

BEFORE THE COMMISSION ON JUDICIAL CONDUCT AND ETHICS

STATE OF WYOMING

An Inquiry Concerning)
The Honorable Ruth Neely) No. 2014-27
Municipal Court Judge and)
Circuit Court Magistrate)
Ninth Judicial District)
Pinedale, Sublette County)

ORDER ON THE MOTION FOR PROTECTIVE ORDER

The Presiding Officer of the Adjudicatory Panel, having considered the Commission's Motion for Protective Order, and having read the parties' submissions and heard the oral argument of counsel during a hearing on the motion held September 1, 2015, and otherwise being advised in the premises hereby finds as follows:

- 1) Rule 30 (b)(6) applies generally to the issues herein as it relates to the non-adjudicatory aspects of the Commission;
- 2) Items that may be confidential, may also be discoverable while maintaining the cloak of confidentiality;
- 3) While counsel for Respondent Neely could not adequately articulate either in writing or during argument the direct link between the affirmative defenses and the requested discovery - giving counsel for Respondent Neely every benefit of doubt, discovery of certain items might yield admissible evidence relative to the affirmative defenses outlined by counsel in its pleadings and specifically Exhibit A to Respondent's 30(b)(6) Notice of Deposition.
- 4) Specifically, Respondent's Surreply set forth four bullet points that remained as affirmative defenses justifying discovery as follows:
 - a. Whether the Commission has applied the Code of Judicial Conduct in a manner that discriminates based upon viewpoint or content in violation of Judge Neely's constitutional rights;
 - b. Whether the Commission has applied the Code of Judicial Conduct in a manner that imposes a religious test in violation of Judge Neely's constitutional rights;

c. Whether the Commission has deprived Judge Neely of her constitutional right to the free exercise of religion by applying the Code of Judicial Conduct in a manner that is not neutral or generally applicable;

d. Whether the Commission's initiation and the continuing prosecution of this matter against Judge Neely violate her due process rights under the Wyoming and United States Constitutions.

Taking those areas of inquiry, and considering the discovery requested, the Commission's Motion for Protective Order is hereby granted in part and denied in part as explained during the recorded hearing and as set forth below:

1. How the procedural and substantive rules are applied generally, and how the Commission applied the rules and procedures in this particular case are subjects for limited inquiry.

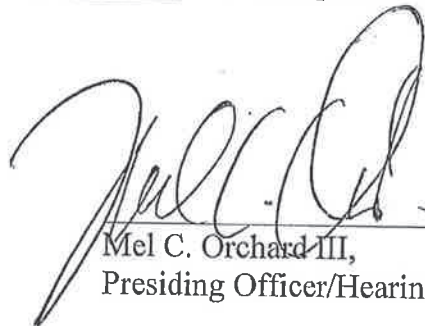
2. How the Commission assigns its investigatory panels and its adjudicatory panels are also areas into which Respondents may inquire.

3. The general history of judicial discipline recommended by the Commission may also be inquired upon.

4. Finally, a 30(b)(6) representative from the Commission may be deposed regarding the specific procedures, requirements, considerations, factors and criteria for appointment of the members of the Investigatory and Adjudicatory Panels.

The factors for deciding whether to file a Notice of Commencement has already been disclosed in the Investigatory Panel's recorded proceedings so no further discovery on that subject is warranted. Also, the Rules Governing the Commission and The Code of Judicial Conduct answer many of the other questions raised by Respondent and as such, are equally accessible to Respondent, whereby additional discovery is unnecessary.

SO ORDERED this 20th day of September, 2015.


Mel C. Orchard III,
Presiding Officer/Hearing Officer