

MISSISSIPPI COMMISSION ON JUDICIAL PERFORMANCE

2016 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 2016, the Commission received 274 new complaints against Mississippi judges. During that same period, formal proceedings were initiated on 5 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>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>
Litigants	6254	195	327	249	214
Citizens	876	36	47	5	17
Attorneys	309	11	6	12	7
Law Enforcement	192	6	1	4	3
MCJP	149	1	5	0	3
Public Officials	127	3	3	4	2
Judges	36	1	3	1	2
Other	17	0	2	1	26
Total	<u>7960</u>	<u>253</u>	<u>394</u>	<u>276</u>	<u>274</u>

TYPES OF JUDGES RECEIVING COMPLAINTS

	1980- <u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>
Justice Court Judges	3311	91	97	75	80
Circuit Court Judges	1607	59	106	76	62
Chancellors	1478	47	97	51	42

Municipal Court Judges	781	29	39	28	36
County Court Judges	391	11	30	10	18
Supreme Court Judges	198	4	5	3	11
Court of Appeals	21	0	0	15	1
Administrative Judges	7	1	1	0	2
Family Masters	25	0	1	0	0
Senior Status/Spec. Judge	23	2	9	3	14
Youth Court Judge/Referee	62	8	6	10	7
Workers Compensation	16	1	0	1	1
Other	40	0	3	4	0
Total	<u>7960</u>	<u>253</u>	<u>394</u>	<u>276</u>	<u>274</u>

DISPOSITION OF COMPLAINTS RECEIVED BY COMMISSION

	1980- <u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>
Matter of Appellate Review	2914	82	140	53	76
Unfounded /Without Merit	3622	142	214	188	157
Lack of Jurisdiction	76	0	2	0	8
Cautionary Letter	531	14	18	11	12
Formal Complaint Dismissed	63	0	1	0	0
Memo of Understanding	87	4	1	2	1
Private Admonishment	178	7	4	2	2
Public Sanction	350	1	1	0	1
Judge Resigned/Retired	64	0	3	5	2
Inactive Status	36	0	4	0	0
Removed from Office	39	1	2	0	0
Pending at Supreme Court	0	1	2	0	1
Pending at Commission	0	1	2	15	14
Total	<u>7960</u>	<u>253</u>	<u>394</u>	<u>276</u>	<u>274</u>

DISCIPLINARY RECOMMENDATIONS

In 2016, the Commission received 274 complaints and dismissed 200 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 12 cautionary letters and entered into one Memorandum of Understanding. The Commission has 14 cases currently pending before the Commission all of which are either new complaints, complaints currently under investigation, or formal complaints awaiting hearings.

Also during 2016, the Commission filed four (4) 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. 2016-JP-00927*

(Inquiry Concerning a Judge No. 2014-347)

The Commission recommended that a Justice Court judge be publicly reprimanded, fined in the sum of \$3,000.00 and assessed costs of \$2,381.34. The Commission found that the Respondent, without notice to the Defendant, prompted the Plaintiff in a civil case to amend her complaint to his statutory maximum, \$3,500.00. The Plaintiff had requested \$450.00 for an insufficient funds check. The judge also ordered immediate eviction, again without notice to the defendant, though no such relief was prayed for in the Plaintiff's complaint.

(2) *Sup Ct. No. 2016-JP-01098*

(Inquiry Concerning a Judge No. 2016-035)

The Commission recommended that a Justice Court judge be publicly reprimanded, suspended without pay for 30 days, fined \$1,100.00 and assessed costs of \$200.00. The judge made a threatening statement to a criminal defendant insinuating that he would use his gun against the Defendant. The judge also made disparaging remarks to the Defendant and his mother. The judge had an extensive history with the Commission thereby justifying the elevated sanctions.

(3) *Sup Ct. No. 2016-JP-01513*

(Inquiry Concerning a Judge No. 2014-087)

The Commission recommended that a Justice Court judge be publicly reprimanded, suspended for 120 days without pay, fined \$3,000.00 and assessed costs of \$2,928.83. The judge ordered a Defendant to be jailed on a 17 year old DUI charge, although his conviction had been appealed and all penalties satisfied. The Defendant was incarcerated for a period of 4 months before being released.

(4) *Sup Ct. No. 2016-JP-01685*

(Inquiry Concerning a Judge No. 2014-081)

The Commission recommended that a Justice Court judge be publicly reprimanded. The judge engaged in inappropriate activity on social media.

DECISIONS RENDERED BY THE SUPREME COURT

- (1) ***Miss. Comm'n on Judicial Performance v. Shoemake, 191 So. 3d 1211 (Miss. 2016)***
The Court ordered a Chancellor to be publicly reprimanded, suspended without pay for 30 days, fined \$2,500.00 and assessed costs of \$5,882.67. The Court found that the judge improperly signed ex parte orders and contributed to the mismanagement of a ward's estate.
- (2) ***Miss. Comm'n on Judicial Performance v. Clinkscales, 192 So. 3d 997 (Miss. 2016)***
Judge Clinkscales, a Municipal Court judge, made inappropriate political statements on social media, committed procedural irregularities in handling drug court, made false statements in a newspaper interview and exhibited poor demeanor. The judge resigned her office and entered into an agreement with the Commission for a public reprimand. The Supreme Court adopted the recommendation of the Commission and ordered the sanction.
- (3) ***Miss. Comm'n on Judicial Performance v. Weisenberger, 201 So. 3d 444 (Miss. 2016)***
The Court ordered Judge Weisenberger, a Justice Court judge, removed from office, assessed a \$1,000.00 fine and costs in the sum of \$5,918.46. The Court found that the judge physically and verbally assaulted a mentally disabled individual in a public forum while engaged in a private endeavor.