

# MAGISTRATE COMPLAINT PROCEDURE

## HOW TO FILE A COMPLAINT AGAINST A MAGISTRATE

If you have concerns regarding the conduct of a magistrate and wish to file a complaint, you must submit a [written complaint](#) to the Department of Magistrate Services in the Office of the Executive Secretary of the Supreme Court of Virginia. The information below will explain how to make a complaint about a magistrate's conduct and how it will be resolved.

The Office of the Executive Secretary of the Supreme Court of Virginia, the appointing and supervising authority for Virginia magistrates, takes all complaints against magistrates very seriously. Your complaint will be given our full attention and be resolved as quickly as possible.

## SHOULD YOU FILE A COMPLAINT?

Allegations that a magistrate has acted in an unethical or otherwise improper manner should not be taken lightly, nor made in an attempt to influence the impartiality or independence of a magistrate. As some problems are the result of misunderstanding or breakdown in communication, you may consider discussing the matter with the magistrate or his/her supervisor (the chief magistrate of the district) before submitting a written complaint. To contact a chief magistrate, you may reference the complete list of [Virginia Chief Magistrates](#).

Magistrates are required to follow a code of conduct known as the Canons of Conduct for Virginia Magistrates. Action will be taken against a magistrate for conduct that constitutes a violation of the Canons of Conduct. Magistrates are judicial officers; therefore, complaints typically will not be investigated on matters that fall within the discretionary authority of the magistrate.

For complaints about a magistrate's decision not to issue a warrant or other process in a criminal matter, you may consider contacting law enforcement officials for further investigation of your case or the Commonwealth's Attorney's office in your county or city for further action by that office.

## WHO MAY FILE A COMPLAINT?

Anyone may file a complaint provided the complaint is based on the direct or firsthand knowledge of the person making the complaint.

## WHAT SHOULD BE INCLUDED IN THE COMPLAINT?

YOUR COMPLAINT MUST BE IN WRITING. You may use the [Magistrate Complaint Form](#) developed for this purpose or write a letter explaining the situation that you think indicates the magistrate's misconduct. The complaint must contain:

- Your full name, address, and telephone number(s);
- The magistrate's full name and office address;

- A brief but complete description of the facts explaining the magistrate's alleged misconduct;
- The name, address and telephone number(s) of any witness(es); and
- Your signature and the date.

The completed [Magistrate Complaint Form](#) or letter should be submitted to the Department of Magistrate Services at the following address:

Department of Magistrate Services  
Office of the Executive Secretary  
Supreme Court of Virginia  
100 N. Ninth Street  
Richmond, Virginia 23219

The [Magistrate Complaint Form](#) is in Adobe Acrobat PDF, and may be completed online and printed. The Adobe Acrobat Reader (free from [Adobe](#)) allows you to view, complete and print PDF forms. To obtain a printed copy of the Magistrate Complaint Form, contact the Department of Magistrate Services in the Office of the Executive Secretary of the Supreme Court of Virginia at (804) 786-8476.

## **WHAT HAPPENS WHEN A COMPLAINT IS FILED?**

Upon receipt of your written and signed complaint, the matter will be carefully reviewed to determine whether the conduct alleged in the complaint constitutes misconduct. If the allegations in the complaint do not constitute a violation of the Canons of Conduct for Virginia Magistrates, there will be no further investigation, and you will be notified of that finding in writing.

If the complaint alleges misconduct under the Canons of Conduct, the complaint will be investigated. During the investigation, you and any witness(es) may be interviewed. At the conclusion of the investigation, you will be notified whether the information obtained during the investigation supports the allegations of misconduct set forth in the complaint, and whether corrective action will be taken.

You may have additional legal rights or remedies in addition to this complaint process. In order to determine what other rights or legal remedies you may have, if any, you should consult an attorney.

## **WHAT CORRECTIVE ACTIONS MAY BE TAKEN AGAINST A MAGISTRATE?**

If an investigation of your complaint leads to the conclusion that there was misconduct by the magistrate, a supervisor will take appropriate action against the magistrate, which may include an adverse personnel action, requiring additional training for the magistrate, or a combination of such actions.

## **HOW LONG WILL THE COMPLAINT AND INVESTIGATION PROCESS TAKE?**

The time from initiation to the resolution of a complaint will depend on the facts and circumstances involved. Each complaint is processed and evaluated on its own merits.

Some complaints are resolved very quickly while others, such as those that involve complex issues, may require more time.

### **ADDITIONAL INFORMATION**

For further information about the magistrate complaint procedure, you may contact:

Department of Magistrate Services  
Office of the Executive Secretary  
Supreme Court of Virginia  
100 N. Ninth Street  
Richmond, Virginia 23219  
(804) 786-8476