

IN THE JUDICIAL HEARING BOARD OF WEST VIRGINIA

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IN THE MATTER OF:
THE HONORABLE DAVID A.
CAMILLETTI, JUDGE OF THE 24th
FAMILY COURT CIRCUIT

SUPREME COURT NO. 22-557
JIC COMPLAINT NOS. 71 & 92-2021

RECOMMENDED DECISION

On August 8, 2022, came the Honorable David A. Camilletti, Judge of the 24th Family Court Circuit, (“Respondent” or “Judge Camilletti”) and Teresa A. Tarr and Brian J. Lanham, Judicial Disciplinary Counsel (“JDC”), for purposes of a hearing, at which they tendered argument and evidence in support of an Agreement consisting of the following terms:

1. Respondent has served as a Family Court Judge for seven years. At all times relevant to the charges set forth below Respondent was serving in his capacity as a Family Court Judge;
2. On June 22, 2021, Samantha Cook filed Complaint No. 71-2021, and on August 17, 2021, Administrative Director Joseph Armstrong filed Complaint No. 92-2021;
3. The Respondent Judge Camilletti filed timely and complete answers to both Complaints.
4. JDC immediately began an investigation into the complaints. On July 7, 2022, JDC filed a seventeen-count formal statement of charges against Respondent;
5. The parties agree that this Joint Stipulation and Agreement serves and suffices as the Respondent Judge Camilletti’s answer to the Formal Statement of Charges against him.
6. Accordingly, the parties understand, acknowledge, and agree to the following:
 - a. “[A]greements made in open court by the parties in the trial of a case and acted upon are binding and a judgment founded thereon will not be reversed. . . .” Syl. pt. 3, *In the Matter of Starcher*, 202 W. Va. 55, 501 S.E.2d 772 (1998);
 - b. The burden of proof in judicial disciplinary cases is clear and convincing evidence. *Id.*;

- c. Respondent admits the allegations contained in Paragraph Nos. 1 and 12 of the Formal Statement of Charges in their entirety. Specifically, Respondent admits that while serving as a family court judge, on multiple occasions, he failed to treat litigants appearing before him in his courtroom with respect and dignity and failed to maintain decorum and order in his courtroom to the detriment of the integrity of the court. (paragraph No. 1 of the Formal Statement of Charges). Specifically, the Respondent also admits that, while serving as a family court judge on August 4th and 5th of 2021, Respondent demonstrated a lack of courtesy, civility, decorum, and judicial comportment in dealing with the employees of the state Supreme Court's IT Department, failed to control his anger and emotions, and expressed clear disrespect for authority, which actions harmed the integrity of the court. (paragraph No. 12 of the Formal Statement of Charges).
- d. Respondent admits that JDC has clear and convincing evidence to prove the factual allegations contained in Paragraph Nos. 1 through 22 of the Formal Statement of Charges.
- e. Respondent also admits to violating Rules 1.1, 2.5 and 2.8(B) of the Code of Judicial Conduct for engaging in the conduct set forth in Paragraph Nos. 1 and 12 of the Formal Statement of Charges.
- f. As mitigation, both parties acknowledge and agree that Respondent has never been subject to judicial discipline, was completely cooperative during the investigation of the instant complaints and admitted his failures.
- g. As mitigation, the parties also acknowledge and agree that Respondent is genuinely remorseful for his conduct and transgressions, and that he has been working diligently since the Complaints were filed against him to conform his behavior and demeanor to that which is expected and required of him by the

West Virginia Code of Judicial Conduct. The Respondent's actions include commencing counseling with a licensed professional to help Respondent address his grief and emotions which caused the outbursts which Respondent acknowledges were unacceptable and for which he is embarrassed. The efforts by the Respondent are already showing positive results.

- h. Judicial Disciplinary Counsel and Respondent agree to jointly recommend to the Judicial Hearing Board and the State Supreme Court that appropriate sanctions for the foregoing violations of the Code of Judicial Conduct are:
 - (i) Respondent be ordered to continue to undergo counseling by a JDC-approved professional provider. The approved provider will develop and implement a plan, including the length of the plan, for Respondent. Respondent will sign a waiver allowing provider to contact JDC in the case of Respondent not following or stopping the treatment plan.
 - (ii) Public Reprimand.
 - (iii) 12 month suspension, including an actual unpaid suspension of thirty (30) days, with the remaining 11 months of the 12-month suspension being held in abeyance, with the Respondent's resumption of his service as a family court judge, after serving the thirty (30) days of actual, unpaid suspension, being upon a probationary basis, which probationary period shall continue through the remainder of calendar year 2022 and shall continue through the entire calendar year of 2023, such that Respondent will be subject to imposition of the remaining eleven

(11) months of actual unpaid suspension if during that probationary period, Respondent violates the West Virginia Code of Judicial Conduct, in which event Respondent would also be subject to whatever sanctions are warranted for any such future violation of the West Virginia Code of Judicial Conduct. Moreover, it would also be grounds for revocation of the Respondent Judge Camilletti's probationary period and the imposition of the remaining eleven (11) months of actual suspension without pay if Judge Camilletti stopped or violated the treatment plan mentioned in paragraph **h-(i)** above.

(iv) Respondent will pay the costs of the investigation and prosecution of the case in the amount of \$629.85.

i. Both parties understand, acknowledge, and agree that the decision to accept the recommendation concerning discipline rests solely within the purview of the Judicial Hearing Board and the State Supreme Court. The parties understand, acknowledge, and agree that the Judicial Hearing Board may recommend, and the State Supreme Court may award, more or less severe discipline than what is recommended by the parties. The parties further agree that should the Judicial Hearing Board adopt the parties' joint recommended sanctions that the parties will be bound by the decision, and neither will object to the recommendation of the Judicial Hearing Board. However, should the Judicial Hearing Board recommend a different

sanction, then the parties are free to object to a different recommendation by the Judicial Hearing Board.

Notwithstanding anything in this Joint Stipulation and Agreement, if at any time either party violates the spirit of the agreement, both parties are free to argue before the Judicial Hearing Board and/or the State Supreme Court for whatever sanctions they deem appropriate and Respondent understands, acknowledges, and agrees that he is entering into this Joint Stipulation and Agreement freely and voluntarily because it is in his best interest and that no other inducements have been promised other than what is contained within the four corners of this document. All parties agree to do everything necessary to ensure that the foregoing terms of this agreement take effect.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Finding them to be well-supported by the law and the evidence, the Board adopts as its Findings of Fact and Conclusions of Law those set forth in the parties' Agreement, including the Conclusion that the Respondent violated Rules 1.1, 2.5 and 2.8(B) of the Code of Judicial Conduct, and that the Recommended Discipline is consistent with the law, the evidence, and factors of aggravation, mitigation, punishment, and deterrence.

RECOMMENDED DISCIPLINE

R. JUD. DIS. P. 3.11 provides, "The Board shall have the authority to ... conduct hearings on formal complaints filed by the Judicial Investigation Commission and make recommendations to the Supreme Court of Appeals regarding disposition of those complaints."

R. JUD. DIS. P. 4.12 provides, "The Judicial Hearing Board may recommend or the Supreme Court of Appeals may impose any one or more of the following sanctions for a violation of the Code of Judicial Conduct: (1) admonishment; (2) reprimand; (3) censure; (4) suspension without pay for up to one year; (5) a fine of up to \$5,000; or (6) involuntary retirement for a judge because of advancing years and attendant physical or mental incapacity

and who is eligible to receive retirement benefits under the judges' retirement system or public employees retirement system.”

R. JUD. DIS. P. 4.12 also provides, “A reprimand constitutes a severe reproof to a judge who has engaged in conduct which violated the Code of Judicial Conduct.”

R. JUD. DIS. P. 4.12 further provides, “The extent to which the judge knew or should have reasonably known that the conduct involved violated the Code of Judicial Conduct may be considered in determining the appropriate sanction.”

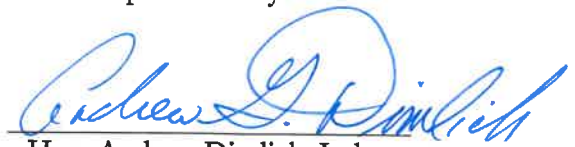
Based on the law, the evidence, and the factors of aggravation, mitigation, punishment, and deterrence, the Board recommends as follows:

1. The Respondent be ordered to undergo counseling by a JDC-approved professional provider. The approved provider will develop and implement a plan, including the length of the plan, for the Respondent. The Respondent will sign a waiver allowing provider to contact JDC in the case of the Respondent not following or stopping the treatment plan.
2. The Respondent be publicly reprimanded.
3. The Respondent receive a 12-month suspension, including an actual unpaid suspension of thirty (30) days, with the remaining 11 months of the 12-month suspension being held in abeyance, with the Respondent's resumption of his service as a Family Court Judge, after serving the thirty (30) days of actual, unpaid suspension, being upon a probationary basis, which probationary period shall continue through the remainder of calendar year 2022 and shall continue through the entire calendar year of 2023, such that the Respondent will be subject to imposition of the remaining eleven (11) months of actual unpaid suspension if during that probationary period, the Respondent violates the Code of Judicial Conduct, in which event the Respondent would also be subject to whatever sanctions are warranted for any such future violation of the Code of Judicial Conduct. Moreover, it would also be grounds for revocation of the Respondent's probationary period and the imposition of the remaining eleven (11) months of actual suspension without pay if the Respondent stopped or violated the treatment plan mentioned herein.

4. The Respondent be ordered to pay the costs of the investigation and prosecution of the case in the amount of \$629.85.

The preceding Recommendation having been unanimously considered and approved by the Judicial Hearing Board, with Judges Lorensen and Stotler having disqualified themselves, it is entered on the 8th day of August 2022.

Counsel to the Judicial Hearing Board is hereby directed to file a copy of this Recommended Decision with the Clerk of the Supreme Court of Appeals and to serve a copy on the members of the Judicial Hearing Board and counsel of record upon its entry.



Hon. Andrew Dimlich, Judge
Judicial Hearing Board