

IN THE MATTER OF: \* BEFORE THE MARYLAND  
JUDGE W. KENNEDY BOONE, III \* COMMISSION ON  
CJD 2009-117 \* JUDICIAL DISABILITIES

TO: Judge W. Kennedy Boone, III  
Associate Judge, Circuit Court for Washington County  
Fourth Judicial Circuit

PRIVATE REPRIMAND

TAKE NOTICE that the Maryland Commission on Judicial Disabilities (the "Commission"), through its Investigative Counsel, made and completed an investigation of Judge W. Kennedy Boone's conduct with regard to his arrest for driving while intoxicated and being involved in an automobile accident on November 5, 2009. Judge Boone and his counsel were notified of the nature of the investigation and tendered such written and verbal responses thereto as they wished. Judge Boone, his counsel, and the Commission's Investigative Counsel were afforded an opportunity to present information to the Judicial Inquiry Board in September, 2010. The Judicial Inquiry Board heard Judge Boone's explanation, reviewed his written reply to the complaint and heard from Investigative Counsel regarding the facts and circumstances of this case. Investigative Counsel proposed and Judge Boone agreed that the case will be resolved through the issuance of this Private Reprimand, that will be made public, in conjunction with a Stipulation of Facts and Waiver of Hearing (the "Stipulation") and by Judge Boone agreeing to enter into a Deferred Discipline Agreement. The parties further agree that the Stipulation of Facts and the conditions of the Deferred Discipline Agreement shall be made public. The Deferred Discipline Agreement document shall remain private and

confidential. The Commission, having reviewed the Stipulation, as recommended by the Judicial Inquiry Board and Investigative Counsel, and as agreed to by Judge Boone, hereby incorporates and adopts by reference the attached Stipulation into this Private Reprimand.

The Commission's willingness to agree to conclude this case by way of this Private Reprimand and the related Deferred Discipline Agreement is based upon the recommendations of Investigative Counsel, and the Judicial Inquiry Board. The Commission's decision is also based upon Judge Boone's willingness to enter into the attached Stipulation of Facts and his agreement to comply with the following conditions of the Deferred Discipline Agreement: that he attend at least five Alcoholic Anonymous meetings a week, that he abstain entirely from the consumption of alcohol, that he arrange and pay for daily breathalyser tests prior to his going on the bench, and that Judge Boone work with a Commission designated Monitor or Review Judge under the terms of the Deferred Discipline Agreement.

As there was no significant dispute of facts between Investigative Counsel and Judge Boone, they as the parties agree that the attached Stipulated Facts support a finding of violation of Canons 1 and 6 of the Canons of Judicial Conduct. Investigative Counsel and Judge Boone agree that the certified docket entries of Judge Boone's guilty plea before the District Court of Maryland for Washington County on March 17, 2010 provide an evidentiary basis for the Commission to find, by clear and convincing evidence, sanctionable conduct under the Canons of Judicial Conduct. Judge Boone's admissions that he was guilty of driving under the influence, and his statements on the record, in the District Court of Maryland were both significant factors in the Commission's

decision to accept this Stipulation and Private Reprimand.

The Commission concludes, based upon clear and convincing evidence, that Judge W. Kennedy Boone, III violated Canon 1 and Canon 6 of the Maryland Code of Judicial Conduct, Rule 16-813 of the Maryland Rules. The Commission finds that Judge Boone's behavior on November 5, 2009 did not meet the requirement that "a judge shall observe high standards of conduct so that the integrity and independence of the judiciary will be preserved".<sup>1</sup> The Commission further determines that because Judge Boone's arrest took place in public and he pled guilty to the underlying traffic violations, this Private Reprimand should be made public. The Commission further intends for this Private Reprimand to serve as a warning that any further such behavior or conduct by Judge Boone may result in charges and possible further discipline.

The Commission hereby issues this Private Reprimand which concludes the Commission's case with regard to Canon 1 in CJD-2009-117.

\_\_\_\_\_  
Date

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Patrick L. Woodward, Chair  
Maryland Commission on Judicial Disabilities

Seen and Consented to:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge W. Kennedy Boone, III

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<sup>1</sup>The Commission also considered whether Judge Boone's conduct violated Canon 2A of the Canons of Judicial Conduct which requires that a judge comply with the law and act at all times in a manner that promotes public confidence in the impartiality and integrity of the judiciary. The issues with regard to Canon 2 are being deferred by the Commission as they provide the basis for the Commission's decision to require Judge Boone to comply with the related Deferred Discipline Agreement.