

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

IN THE MATTER OF: **SUPREME COURT No. _____**
THE HONORABLE DAVID A. CAMILLETTI, JIC COMPLAINT NOS. 71 & 92-2021
JUDGE OF THE 24th FAMILY COURT CIRCUIT

FORMAL STATEMENT OF CHARGES

The West Virginia Judicial Investigation Commission, pursuant to Rules 2.7 (a) and (d) and 2.8 of the Rules of Judicial Disciplinary Procedure, has determined that probable cause does exist to formally charge the Honorable David A. Camilletti, Judge of the 24th Family Court Circuit (“Respondent” or “Judge Camilletti”), with violations of the Code of Judicial Conduct and that formal discipline is appropriate:

Respondent has served as a Family Court Judge for approximately 7 years. At all times relevant to the charges set forth below Respondent was serving in his capacity as a Family Court Judge.

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.

After investigating and evaluating the Complaints, the Judicial Investigation Commission finds that there is probable cause to make the following **CHARGES** and **FINDINGS**:

1. Over the past several years as a Family Court Judge, Respondent failed to treat litigants in his courtroom with respect and dignity, and he failed to maintain decorum and order in his courtroom to the detriment of the integrity of the court as set forth in Charges I – X, paragraphs Nos. 2 – 11 below:

CHARGE I

2. During a January 21, 2020, hearing in case 19-D-932 after the mother alleged that the father was trying to alienate the child from the mother, Respondent threatened to take

the child from both parents and put him/her into foster care if *pro se* father was found to be lying:

Respondent: I am going to have to look at the evidence and make my own decision to find out whether he (the father) is in good faith or not. If he is in good faith and just an idiot, then I let it go. If he is in bad faith and he's trying to make a plan, then he loses custody forever and the child probably ends up in foster care. Does everybody understand how this goes?

Respondent's actions violated Rules 1.1, 1.2, 2.2, 2.3(B) and 2.8(B) of the Code of Judicial Conduct as set forth in the attached Appendix.

CHARGE II

3. During a February 12, 2020 hearing in case 19-D-932, Respondent became irritated with the parties and threatened to take their baby and put it up for adoption:

Respondent: Alright, we've been here a couple of times on an expedited motion. We've set up some visitation over Christmas and I gave you (the father) every other week visitation. Are you doing it?

Father, litigant: Yes sir.

Respondent: Is it working?

Father, litigant: Yes sir.

Respondent: Fine. Now, you two (the parties) have a child, right? "Yes, Judge we have a child." (Mimicking their answers.) What are you going to do about it?

Litigants: (No response.)

Respondent: You don't know? I'll take the child and put it up for adoption then. What do you mean you don't know what you're going to do?

Respondent's actions violated Rules 1.1, 1.2, 2.2, 2.3(B) and 2.8(B) of the Code of Judicial Conduct as set forth in the attached Appendix.

CHARGE III

4. During a July 1, 2020 hearing in case 18-D-636, a litigant did not provide proof that he was in compliance with a drug program as ordered by Respondent. Respondent became upset, swore and threw a file in the direction of litigant:

Respondent: Why would you behave this way?

Male litigant: I don't know.

Respondent: (Shouting.) What do you mean you don't know? That's bullshit! How long have you been coming to my court?

Male litigant: A year.

Respondent: Are you in a program? Yes or no?

Male litigant: Yes.

Respondent: You really are in a program?

Male litigant: Yes.

Respondent: And all you had to do was ask them for copies of your stuff and you didn't do it. When was the last time you were at the rehab center?

Male litigant: Today.

Respondent: (Loud sound as a file goes from the bench toward the male litigant.) You have until 5 o'clock today or you're going to jail.

Male litigant: They're closed already.

Respondent: (Shouting.) I don't give a fuck! You have until 5 o'clock today! Go get it!

Respondent's actions violated Rules 1.1, 1.2, 2.2, 2.3(B) and 2.8(B) of the Code of Judicial Conduct as set forth in the attached Appendix.

CHARGE IV

5. During a July 7, 2020 hearing in case 18-D-636, Respondent failed to treat a litigant with respect and dignity:

Counsel for female litigant: So, nobody would have drug screens for 2019?

Respondent: Nobody has *produced* them. So I don't have to look for them because he (male litigant) has never produced them. And just to embarrass all of us more, you (male litigant) knew you were supposed to produce them, yes or no?

Male litigant: Yeah. When I went that day, he said he had everything that wasn't already archived.

Respondent: No, no, no. Since December I told you that I wanted these things produced regularly. You knew you had to do it.

Male litigant: Right.

Respondent: But you never did it. Take the mask off and tell us the reason you never did it, is?

Male litigant: (Lowers mask.) Because I am stupid.

Respondent: Something better than that. Because you're lazy and don't give a shit, maybe?

Male litigant: No.

Respondent: It's not that?

Respondent's actions violated Rules 1.1, 1.2, 2.2, 2.3(B) and 2.8(B) of the Code of Judicial Conduct as set forth in the attached Appendix.

CHARGE V

6. At the conclusion of a June 23, 2021 hearing in case 21-DV-AP-22, Respondent asked a *pro se* female litigant about the number of children and men she has:

Respondent: (At the end of the hearing.) Alright, stay out of trouble.

Female litigant: I will. I always do.

Respondent: Really?

Female litigant: Yes sir.

Respondent: All these children? All those men?

Female litigant: Yes, but just 2 dads.

Respondent's actions violated Rules 1.1, 1.2, 2.2, 2.3(B) and 2.8(B) of the Code of Judicial Conduct as set forth in the attached Appendix.

CHARGE VI

7. During an August 12, 2021 hearing in case 20-D-733, Respondent repeatedly screamed at a *pro se* female litigant that eventually led to the following exchange:

Female litigant: (Crying) You don't need to yell at me.

Respondent: (Sarcastically) Oh really?

Female litigant: No, I don't need to be yelled at.

Respondent: (Sarcastically) Really?

Respondent's actions violated Rules 1.1, 1.2, 2.2, 2.3(B) and 2.8(B) of the Code of Judicial Conduct as set forth in the attached Appendix.

CHARGE VII

8. During an August 12, 2021 hearing in case 20-D-731, Respondent made disparaging comments about women:

Female litigant's lawyer: (Putting on the record agreed changes to child visitation) There was one other thing. She's (the female litigant) getting married August 28th.

Respondent: Am I invited? Do you have any single friends?

Female litigant's lawyer: (Laughs.)

Respondent: Keep going.

Female litigant's lawyer: Just [youngest child of the litigants] is coming to the wedding because the two older don't want to. So ...

Respondent: What?! Get them in here. They are going to the wedding. They are so going to the wedding.

Male litigant: They refuse.

Respondent: I know. They're women.

...

Respondent: (Talking about the two older daughters.) They're doing it to see how much they can get away with, ok? Pure and simple. And they'll figure it (their relationship) out with their Mom on their own when you're not looking. Just sayin'.

Male litigant: Yes sir.

Respondent: Did I already say it's because they are women?

Female litigant's lawyer: Yes.

Respondent's actions violated Rules 1.1, 1.2, 2.2, 2.3(B) and 2.8(B) of the Code of Judicial Conduct as set forth in the attached Appendix.

CHARGE VIII

9. During an August 16, 2021 hearing in case 04-D-638, Respondent swore at a litigant:

Respondent: (Asking when litigant had been released from jail.) June?

Male litigant: Yeah, about.

Respondent: Two months ago! This is frickin' August 16th!

Male litigant: I made a payment just the other day of \$460.

Respondent: Too damn late! [Child Support Enforcement officer], he hasn't made a payment on the record since 3-16 of '20. Ok? I'm done with him.

Male litigant: \$460, I made a payment Friday.

Respondent: Too late for me. I'm not dealing with you ever again. Go away.

...

Respondent: (To litigant) You don't do what you're supposed to do and you're going to jail for it. I don't care anymore. I've cut you every break in the book.

Male litigant: I thought I was supposed to

Respondent: (Interrupting) That's bullshit!

Respondent's actions violated Rules 1.1, 1.2, 2.2, 2.3(B) and 2.8(B) of the Code of Judicial Conduct as set forth in the attached Appendix.

CHARGE IX

10. During an August 16, 2021 hearing in case 15-D-565, Respondent suggested a *pro se* litigant had a mental disability:

Respondent: What's your problem?

Litigant: Nothing. You told me to come back in three months.

Respondent: Ok. Fine. Do you have any medical stuff?

Litigant: Yeah. I have some of it.

Respondent: Some of it??

Litigant: My problem is like, ok, I have the denial letter from social security ...

Respondent: (interrupting) Yeah, yeah, yeah. I don't want denial letter. I want to know what your doctor said.

Litigant: Oh, my doctor told me... oh, for this? (gestures to his leg and his crutch). My doctor told me ... uh...

Respondent: (Mockingly) Maybe it's a mental health doctor. Is that who I need to talk to?

....

Respondent: [Child Support Enforcement officer], take care of this yourself.

CSE Officer: (To litigant.) Alright. We're going to come back in 90 days. You need to file with the Court and provide...

Respondent: (Loudly talking over CSE Officer) Or you're going to prison forever! I will send you down to live with the sodomites.

Respondent's actions violated Rules 1.1, 1.2, 2.2, 2.3(B) and 2.8(B) of the Code of Judicial Conduct as set forth in the attached Appendix.

CHARGE X

11. During an August 16, 2021 hearing in case 21-D-417, Respondent told a female litigant not to have any children:

Respondent: (After inquiring about what went wrong with the litigant’s marriage.) Are you 25?

Female litigant: Yeah, I’m 31.

Respondent: Just don’t have any children.

Female litigant: I don’t plan on it, trust me. My younger sister unfortunately made that mistake and

Respondent: Good.

...

Respondent: (Speaking to a male witness after taking his testimony.) That’s all I needed. You can go. Put the mask back on out there—it’s like Gestapo-Land! Are you allowed to say that? The Taliban! It’s like the Taliban.

Female litigant: Sir, I think you’re the judge. So, I think you can say what you want.

Respondent: Well, she (male witness) can’t. “He” can’t, I mean. What did I say?

Female litigant: “She.” (laughs.)

Respondent: We all look alike. Didn’t you know it’s a Trans world?

Respondent’s actions violated Rules 1.1, 1.2, 2.2, 2.3(B) and 2.8(B) of the Code of Judicial Conduct as set forth in the attached Appendix.

* * * * *

12. On August 4 and 5, 2021, Respondent demonstrated a lack of courtesy, civility, decorum, and judicial comportment in dealing with employees of the state Supreme Court’s IT

Department. Respondent failed to control his anger and emotions. Respondent expressed a clear disrespect for authority, and his actions harmed the integrity of the Court.

CHARGE XI

13. On August 4, 2021, while in Berkeley County conducting scheduled service, a Field Technician was directed to pick up computer laptops that had been assigned by the IT Department to a recently retired Family Court Judge. The Technician located one of the laptops on the bench in a vacant courtroom.
14. When the Technician started to remove the laptop, Respondent objected and would not allow him to take the laptop. Respondent's actions violated Rules 1.1, 1.2, 1.3, 2.5(B) and 2.8(B) of the Code of Judicial Conduct as set forth in the attached Appendix.
15. Only after a directive from a Berkeley County Circuit Court Judge was the Technician able to retrieve the laptop.

CHARGE XII

16. Respondent told the Technician that the Supreme Court's other laptop assigned to the retired Family Court Judge was in Jefferson County but that if the Technician attempted to remove the laptop that he would be charged with stealing court equipment. Respondent's actions violated Rules 1.1, 1.2, 1.3, 2.5(B) and 2.8(B) of the Code of Judicial Conduct as set forth in the attached Appendix.

CHARGE XIII

17. On August 5, 2021, a User Support Services Manager, called Respondent's office to notify them that a Field Technician would be arriving in Jefferson County that day to retrieve the other laptop.

18. Respondent questioned the Supreme Court's technology policy. Respondent told the Manager that Respondent's "fight" was not with the Manager, but Respondent did not care what the Supreme Court Justices had to say. Respondent told the Manager that Respondent is "a judge that refuses" to obey and is now going to be obstinate. Respondent's actions violated Rules 1.1, 1.2, 1.3, 2.5(B) and 2.8(B) of the Code of Judicial Conduct as set forth in the attached Appendix.

CHARGE XIV

19. Respondent threatened that if the Court did not install a computer at every station where he presides, then Respondent would purchase his own and hire his own personal hacker to get him into the Court's system. Respondent's actions violated Rules 1.1, 1.2, 1.3, 2.5(B), 2.8(B) and 3.1(D) of the Code of Judicial Conduct.

CHARGE XV

20. When the Technician arrived to remove the computer, Respondent told him that if the Supreme Court Justices did not like the way Respondent was using his computer equipment, that Respondent would call the Justices and tell them to "fuck off." Respondent's actions violated Rules 1.1, 1.2, 1.3, 2.5(B) and 2.8(B) of the Code of Judicial Conduct as set forth in the attached Appendix.

CHARGE XVI

21. Respondent told the Technician that he is probably the only judge that would tell the Justices to "fuck off" and that he has no problem with it. Respondent's actions violated Rules 1.1, 1.2, 2.5(B) and 2.8(B) of the Code of Judicial Conduct as set forth in the attached Appendix.

CHARGE XVII

22. Respondent reiterated his threat to hire his own personal hacker, adding that he knew enough bad people that could get it done. Respondent's actions violated Rules 1.1, 1.2, 1.3 and 2.8(B) of the Code of Judicial Conduct as set forth in the Appendix.

* * * * *

Respondent is advised that he has the right to file responsive pleadings to the charges made against him not more than 30 days after service of the formal charges upon him by the Clerk of the Supreme Court of Appeals of West Virginia. Rule 2.10 of the Rules of Judicial Disciplinary Procedure provides:

The judge may file responsive pleadings as provided in the West Virginia Rules of Civil Procedure. Any such pleadings shall be filed by the judge with the Clerk of the Supreme Court of Appeals and the Office of Disciplinary Counsel not more than thirty (30) days after the date of the formal charges. For good cause shown, the Office of Disciplinary Counsel may extend the time for filing of such pleadings.

STATEMENT OF CHARGES issued this 6th day of July, 2022.


The Honorable Alan D. Moats, Chairperson
Judicial Investigation Commission

ADM/bjl

APPENDIX

WEST VIRGINIA CODE OF JUDICIAL CONDUCT

Rule 1.1 Compliance With the Law

A judge shall comply with the law, including the West Virginia Code of Judicial Conduct.

Rule 1.2 Confidence in the Judiciary

A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

Rule 1.3 Avoiding Abuse of the Prestige of Judicial Office

A judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others or allow others to do so.

Rule 2.2 Impartiality and Fairness

A judge shall uphold and apply the law and shall perform all duties of judicial office fairly and impartially.

Rule 2.3 Bias, Prejudice and Harassment

B. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, and shall not permit court staff, court officials, or others subject to the judge's direction and control to do so.

Rule 2.5 Competence, Diligence, and Cooperation

B. A judge shall cooperate with other judges and court officials in the administration of court business.

Rule 2.8(B) Decorum, Demeanor and Communication with Jurors

- B. A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, court staff, court officials, and others subject to the judge's direction and control.


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IN THE MATTER OF: SUPREME COURT No. _____
THE HONORABLE DAVID A. CAMILLETTI, JIC COMPLAINT NOS. 71 & 92-2021
JUDGE OF THE 24th FAMILY COURT CIRCUIT

RULE 2.8 NOTICE OF FILING OF
FORMAL STATEMENT OF CHARGES

Comes now Judicial Disciplinary Counsel pursuant to Rule 2.8 of the Rules of Judicial Disciplinary Procedure and on behalf of the Judicial Investigation Commission and provides notice to David A. Camilletti, Judge for the 24th Family Court Circuit, by and through his counsel Charles Trump by email on the 7th day of July 2022, he duly filed the attached Formal Statement of Charges in the above-captioned matter with the Clerk of the Supreme Court of Appeals of West Virginia by E-filing the original to the Clerk's Office located at the Capitol Complex, Building One, Room E-317, 1900 Kanawha Boulevard East, Charleston, West Virginia 25305.

Respectfully submitted,



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IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA


IN THE MATTER OF:

SUPREME COURT No. _____

**THE HONORABLE DAVID A. CAMILLETTI, JIC COMPLAINT NOS. 71 & 92-2021
JUDGE OF THE 24th FAMILY COURT CIRCUIT**

CERTIFICATE OF SERVICE

I, Brian J. Lanham, Deputy Counsel for the Judicial Investigation Commission, do hereby certify that I served the Notice of Filing and a true and accurate copy of the Formal Statement of Charges on Respondent by and through his counsel Charles Trump by email to the ctrump@trumpandtrump.com on the 7th day of July.


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