

What is the Commission on Judicial Conduct and Ethics?

The constitutionally created Commission on Judicial Conduct and Ethics handles complaints about the ethical conduct of judges in Wyoming.

The Commission consists of twelve members:

- ◆ **Six citizen members** who are not attorneys, judges or retired judges, appointed by the Governor and approved by the Senate
- ◆ **Three attorneys** who have practiced law in Wyoming at least ten years, appointed by the Wyoming State Bar
- ◆ **Two district judges and one circuit judge** elected by the Judicial Council

Who can file a complaint?

A complaint may be filed by any person against a justice of the Wyoming Supreme Court, a Wyoming district judge, a Wyoming circuit court judge, a Wyoming municipal judge, a court commissioner, a court magistrate, or a retired judge who has been given a general or special appointment order to hear cases by the Wyoming Supreme Court.

What type of complaint can the Commission address?

The Commission has authority to handle a wide range of complaints against judges. Complaints within the Commission's authority include misconduct inside or outside the courtroom, conduct that is prejudicial to the administration of justice, or mental or physical disability that seriously interferes with judicial duties.



How is a complaint filed?

To file a complaint, first contact the Commission in writing or by phone to obtain a verification form that must be filed with your letter.

- ◆ Address your complaint to the Chair of the Commission on Judicial Conduct and Ethics;
- ◆ Have your complaint properly verified;
- ◆ Mail it to the Commission on Judicial Conduct and Ethics, P.O. Box 2645, Cheyenne, WY 82003.
- ◆ Mark the envelope "Personal and Confidential."
- ◆ Include the name of the judge in your complaint, as well as the facts surrounding the conduct in question. It is helpful to provide an address and telephone number where you can be reached.

The Commission also has authority to initiate its own inquiry into possible judicial misconduct.

How is a complaint investigated?

After a complaint has been reviewed and considered by each member of the investigatory panel, the panel votes on whether to dismiss the complaint or commence a formal investigation.

The investigatory panel may (1) contact the judge complained of and request a response; and if after the judge's response the panel believes further investigation is necessary, (2) instigate a preliminary investigation; and if after the completion of the preliminary investigation the panel believes still further investigation is necessary, (3) hold a formal hearing before the adjudicatory panel of the Commission.



What can the Commission do?

The Commission **may**:

- ◆ Recommend disciplinary action to the Wyoming Supreme Court
- ◆ Sanction a judge privately
- ◆ Exonerate the judge of wrongdoing

What can the Commission NOT do?

The Commission **cannot**:

- ◆ Review a legal decision made by a judge (e.g., child custody or support decisions; sentencing; etc.). *A legal decision made by a judge may only be reviewed by state appellate courts (the Wyoming Supreme Court, or in some instances, a district court may review a decision of a circuit court)*
- ◆ Address attorney misconduct or misconduct by any governmental agency except judges.

What action formally disciplines a judge?

- ◆ Removal from office
- ◆ Suspension for a limited time
- ◆ Retirement
- ◆ Public censure, reprimand or admonishment
- ◆ Private censure, reprimand or admonishment



What is judicial misconduct?

Judicial misconduct can include, but is not limited to:

- ◆ **Improper courtroom decorum**
improper consideration and treatment of counsel, witnesses, and others; improper bench conduct such as drunkenness
- ◆ **Failure or refusal to dispose of judicial business promptly**
- ◆ **Improper use of judicial authority**
- ◆ **Abuse of the power of the judicial office**
- ◆ **Improper illegal influence**
allowing family, social or political relationships to influence any judicial decision or matter relating to the administration of justice; conflict of interest; giving or receiving gifts, bribes, loans, or favors
- ◆ **Impropriety off the bench**
misappropriation or misuse of public employees, property or funds; improper comments, accusations or associations; interference with or influence on a pending or impending lawsuit; lewd or corrupt personal life; use of judicial position to extort or embezzle private funds
- ◆ **Habitual intemperance**
excessive use of intoxicating drinks or drugs
- ◆ **Conduct prejudicial to the administration of justice that brings the judicial office into disrepute**
- ◆ **Criminal behavior**
- ◆ **Failure to oversee administrative staff**
failure to require staff, court officials and others subject to the judge's direction to exercise proper decorum, behavior, and attitudes; to refrain from manifesting bias or prejudice in the performance of their official duties



What can a complainant expect?

Individuals who file complaints with the Commission will receive written correspondence indicating what action has been taken. Copies of complaints are routinely sent to each investigatory panel member for consideration and vote. The Commission meets periodically to take care of pending and new matters.

Each membership category shall be represented—citizen, attorney, and judge. The investigatory panel is composed of three or more members. The remaining Commission members serve as the adjudicatory panel for that complaint. Members of the panels rotate on a case-by-case basis so the makeup of each panel varies for each complaint filed.

Judges are notified of complaints filed with the Commission only when it is necessary to conduct an investigation. A copy of the complaint is sent to the judge when an inquiry is made by the investigatory panel.

Confidentiality

All matters before the Commission on Judicial Conduct and Ethics are confidential.

A recommendation for discipline filed by the Commission with the Supreme Court loses its confidential character upon filing.

Any violation of the confidentiality provision constitutes an act of contempt and is punishable as such.



Commission on Judicial Conduct and Ethics



ADDRESS ALL CORRESPONDENCE TO:

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