

IN THE SUPREME COURT OF THE STATE OF UTAH

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Re: Inquiry Concerning A Judge

No. 20130797-SC
JCC Case No. 13-3JC-064

ORDER

Pursuant to the authority vested in the Supreme Court by Article VIII, Section 13 of the Utah Constitution and Utah Code Ann. § 78A-11-111, the Court approves the implementation of the Judicial Conduct Commission's Order of Censure.

FOR THE COURT:

10-11-13
Dated



Matthew B. Durrant
Chief Justice

BEFORE THE UTAH JUDICIAL CONDUCT COMMISSION

IN RE:)
) ORDER OF CENSURE
))
HON. VIRGINIA WARD) Case No. 13-3JC-064
)

This matter came before the Judicial Conduct Commission ("JCC") on August 20, 2013. The JCC reviewed, discussed and approved the stipulation. On August 27, 2013, the JCC entered its findings of fact and conclusions of law.

Based on the foregoing, the JCC hereby orders that the Hon. Virginia Ward be censured.

This Order shall only take effect upon implementation of the same by the Utah Supreme Court.

DATED this 27th day of August, 2013.

JUDICIAL CONDUCT COMMISSION


Elaine Englehardt, Chair

BEFORE THE UTAH JUDICIAL CONDUCT COMMISSION

IN RE:)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
HON. VIRGINIA WARD)
) Case Nos. 12-3JC-093 and 13-3JC-064

These two matters were scheduled for a consolidated confidential hearing before the Judicial Conduct Commission ("JCC") on August 20, 2013. Prior to the hearing, the Hon. Virginia Ward ("Judge Ward") signed a Stipulation fully resolving both matters. On August 20, 2013, the JCC voted to approve the Stipulation. On August 27, 2013, Judge Ward, in Third District Court Case No. 131906285, entered a guilty plea to one count of possession of a controlled substance with intent to distribute, a second degree felony. Based on the foregoing, the JCC now enters the following:

FINDINGS OF FACT

1. Judge Ward has served as a judge of the Salt Lake City Justice Court since 2002.
2. Judge Ward has not been previously sanctioned by the JCC or the Utah Supreme Court for judicial misconduct.
3. On June 28, 2012, the JCC received from Salt Lake City Attorney Edwin Rutan a complaint ("the Rutan complaint") alleging that Judge Ward may have one or more disabilities that seriously interfere with the performance of her judicial duties.

4. Due in part to the JCC's investigation of the Rutan complaint, beginning on about August 20, 2012, Judge Ward took a voluntary leave of absence in order to obtain medical and/or mental health counseling and treatment. She returned to the bench on or about September 19, 2012.

5. Periodic inquiries by JCC Executive Director Colin Winchester throughout the latter months of 2012 and the early months of 2013 failed to raise additional concerns about Judge Ward's performance of judicial duties.

6. On March 30, 2013, Judge Ward was arrested for having taken possession of a shipment of 338 tablets of oxycodone that had been mailed to her from Las Vegas, Nevada.

7. On April 1, 2013, the other judges of the Salt Lake City Justice Court, through Presiding Judge Jeanne Robison, filed a complaint ("the Robison complaint") alleging that Judge Ward had violated the law by possessing the oxycodone tablets.

8. On April 1, 2013, the Utah Supreme Court placed Judge Ward on administrative leave.

9. On June 18, 2013, the JCC scheduled the Rutan and Robison complaints for a consolidated confidential hearing on August 20, 2013.

10. On July 5, 2013, in Third District Court Case No. 131906285, Judge Ward was charged with two counts of possession of a controlled substance with intent to distribute, both second degree felonies.

11. On August 19, 2013, Judge Ward resigned her judicial office.

12. On August 27, 2013, Judge Ward, in Third District Court Case No. 131906285, entered a plea of guilty to one count of possession of a controlled substance with intent to distribute, a second degree felony; the other count was dismissed.

13. Constitution of Utah, Article VIII, Section 13 states in pertinent part, "the Judicial Conduct Commission may order the reprimand, censure, suspension, removal, or involuntary retirement of any . . . judge for . . . final conviction of a crime punishable as a felony under state or federal law"

CONCLUSIONS OF LAW

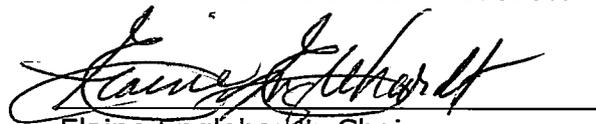
1. By entering a plea of guilty to a felony in Third District Court Case No. 131906285, Judge Ward stands finally convicted of a crime punishable as a felony under state law. She is therefore subject to reprimand, censure, suspension, removal or involuntary retirement.

2. Pursuant to the Stipulation, Judge Ward's resignation, and the non-exclusive factors set forth in Administrative Rule R595-4-2, censure is the appropriate sanction for the allegations set forth in the Robison complaint.

3. The Rutan complaint should be dismissed with prejudice.

DATED this 27th day of August, 2013.

JUDICIAL CONDUCT COMMISSION


Elaine Englehardt, Chair

5. Periodic inquiries by JCC Executive Director Colin Winchester throughout the latter months of 2012 and the early months of 2013 failed to raise additional concerns about Judge Ward's performance of judicial duties.

6. On March 30, 2013, Judge Ward was arrested for having taken possession of a shipment of 338 tablets of oxycodone that had been mailed to her from Las Vegas, Nevada.

7. On April 1, 2013, the other judges of the Salt Lake City Justice Court, through Presiding Judge Jeanne Robison, filed a complaint ("the Robison complaint") alleging that Judge Ward had violated the law by possessing the oxycodone tablets.

8. On April 1, 2013, the Utah Supreme Court placed Judge Ward on administrative leave.

9. On June 18, 2013, the JCC scheduled the Rutan complaint and the Robison complaint for a consolidated confidential hearing on August 20, 2013.

10. On July 5, 2013, Judge Ward was charged with two counts of possession of a controlled substance with intent to distribute, both second degree felonies.

11. Judge Ward intends to enter a plea of guilty and resign her judicial office, thereby obviating the need for the consolidated confidential hearing.

12. Constitution of Utah, Article VIII, Section 13 states in pertinent part, "the Judicial Conduct Commission may order the reprimand, censure, suspension, removal, or involuntary retirement of any . . . judge for . . . final conviction of a crime punishable as a felony under state or federal law"

RESOLUTION OF JCC COMPLAINTS

1. The Rutan complaint shall be dismissed by the JCC with prejudice.
2. The Robison complaint shall be resolved with a joint recommendation for Judge Ward's removal from judicial office. In the event Judge Ward resigns her judicial office prior to the Supreme Court taking final action on the joint recommendation for removal, the recommended sanction shall be reduced to a joint recommendation for censure.



Elaine Englehardt, Chair
Judicial Conduct Commission

August 20, 2013
Date



Hon. Virginia Ward

August 9, 2013
Date