

**BEFORE THE COMMISSION ON JUDICIAL CONDUCT AND ETHICS
STATE OF WYOMING**

An inquiry concerning	)	COMMISSION ON JUDICIAL
The Honorable Ruth Neely	)	CONDUCT AND ETHICS
	)	COMMISSION ON JUDICIAL CONDUCT
	)	AND ETHICS
Municipal Court Judge and	)	No. 2014-27
Circuit Court Magistrate	)	Official Record
Ninth Judicial District	)	FILED
Pinedale, Sublette County	)	Date: 9/17/15
	)	<i>Wendy J. Soto</i>
	)	Wendy J. Soto

**VERIFIED ANSWER TO AMENDED NOTICE OF
COMMENCEMENT OF FORMAL PROCEEDINGS**

The Honorable Ruth Neely, Respondent, for her Verified Answer to the Amended Notice of Commencement of Formal Proceedings (the "Amended Notice") filed by the Commission on Judicial Conduct and Ethics (the "Commission"), states and alleges as follows:¹

1. Except as expressly admitted or otherwise specifically pleaded herein, Respondent denies each and every allegation in the Amended Notice and puts the Commission to its strict proof thereof.
2. Respondent admits the allegations contained in Section A, Paragraph 1 of the Amended Notice.

¹ Concurrent with this Verified Answer, Respondent files a Motion to Dismiss the claims that the Commission added to the Amended Notice (but not the claims that the Commission alleged in the original Notice). Because the governing rules do not clearly explain the relationship between a Motion to Dismiss and a Verified Answer, Respondent is exercising caution and filing this Verified Answer now, even though the Commission has yet to rule on the Motion to Dismiss. It is Respondent's intent that if there is a conflict between her filing of the Motion to Dismiss and the Verified Answer, the Motion to Dismiss should take precedence, and that she will file an updated Verified Answer once the Commission resolves her Motion to Dismiss.

3. With respect to the allegations contained in Section A, Paragraph 2 of the Amended Notice:
 - a. Respondent admits that former Circuit Court Judge John Crow appointed her as a Circuit Court Magistrate with the authority to perform marriages;
 - b. Respondent admits that, upon his appointment to the bench, Circuit Court Judge Curt A. Haws appointed Respondent as a Circuit Court Magistrate;
 - c. Respondent admits that since her initial appointment in or around 2001, she has performed numerous civil marriage ceremonies as a Circuit Court Magistrate; and
 - d. Respondent denies each and every remaining allegation contained in Section A, Paragraph 2.
4. With respect to the allegations contained in Section A, Paragraph 3 of the Amended Notice:
 - a. Respondent states that the case of *Guzzo v. Mead*, 2014 WL 5317797 (D. Wyo. 2014), speaks for itself; and
 - b. Respondent states that the remaining allegations contained in Section A, Paragraph 3 do not call for a response, but to the extent that a response is deemed necessary, Respondent denies those allegations in their entirety.
5. With respect to the allegations contained in Section A, Paragraph 4 of the Amended Notice:
 - a. Respondent admits that she was contacted by reporter Ned Donovan in December 2014;
 - b. Respondent admits that Ned Donovan made inquiries of her regarding the topic of same-sex marriage;

- c. Respondent admits that she informed Ned Donovan that solemnizing same-sex marriages would violate her religious beliefs;
 - d. Respondent admits that she was quoted by Ned Donovan as saying: "When law and religion conflict, choices have to be made. I have not yet been asked to perform a same sex marriage"; and
 - e. Respondent denies each and every remaining allegation contained in Section A, Paragraph 4.
6. With respect to the allegations contained in Section A, Paragraph 5 of the Amended Notice:
 - a. Respondent admits that an article authored by Ned Donovan appeared in the Sublette Examiner on December 11, 2014;
 - b. Respondent admits that the article included the language that is quoted in Section A, Paragraph 4 of the Amended Notice;
 - c. Respondent admits that similar reports may have appeared in other local publications; and
 - d. Respondent is without sufficient information to respond to the remaining allegations contained in Section A, Paragraph 5 of the Amended Notice and therefore denies those allegations.
7. With respect to the allegations contained in Section A, Paragraph 6 of the Amended Notice:
 - a. Respondent admits that on or about January 15, 2015, Judge Haws suspended her from performing marriage ceremonies; and

- b. Respondent denies each and every remaining allegation contained in Section A, Paragraph 6.
8. With respect to the allegations contained in Section A, Paragraph 7 of the Amended Notice:
- a. Respondent admits that she voluntarily refrained from performing marriage ceremonies before Judge Haws suspended her from performing them;
 - b. Respondent states that the last marriage ceremony she performed occurred on December 31, 2014; and
 - c. Respondent denies each and every remaining allegation contained in Section A, Paragraph 7.
9. With respect to the allegations contained in Section A, Paragraph 8 of the Amended Notice:
- a. Respondent admits that, in response to an inquiry from the Commission, she cited her First Amendment rights and reiterated that solemnizing same-sex marriages would violate her religious beliefs; and
 - b. Respondent denies each and every remaining allegation contained in Section A, Paragraph 8.
10. Respondent admits the allegations contained in Section A, Paragraph 9 of the Amended Notice.
11. With respect to the allegations contained in Section A, Paragraph 10 of the Amended Notice:

- a. Respondent admits that Alliance Defending Freedom (“ADF”) describes itself on its website as “an alliance-building legal organization that advocates for the right of people to freely live out their faith”;
 - b. Respondent admits that ADF’s mission statement, as stated on its website, is “[t]o keep the doors open for the Gospel by advocating for religious liberty, the sanctity of life, and marriage and family”; and
 - c. Respondent denies each and every remaining allegation contained in Section A, Paragraph 10.
12. Respondent denies each and every allegation contained in Section B, Paragraph 1 of the Amended Notice.
 13. Respondent denies each and every allegation contained in Section B, Paragraph 2 of the Amended Notice.
 14. Section C, Paragraph 1 of the Amended Notice does not call for a response.
 15. Section D, Paragraph 1 of the Amended Notice does not call for a response.

First Affirmative Defense

The Amended Notice fails to state a claim upon which relief can be granted.

Second Affirmative Defense

Applying the provisions of the Wyoming Code of Judicial Conduct that the Commission cites in Section B of the Amended Notice would, under these circumstances, violate Respondent’s freedom-of-expression rights protected by the First Amendment to the United States Constitution.

Third Affirmative Defense

Applying the provisions of the Wyoming Code of Judicial Conduct that the Commission cites in Section B of the Amended Notice would, under these circumstances, violate Respondent's freedom-of-expression rights protected by Article 1, Sections 20 and 21 of the Wyoming Constitution.

Fourth Affirmative Defense

Applying the provisions of the Wyoming Code of Judicial Conduct that the Commission cites in Section B of the Amended Notice would, under these circumstances, violate Respondent's right to the free exercise of religion protected by the First Amendment to the United States Constitution.

Fifth Affirmative Defense

Applying the provisions of the Wyoming Code of Judicial Conduct that the Commission cites in Section B of the Amended Notice would, under these circumstances, violate Respondent's right to the free exercise of religion protected by Article 1, Section 18 and Article 21, Section 25 of the Wyoming Constitution.

Sixth Affirmative Defense

Applying the provisions of the Wyoming Code of Judicial Conduct that the Commission cites in Section B of the Amended Notice would, under these circumstances, constitute a religious test in violation of Article VI, Clause 3 of the United States Constitution.

Seventh Affirmative Defense

Applying the provisions of the Wyoming Code of Judicial Conduct that the Commission cites in Section B of the Amended Notice would, under these circumstances, constitute a

religious test in violation of Article 1, Section 18 and Article 21, Section 25 of the Wyoming Constitution.

Eighth Affirmative Defense

The provisions of the Wyoming Code of Judicial Conduct that the Commission cites in Section B of the Amended Notice are vague and overbroad in violation of the First Amendment and the Fourteenth Amendment to the United States Constitution.

Ninth Affirmative Defense

The provisions of the Wyoming Code of Judicial Conduct that the Commission cites in Section B of the Amended Notice are vague and overbroad in violation of Article 1, Sections 6, 7, and 20 of the Wyoming Constitution.

Tenth Affirmative Defense

Applying the provisions of the Wyoming Code of Judicial Conduct that the Commission cites in Section B of the Amended Notice would, under these circumstances, violate Respondent's right to equal protection of the law under the Fourteenth Amendment to the United States Constitution.

Eleventh Affirmative Defense

Applying the provisions of the Wyoming Code of Judicial Conduct that the Commission cites in Section B of the Amended Notice would, under these circumstances, violate Respondent's right to equal protection of the law under Article 1, Sections 2, 3, and 34 of the Wyoming Constitution.

Twelfth Affirmative Defense

Applying the provisions of the Wyoming Code of Judicial Conduct that the Commission cites in Section B of the Amended Notice would, under these circumstances, violate the Establishment Clause of the First Amendment to the United States Constitution.

Thirteenth Affirmative Defense

Applying the provisions of the Wyoming Code of Judicial Conduct that the Commission cites in Section B of the Amended Notice would, under these circumstances, violate the state constitutional provisions that address the establishment of religion, including Article 1, Section 18 and Article 21, Section 25 of the Wyoming Constitution.

Fourteenth Affirmative Defense

These proceedings violate Respondent's right to due process protected by the Fourteenth Amendment to the United States Constitution.

Fifteenth Affirmative Defense

These proceedings violate Respondent's right to due process protected by Article 1, Sections 6 and 7 of the Wyoming Constitution.

Sixteenth Affirmative Defense

These proceedings and the Rules Governing the Commission violate the separation of governmental powers required by Article 2, Section 1 of the Wyoming Constitution.

Seventeenth Affirmative Defense

Applying the provisions of the Wyoming Code of Judicial Conduct that the Commission cites in Section B of the Amended Notice would, under these circumstances, violate Respondent's right to freedom of association protected by the First Amendment to the United States Constitution.

Eighteenth Affirmative Defense

Applying the provisions of the Wyoming Code of Judicial Conduct that the Commission cites in Section B of the Amended Notice would, under these circumstances, violate Respondent's right to freedom of association protected by Article 1, Sections 2, 6, 7, 21, and 36 of the Wyoming Constitution.

Nineteenth Affirmative Defense

Applying the provisions of the Wyoming Code of Judicial Conduct that the Commission cites in Section B of the Amended Notice would, under these circumstances, violate Respondent's right to counsel protected by the First, Sixth, and Fourteenth Amendments to the United States Constitution.

Twentieth Affirmative Defense

Applying the provisions of the Wyoming Code of Judicial Conduct that the Commission cites in Section B of the Amended Notice would, under these circumstances, violate Respondent's right to counsel protected by Article 1, Sections 6, 7, and 36 of the Wyoming Constitution.

Twenty-First Affirmative Defense

Applying the provisions of the Wyoming Code of Judicial Conduct that the Commission cites in Section B of the Amended Notice would, under these circumstances, constitute unlawful retaliation in response to Respondent's exercise of the constitutional rights referenced in the prior affirmative defenses, including but not limited to Respondent's rights protected under the First and Fourteenth Amendments to the United States Constitution.

DATED this 16th day of September, 2015.

Respectfully Submitted,

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**Admitted Pro Hac Vice*

VERIFICATION OF ANSWER

I, Ruth Neely, the undersigned, do hereby swear and affirm, under penalty of perjury, that the information contained in my Verified Answer to the Amended Notice of Commencement of Formal Proceedings of the Commission on Judicial Conduct and Ethics is true and accurate.

Dated this 15th day of September, 2015

Ruth Neely
Signature

INSTRUCTIONS TO NOTARY

This form must be the product of an oath, not merely an acknowledgment. Before the verification is signed you must:

1. Place the affiant under oath;
2. Ensure that the affiant understands that all assertions are sworn to as accurate and that the affiant is subject to the penalty of perjury for any false statement; and
3. Have the verification signed in your presence.

STATE OF WYOMING)
COUNTY OF Sublette) ss

Subscribed and sworn to me this 15th day of September, 2015.

By RUTH NEELY

Pat Schwab
Notary Public



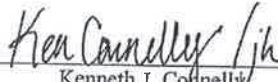
My Commission Expires: 6-9-18

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of September, 2015, I served the foregoing Verified Answer by electronic mail on the following:

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