

Bond Case Briefs

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REFERENDA - VIRGINIA

Judicial Inquiry and Review Commission v. Bumgardner

Supreme Court of Virginia - July 20, 2017 - S.E.2d - 2017 WL 3090230

Judicial Inquiry and Review Commission filed complaint against Senior Judge of the Court of Appeals and retired circuit court judge, asserting that judges violated the Canons of Judicial Conduct by becoming involved with referendum committee, which was created to aid in defeating a public referendum to move the location of a county courthouse, and publicly advocating for the defeat of the referendum.

The Supreme Court of Virginia held that:

- Judges' involvement with and actions taken by them on behalf of referendum committee did not violate Canon of Judicial Conduct prohibiting judges from engaging in political activity inappropriate to judicial office, and
- Commission failed to meet its burden of proof in showing that judges violated the Canons of Judicial Conduct requiring judges to uphold the integrity and independence of the judiciary and requiring judges to avoid impropriety and the appearance of impropriety in all of their activities.

Judges' involvement with, and actions taken by them on behalf of referendum committee, which was created to aid in defeating a public referendum to move the location of a county courthouse, including their monetary donations to committee, did not violate Canon of Judicial Conduct prohibiting judges from engaging in political activity inappropriate to judicial office, although referendum related to government affairs; the location and condition of court facilities were issues inextricably intertwined with the administration of justice, judges had authority to require local governments to make improvements to court facilities, and language of Canon indicated that certain political activity by judges would not be inappropriate.

Judicial Inquiry and Review Commission failed to meet its burden of proof in showing that judges violated the Canons of Judicial Conduct requiring judges to uphold the integrity and independence of the judiciary and requiring judges to avoid impropriety and the appearance of impropriety in all of their activities by becoming involved and taking actions on behalf of referendum committee, which was created to aid in defeating a public referendum to move the location of a county courthouse; Commission's brief failed to set forth any argument regarding how evidence against judges supported a finding that the judges had violated the Canons.