

MISSISSIPPI COMMISSION ON JUDICIAL PERFORMANCE

2015 ANNUAL REPORT

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OUR MISSION

The Mississippi Commission on Judicial Performance was created in 1979 by the Mississippi Legislature and the voters of the State of Mississippi by constitutional amendment. The Commission enforces standards of judicial conduct, inquires into judicial disability and conduct, protects the public from judicial misconduct and disabled judges, and protects the judiciary from unfounded allegations. Our purpose is to be rehabilitative and educational as well as disciplinary.

SUMMARY OF COMPLAINTS

In calendar year 2015, the Commission received 276 new complaints against Mississippi judges. During that same period formal proceedings were initiated on 9 complaints. 74 of the complaints filed in 2015 required investigations. Also, as in years past, several hundred additional calls and inquiries were received by the staff concerning the judicial system, interpretation of the Code of Judicial Conduct, how to file a complaint and the status of complaints filed. The Commission employs a staff of five including an Executive Director, 2 staff attorneys, an investigator and an office manager.

SOURCE OF COMPLAINTS

	1980- <u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
Litigants	6033	221	195	327	249
Citizens	859	17	36	47	4
Attorneys	304	5	11	6	12
Law Enforcement	189	3	6	1	4
MCJP	145	4	1	5	0
Public Officials	127	0	3	3	4
Judges	35	1	1	3	1
Other	14	3	0	2	1
Total	<u>8607</u>	<u>254</u>	<u>253</u>	<u>394</u>	<u>276</u>

TYPES OF JUDGES RECEIVING COMPLAINTS

	1980- <u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
Justice Court Judges	3207	104	91	97	75
Circuit Court Judges	1558	49	59	106	76
Chancellors	1430	48	47	97	51

Municipal Court Judges	752	29	29	39	28
County Court Judges	380	11	11	30	10
Supreme Court Judges	198	0	4	5	3
Court of Appeals	18	3	0	0	15
Administrative Judges	6	1	1	1	0
Family Masters	24	1	0	1	0
Senior Status/Spec. Judge	20	3	2	9	3
Youth Court Judge/Referee	58	4	8	6	10
Workers Compensation	15	1	1	0	1
Other	40	0	0	3	4
Total	<u>8607</u>	<u>254</u>	<u>253</u>	<u>394</u>	<u>276</u>

DISPOSITION OF COMPLAINTS RECEIVED BY COMMISSION

	<u>1980- 2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
Matter of Appellate Review	2900	74	82	140	53
Unfounded /Without Merit	3558	164	143	214	188
Lack of Jurisdiction	76	0	0	2	0
Cautionary Letter	519	12	14	18	11
Formal Complaint Dismissed	82	0	0	1	0
Memo of Understanding	87	0	4	1	2
Private Admonishment	176	2	6	4	2
Public Reprimand	44	0	0	0	0
Public & Fine	73	0	1	0	0
Public & Suspension	44	0	0	0	0
Public, Suspension & Fine	8	2	0	1	0
Judge Resigned/Retired	64	0	0	3	5
Inactive Status	36	0	0	5	0
Removed from Office	39	0	1	2	0
Pending at Supreme Court	0	0	1	2	0
Pending at Commission	0	0	1	2	15
Total	<u>8607</u>	<u>254</u>	<u>253</u>	<u>394</u>	<u>276</u>

DISCIPLINARY RECOMMENDATIONS

In 2015 the Commission received 276 complaints and dismissed 241 at the initial stage as shown above. In addition to disciplinary action, the Commission is charged with educating and rehabilitating judges and in accordance with that mission issued 11 cautionary letters and entered into 2 memorandums of understanding. The Commission has 15 cases pending before the Commission all of which are either new complaints, complaints currently under investigation, or formal complaints awaiting hearings.

Also during 2015 the Commission filed three recommendations for discipline with the Mississippi Supreme Court. These cases are now matters of public record and are reported here without violating the constitutional requirement of confidentiality.

(1) *Sup Ct. No. 2015-JP-00246*

(Inquiries Concerning a Judge Nos. 2014-120/141/142/279)

The Commission recommended the removal of a Justice Court Judge after finding that the judge assaulted a mentally challenged individual and used racial slurs. The recommendation also included a fine of \$1,000.00 and costs of the proceeding in the sum of \$5,918.46.

(2) *Sup Ct. No. 2015-JP-00996*

(Inquiry Concerning a Judge No. 2013-083)

The Commission recommended that a Chancellor be removed from office for irregularities in the handling of a conservatorship case and for testifying untruthfully at a show cause hearing held before the Commission. The Commission also recommended a fine in the sum of \$2,500.00 and assessed costs of \$5,882.67.

(3) *Sup Ct. No. 2014-JP-01281*

(Inquiries Concerning a Judge Nos. 2013-222/228)

The Commission recommended that a municipal judge be publicly reprimanded and assessed costs in the sum of \$563.18. The Commission found that the judge engaged in judicial misconduct when she made statements on social media which could reasonably be construed to show racial bias and prejudice; she made statements on social media wherein she endorsed a political candidate; she presided over a case involving her nephew; she gave misleading and deceptive responses during an interview with a reporter from a local newspaper; she routinely started court late and third parties described her as being discourteous and having exhibited poor courtroom demeanor; some participants who did not volunteer were ordered into drug court, therefore, the program was not voluntary; and some participants in drug court remained in the program longer than the law allows.

DECISIONS RENDERED BY THE SUPREME COURT

- (1) **Miss. Comm'n on Judicial Performance v. Walker, 172 So. 3d 1165 (Miss. 2015)**
The Court ordered the removal of Judge Walker, a Chancellor, after Walker pled guilty to a charge of attempting to corruptly influence a witness subpoenaed to appear before a Federal Grand Jury proceeding and attempting to impede the provision of documents by the witness to the grand jury with the intent to influence the outcome of the proceeding. The judge was also taxed with costs in the sum of \$3,392.34.
- (2) **Miss. Comm'n on Judicial Performance v. Littlejohn, 172 So. 3d 1157 (Miss. 2015)**
Judge Littlejohn, a Chancellor, incarcerated a litigant to three days for contempt even though the litigant had appealed a judgment with supersedeas bond to the Supreme Court. The litigant was forced to file an emergency appeal with the Supreme Court to effectuate his release. The Court ordered a public reprimand, a suspension of thirty (30) days without pay, a fine in the sum of \$1,000.00 and costs of \$1,606.57.
- (3) **Miss. Comm'n on Judicial Performance v. Thompson, 169 So. 3d 857 (Miss. 2015)**
The Court ordered Judge Thompson, a Justice Court judge, removed from office. The Court found that the judge lent the prestige of his office to advance the private interests of a friend, deprived a litigant of her right to counsel of her choosing, kept drug court participants in the drug court program longer than statutorily allowed, enrolled drug court participants from other jurisdictions in violation of Mississippi Code Annotated, Section 9-23-15(2), and deprived drug court participants of their due process rights. The Court also assessed a fine of \$3,500.00 and costs of \$7,693.38.