.4 of the Rules of Judicial Disciplinary Procedure pertaining to confidentiality of dismissed complaints because the justices agreed to waive confidentiality and allow the release of the dismissal letters. As can be seen in *Smith v. Tarr*, memorandum decision No. 13-1230 (WV Supreme Ct. 1/12/2015), the confidentiality rule regarding dismissed complaints is designed to benefit the judge who “lacks the freedom to defend themselves publicly against all meritless complaints and to choose the cases or parties before them.” Therefore, the judge is the holder of the confidentiality privilege and if he/she desires to release the dismissal letter it is within their purview. Had the justices declined to release the dismissal letters, they would not have been released. To do otherwise in that instance would have violated the confidentiality rule. I would also note that in my only public comment about the matter, I limited my remark to why we released the complaint and did not address in any many the merits of the decision;
19. I did not have any communications with any of the Justices about releasing our findings other than as described herein.
20. I recall at least one other instance in recent years where a judicial officer on his/her own released a confidential dismissal letter involving a complaint and the Commission publicly commented on it thereafter.

I declare that, to the best of my knowledge and belief, the information herein is true, correct, and complete.

Executed this 30 day of Sept., 2018.


Ronald E. Wilson, Sr., Judge of the 1st Judicial Circuit
and Chair of the Judicial Investigation Commission

NOTARY ACKNOWLEDGEMENT

STATE OF WEST VIRGINIA, COUNTY OF KANAWHA, ss:

This Affidavit was acknowledged before me on this 30th day of September, 2018, by Ronald E. Wilson, Sr., Judge of the 1st Judicial Circuit and Chair of the Judicial Investigation Commission, who, being first duly sworn on oath according to law, deposes and says that he has read the foregoing Affidavit subscribed by him, and that the matters stated herein are true to the best of his/her information, knowledge and belief.

Mary Pamela Schaffer Notary Public
Executive Assistant Title (and Rank)

My commission expires December 22, 2019

