

WYOMING COMMISSION ON JUDICIAL CONDUCT & ETHICS

JOINT JUDICIARY COMMITTEE

JAY GILBERTZ, CHAIRMAN

WENDY SOTO, EXECUTIVE DIRECTOR

OCTOBER 26, 2020

COMMISSION HISTORY & CONSTITUTIONAL AUTHORITY

- Wyoming's Judicial Supervisory Committee was established by the Constitution.
- The authority for the current independent twelve member Commission is the result of an amendment to Article 5 § 6 of the Wyoming Constitution.

COMPOSITION

- The Commission is composed of three judges, three attorneys, and six “electors” or citizen members.
 - The judges who serve on the Commission are elected by fellow judges but cannot be Supreme Court Justices. The judges currently serving on the Commission are:
 - Two District Court Judges:
 - Honorable Richard Lavery, Green River
 - Honorable Catherine Wilking, Casper
 - One Circuit Court Judge:
 - Honorable Paul Phillips, Gillette

COMPOSITION

- The Commission is composed of three judges, three attorneys, and six “electors” or citizen members.
 - The attorneys who serve on the Commission are appointed by the Wyoming State Bar Association. Attorneys currently serving are:
 - Jay Gilbertz, Sheridan
 - Steve Simonton, Cody
 - Jamie Woolsey, Casper

COMPOSITION

- The Commission is composed of three judges, three attorneys, and six “electors” or citizen members.
 - The “electors” or citizen members of the Commission are appointed by the Governor and confirmed by the Senate. Citizen members currently serving are:
 - Priscilla “Cissy” Dillon, Sheridan
 - Keren Meister-Emerich, Cheyenne
 - Ray Elser, Jackson
 - Kent R. Noble, Laramie
 - Ryan McConnaughey, Casper
 - Ruth Ann Petroff, Jackson

SERVICE

- Commissioners serve staggered three-year terms and may be reappointed for one subsequent term.
- Commissioners receive no compensation and are reimbursed only for out-of-pocket expenses.

THE COMPLAINT PROCESS

- RULES GOVERNING THE COMMISSION ON JUDICIAL CONDUCT AND ETHICS
- Rule 7. Powers and duties of the investigatory panel.
 - (a) The investigatory panel shall review complaints received by the Commission concerning allegations of judicial misconduct, criminal misconduct, civil misconduct, or disability to determine whether an investigation is warranted. All complaints shall be in writing and verified, and addressed to the Commission.
 - (b) In the absence of a written complaint, the investigatory panel may commence investigations on its own motion when it becomes aware of information from any source that is deemed reasonably reliable on matters concerning alleged disability, judicial misconduct, criminal misconduct, or civil misconduct falling within the jurisdiction of the Commission.

CODE OF JUDICIAL CONDUCT

- Canon 1. A judge shall uphold and promote the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.
- Canon 2. A judge shall perform the duties of judicial office impartially, competently, and diligently.
- Canon 3. A judge shall conduct the judge's personal and extrajudicial activities to minimize the risk of conflict with the obligations of judicial office.
- Canon 4. A judge or candidate for judicial office shall not engage in political or campaign activity that is inconsistent with the independence, integrity, or impartiality of the judiciary.

THE INVESTIGATORY PANEL

- Investigatory Panel (I Panel) Rule 7.
 - Three to five members of the commission.
 - One judge, one attorney, one to three citizen members.
 - May make inquiry to judge.
 - May retain counsel.
 - May issue subpoenas.
 - May require mental or physical exams.

THE INVESTIGATORY PANEL

- The I Panel can take the following action:
 - Dismiss complaint.
 - Issue letters of correction.
 - Enter stipulated private censure.
 - Can refer probable cause finding to Adjudicatory Panel (A Panel).

THE ADJUDICATORY PROCESS

- Adjudicatory Panel, (A Panel) Rule 8.
 - I Panel members may not sit on A panel.
 - Three to five members of the Commission, at least one from each discipline.
 - May conduct hearings and make findings and adjudications concerning the allegations.
 - Dismiss.
 - Submit findings to the Disciplinary Panel for disposition.

DISCIPLINARY PANEL

- Disciplinary Panel, (D Panel) Rules 3, 6, 8 & 16.
 - Consists of all members of the Commission with the exception of the Investigatory Panel.
 - Determines the nature of the sanction which may include private censure, or any other form of private discipline provided for in the its rules. Alternatively, it may make a recommendation to the Wyoming Supreme Court for public discipline such as censure, removal or retirement.
 - Discipline may include assessment of reasonable costs and fees.

DISCIPLINARY AUTHORITY

- The Wyoming Constitution and the Commission rules grant its disciplinary authority. The Commission has the authority to:
 - Issue a letter of correction.
 - Issue private censure.
 - Impose temporary discipline or interim suspension.
 - Approve a stipulated agreement for discipline.
 - Make recommendations to the Supreme Court for public discipline.
- When a recommendation is made to the Supreme Court for Public Discipline it may:
 - Issue public censure.
 - Suspend or remove from office.
 - Remove for disability.

CONTACT THE COMMISSION

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