

**MISSISSIPPI COMMISSION
ON
JUDICIAL PERFORMANCE**

2022 ANNUAL REPORT



**660 North Street, Suite 104
Jackson, Mississippi, 39202
601-359-1273**

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**MISSISSIPPI
COMMISSION ON JUDICIAL PERFORMANCE**



COMMISSION LEADERSHIP

Roy Campbell, III Esquire, Chairman*
Judge David Ryan Bruhl, Vice-Chairman*

COMMISSION MEMBERS

Judge Jim Persons
Judge Smith Murphey
Judge Richelle Lumpkin
Col. (R) Silvanus Johnson
Cornelia Gayden

ALTERNATE COMMISSION MEMBERS

Judge Stephen T. Bailey
Judge Stanley A. Sorey
Judge Edwin Y. Hannan
Judge Wes Curry
Karen K. Sawyer, Esquire
Jeffery M. Adcock
Robert (Bob) Graves

*Also Commission Members

EXECUTIVE DIRECTOR

Rachel L. Wilson



Telephone: 601-359-1273
Facsimile: 601-354-6277
Website: judicialperformance.ms.gov
E-Mail: mailbox@mcojp.ms.gov

INTRODUCTION

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, investigates and prosecutes allegations of judicial disability and conduct, protects the public from judicial misconduct and disabled judges, and protects the judiciary from unfounded allegations.

The Commission oversees the conduct of the Mississippi Supreme Court, the Court of Appeals, Circuit Court Judges, Chancery Court Judges, County Court Judges, Municipal Court Judges, Justice Court Judges and any other officer of any judicial system who performs judicial functions on the state level.

The Commission is composed of seven members: one circuit court judge, one chancery court judge, one county court judge, one justice court judge, two lay persons who have never held judicial office or been members of the bar of Mississippi, and one practicing attorney who has practiced law in the state for at least ten years. An alternate for each member will be selected for each representative class to replace those members who might be disqualified or absent. Each member and alternate serves on the Commission for six year terms.

The composition of the Commission's membership brings a diverse set of viewpoints to ensure that the perspectives of the judiciary, the legal community and the public are considered in determining the outcome of each complaint. The Commission's mandate has always been threefold: to protect the public, enforce rigorous standards of judicial conduct, and to maintain public confidence in the integrity and independence of the judiciary.

The Commission may receive a complaint from any interested party. The most common complainants are: litigants, attorneys, law enforcement officers, and interested citizens who believe a judge has committed misconduct or has a disability affecting his or her ability to serve as a judge. The Commission continually works to take appropriate steps to make itself accessible to the public. Complaints may, of course, be submitted to the Commission's office directly through its website at <https://www.judicialperformance.ms.gov>, email, mail, or by facsimile. All complaints must be in writing; the Commission does not accept oral complaints.

What constitutes misconduct by a judge is largely defined by Section 177A of the Mississippi Constitution and the Mississippi Code of Judicial Conduct. Judicial misconduct can include, but is not limited to, instances of bias, demeanor unbecoming a judge, failing to give all interested parties a full opportunity to make their arguments, and failing to make a decision in a prompt, efficient, and fair manner.

Under the rules that govern its operation, the Commission must investigate any complaint that alleges specific facts that, if true, would constitute judicial misconduct. This investigation is conducted by the Commission staff.

If the Commission concludes that the complaint lacks merit – that there is no evidence of misconduct – then the matter will be dismissed. If a party alleges that a judge has misinterpreted facts or law, the proper forum for a remedy is an appellate court.

Pursuant to the Mississippi Constitution, statute, and the Commission’s own rules, the Commission must operate under strict confidentiality. Complaints only become public record when the complaint has been submitted to the Mississippi Supreme Court for review.

I would like to thank members of the judiciary, court staff, the legal community, and members of the public for their assistance in helping the Commission to fulfill its constitutionally mandated purpose. I must also extend my particular gratitude to the Commission’s staff and to the membership of the Commission, who work tirelessly throughout the year to ensure public confidence in the judiciary and in the judicial system.

If any member of the public, the bar, or the judiciary has questions about the work of the Commission or the contents of this report, he or she is welcome to contact this office.

Sincerely,

A handwritten signature in black ink that reads "Rachel Wilson" with a horizontal line extending to the right.

Rachel L. Wilson
Executive Director

TYPES OF COMPLAINTS THE COMMISSION MAY CONSIDER:

1. MISCONDUCT

The Code of Judicial Conduct is intended to establish standards for ethical conduct of judges. It governs the activities of judges both on and off the bench. Judicial misconduct can be divided into several categories.

(A) Improper Courtroom Behavior

Allegations of improper courtroom behavior may include: demeanor, improper treatment of attorneys, parties, witnesses and others involved in the court process; improper physical conduct; or persistent failure to dispose of court business promptly and responsibly. Examples may include: racist or sexist comments, sleeping on the bench, inattentiveness, or substance abuse. Judges may also be disciplined for administrative missteps such as taking cases under advisement and not ruling in a timely manner.

(B) Improper or Illegal Influence

Judges should not be swayed by any factor outside of the evidence presented in a trial or hearing that would affect their ability to be fair and impartial. Canon 2B prohibits a judge from letting family, social or political relationships influence their rulings. Canon 3E also prohibits a judge from hearing matters in which he or a family member has an interest in the outcome of a case. Examples of improper influence would include, but not be limited to, the receipt of gifts, bribes, loans or favors. Also included in this category would be ex parte communications that are prohibited under Canon 3B (7). This occurs when a judge talks to one party without the other party being present or aware of the communication.

(C) Improper Conduct Away from the Bench

The Commentary to Canon 2A reinforces the authority of the Commission to inquire into issues that may occur in the professional and/or personal lives of judges. This can include a wide variety of offenses. Examples may include criminal activity, improper speech or associations, lewdness, or any other activity that would tend to erode public confidence in the integrity of the judicial office.

(D) Other Offenses

This category could include a wide range of offenses. Some common complaints are: interference with the attorney/client relationship, bias or prejudice, improper campaign activity, making public comments regarding a pending or impending case, disqualification issues or lending the prestige of his office to advance the private interests of others.

2. PHYSICAL OR MENTAL DISABILITY

The Commission also is tasked with reviewing allegations that a judge has become disabled due to physical or mental disabilities, i.e., alcohol or substance abuse, debilitating physical illness, mental illness or dementia. The Commission has the authority to have the judge submit to an examination by licensed physician(s) chosen by the Commission.

3. COMPLAINTS OUTSIDE OF THE COMMISSION'S SCOPE

The Commission frequently receives complaints from litigants who are unhappy with a judge's ruling. The Commission has no authority to settle questions of law or to reverse judicial decisions. That role is strictly within the purview of the appellate courts. In addition, the Commission does not determine whether or not a judge should recuse in a case. That is also up to the appellate courts. Finally, the Commission does not have the authority to entertain complaints against federal judges.

THE COMPLAINT PROCESS

The Complaint

- The Commission receives a written complaint alleging judicial misconduct. Complaint Forms are provided by the Commission via mail, fax and email. Forms can also be found on the Commission's website, <https://www.judicialperformance.ms.gov.Complainants> and may be filed electronically.

The Initial Review

- A staff member reviews the complaint to determine the allegations are against a sitting state court judge.
- A case number is assigned to the complaint.
- A letter is sent to the complainant acknowledging receipt of the complaint, providing the case number and the date the Commission will review the complaint.
- Before the Commission meeting, the complaints are mailed to the Commission members for their review.

The Commission Meeting

- The Commission considers the complaint at its regularly scheduled Commission meeting.
- The Commission may dismiss the complaint due to lack of evidence, because it is a matter for appellate review, or for lack of jurisdiction.
- If the Commission determines there is a possibility of misconduct, an investigation is ordered.

The Investigation

- Witnesses are interviewed, documents are obtained and reviewed, and an investigative file is compiled.
- The Investigator has 2 months to investigate the allegations found in the complaint and then report back to the commission at its next meeting.

The Commission Meeting

- The Commission dismisses the complaint for the reasons cited above.
- The Commission dismisses the complaint but sends a letter of instruction to the judge.
- The Commission finds probable cause to file a Formal Complaint.

The Formal Complaint

- Judge is served with the Formal Complaint and has a right to an attorney and 30 days to answer the Formal Complaint.
- Judge and the Commission begin settlement negotiations or schedule a hearing.
- A Formal Hearing may be held wherein the judge has the opportunity to present evidence and have 2 character witnesses testify on his/her behalf.
- A three person panel either finds that the judge committed misconduct or dismisses the case.

Supreme Court Review

- If the panel finds the judge has committed misconduct, then the Commission takes informal commission action or sends its recommendation of appropriate sanction and all pleadings, transcripts, and evidence to the Mississippi Supreme Court
- The Mississippi Supreme Court reviews the Commission's findings and either accepts as presented or imposes a greater sanction, lower sanction, or dismisses the case.
- Sanctions Available: Memorandum of Understanding, Private Admonishment, Public Reprimand, Suspension, Fine, or Removal.

Summary of Services Provided by Commission Staff:

In calendar year 2022, the Commission received 392 new complaints against Mississippi Judges. The Commission met six times in 2022. Commission staff investigated 149 complaints. The Commission initiated formal proceedings in 11 matters.

Additionally, in 2022, Commission staff participated in 10 Training Classes as presenters at conferences regarding judicial ethics; received 196 complaints that were not in the jurisdiction of the Commission and fielded 3,259 telephone calls and inquiries concerning the judicial system, interpretation of the Code of Judicial Conduct, and questions concerning the complaint process.

Commission Staff also serves as a resource for Mississippi Court Clerks, County Administrators and Judges. The Staff also avails itself to the Community and has participated in numerous outreach programs across the state.

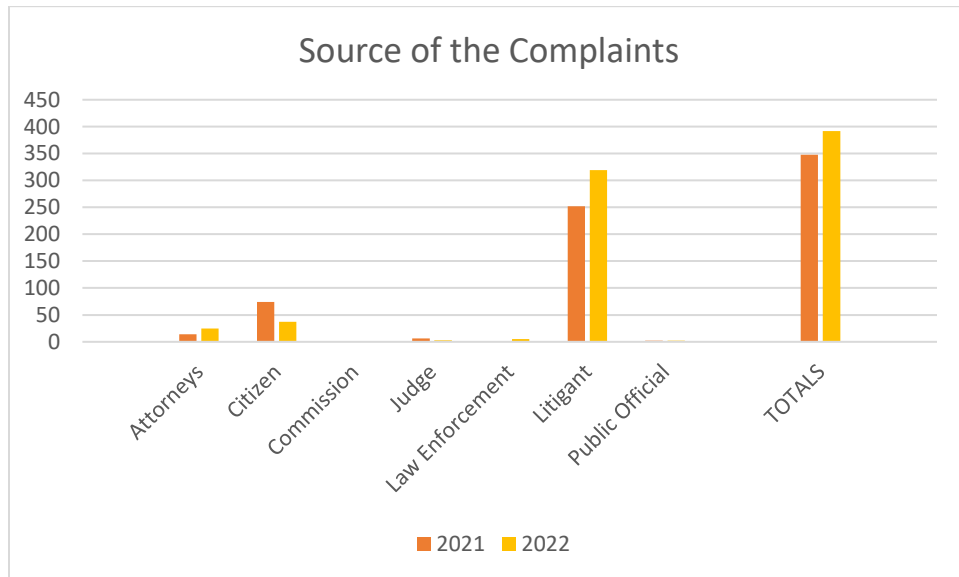
Commission Staff also serves as an administrative resource for judicial elections, and provides support to the Judicial Election Oversight Committee. The Committee rendered public statements regarding the 2022 judicial elections.

The Commission employs a staff of five including:

Executive Director – Rachel L. Wilson
Senior Staff Attorney – Ashley May
Staff Attorney - Meagan Brittain, who unexpectedly passed mid-year
Chief Investigator - Danny L. Perry
Office Manager – Hunter Buxton

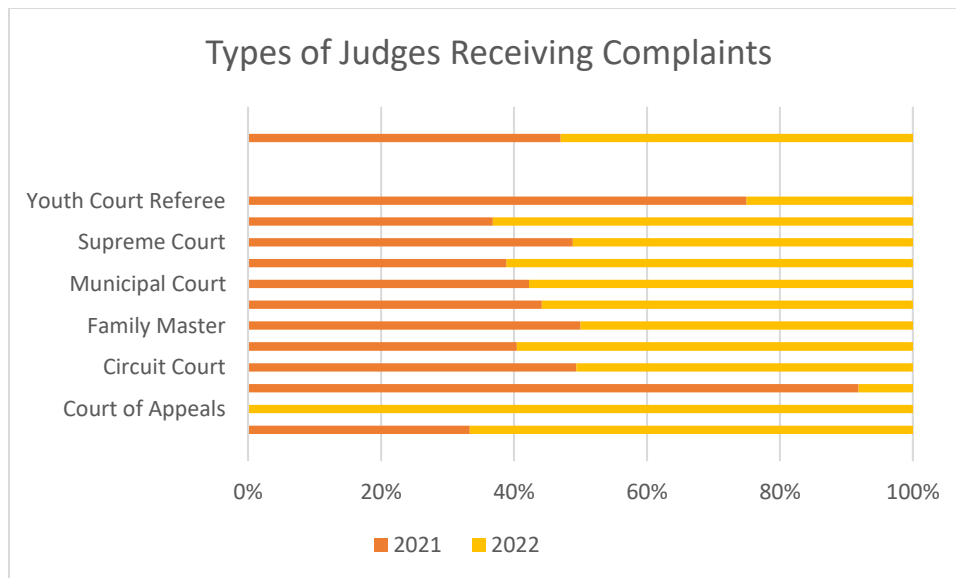
SOURCE OF THE COMPLAINTS

	2021	2022
Attorneys	14	25
Citizen	74	37
Commission	00	01
Judge	06	03
Law Enforcement	00	05
Litigant	252	319
Public Official	02	02
TOTALS	348	392



TYPES OF JUDGES RECEIVING COMPLAINTS

	2021	2022
Administrative	01	02
Court of Appeals	00	01
Chancery Court	101	96
Circuit Court	83	85
County Court	19	28
Family Master	01	01
Justice Court	72	91
Municipal Court	30	41
Senior/Special Judge	07	11
Supreme Court	21	22
Youth Court	07	12
Youth Court Referee	06	02
Special Master	00	00
TOTALS	348	392



DISPOSITION OF COMPLAINTS

	2021	2022
<u>Complaints Dismissed</u>		
Dismissed:		
Appellate Review	74	80
Lack of Evidence	236	206
Lack of Jurisdiction	05	02
<u>Complaints Currently Pending at Commission</u>		
Formal Complaint	11	10
Pending Investigation	08	25
New Complaints Pending	08	58
<u>Sanctions Imposed</u>		
Informal Commission Action	03	08
Memorandum of Understanding	01	01
Resigned/Retired	00	00
Inactive Status	00	00
Private Admonishment	01	01
Public Reprimands/Suspension	01	00
Removed	00	00
Dismissed	00	00
Currently Pending at Supreme Court	00	01
TOTALS	348	392

DISCIPLINARY RECOMMENDATIONS

In 2022, the Commission filed one recommendation for discipline with the Mississippi Supreme Court, which was decided in calendar year 2023, and will be included in 2023 Annual Report.

LEADERSHIP BIOGRAPHIES

Roy Campbell, III, Esq., Chairman

Roy D. Campbell, III, is a partner in the Jackson office of Bradley Arant Boult Cummings LLP, a firm of 500 lawyers in the Southeast. He focuses his practice on commercial litigation and product liability. Roy was born and grew up in Greenville, Mississippi, graduated from Greenville High School in 1968, from Davidson College in 1972, and from The University of Mississippi School of Law in 1975. He is a Fellow of the American College of Trial Lawyers and a member of the American Board of Trial Advocates. Since 2005 he has been listed in Chambers USA and The Best Lawyers in America. He is a past president of The Mississippi Bar, past president of the Capital Area Bar Association and past president of the Board of Trustees of the Mississippi Museum of Art. He is a recipient of The Mississippi Bar's Distinguished Service Award and the Capital Area Bar Association's Outstanding Service Award. Mr. Campbell serves the Commission as the attorney member.

Judge David Ryan Bruhl, Vice-Chairman

David Ryan Bruhl is a partner in the law firm of Foxworth, Shepard & Bruhl, P.A., in Columbia, Mississippi. He graduated cum laude in 2011 from Mississippi College School of Law, and has worked in private practice since that time. Ryan began his career in Tylertown, Mississippi, and in 2018, joined Foxworth & Shepard in Columbia. His areas of expertise include real estate law, probate law, estate planning and trusts, and corporations.

In 2014, Ryan was appointed Municipal Judge by the Mayor and Board of Aldermen of Tylertown, and in 2015, he was elected as one of the Justice Court Judges for Walthall County. In 2018, Chancellor Debbra K. Halford appointed Ryan to serve as Family Master, Special Master for Commitments and Youth Court Referee for Walthall County. Ryan remains actively involved in various community development projects. He is a Past President of the Walthall County Chamber of Commerce, and is currently a member of the Board of Directors of the Walthall County Dairy Festival and Christmas in the Park. Ryan is also a member of the Varnel Masonic Lodge and previously served on the Board of Directors of the Southwest Mississippi Community College Alumni Association. Ryan is married to the former Jennifer Stringer, and they are the parents of two children, Jackson and Jennie Claire. He and his family attend Tylertown Baptist Church. Judge Bruhl serves as the Justice Court Judge member.

MEMBER BIOGRAPHIES

Judge Jim Persons

Judge Persons was elected as a chancellor of the Eighth Chancery District of Harrison, Hancock and Stone counties in November 2002 and took office in January 2003. He practiced law in Jackson from 1967 until 1974, then moved his practice to the Gulf Coast. He earned a Bachelor of Arts degree from Millsaps College, a Juris Doctor from the University of Mississippi School of Law, and a L.L.M. in taxation from New York University. He is a past president of the Harrison County Bar Association and the Russell-Blass-Walker Chapter of the American Inns of Court. He was inducted as a Fellow of the Mississippi Bar Foundation in 2011 and received the Mississippi Bar Distinguished Service Award in 2017.

Judge Smith Murphey

Judge Murphey joined the 17th Circuit bench in January 2011. The district includes DeSoto, Panola, Tallahatchie, Tate and Yalobusha counties. Judge Murphey previously served as chair, vice-chair and secretary treasurer of the Conference of Circuit Judges. He previously served as an Assistant District Attorney of the 17th Circuit District for almost 15 years. He is former president of the Mississippi Prosecutors Association and former president of the Prosecutors Section of the Mississippi Bar. He taught trial techniques and constitutional law nationally to prosecutors for the National Advocacy Center and the National District Attorneys Association. He has served as an instructor in constitutional law for police cadets at the Mississippi Law Enforcement Officers Training Academy and Mississippi Justice Court Judges Professional Judicial Development courses. He has been a member of the Project Safe Childhood Task Force. He was a founding member of two multi-disciplinary task forces on child abuse.

Judge Murphey is a member of the Batesville Rotary Club and the Panola Partnership. He is a long-time volunteer at the Panola County Food Pantry. He has served as an elder, deacon, and trustee for the Batesville Presbyterian Church.

Judge Murphey earned a bachelor's degree in business administration from the University of Mississippi and a law degree from Mississippi College School of Law. He served for two years as a law clerk for former Supreme Court Justice James L. Roberts Jr. of Pontotoc.

Judge Richelle Lumpkin

Judge Lumpkin obtained her Juris Doctorate from Mississippi College School of Law in 1990. She was in private practice for 20 years focusing her practice in the areas of criminal defense, family law, personal injury, real estate and general litigation. During this time, she also served as Youth Court Referee and Municipal Court Judge. In November of 2010 she was elected as the first County Court Judge of Pearl River County and currently serves in that position. Judge Lumpkin is a member of the Mississippi Bar Association, the Pearl River Bar Association and a past member of the Mississippi Board of Bar Commissioners. Judge Lumpkin serves as the alternate County Court member for the Commission.

Col. (R) Silvanus Johnson

Col. Johnson is a retired Medical Services Officer. Colonel Johnson also served as a Special Education and Biology learning strategy teacher at Mendenhall High School. He earned the Mississippi Meritorious Service Award and was named teacher of the year for the 2013-2014 school year. He is a graduate of Jackson State University and was the Senior Assistant Professor of the Military Science Department.

Col. Johnson was the first African American, enlisted soldier, to enter the Mississippi Army National Guard. Additionally, he is the first and only African American member of the Board of Directors for the Mississippi Military Museum at Camp Shelby. Col. Johnson is a life member of the Phi Beta Sigma Fraternity, Inc. being selected as the Brother of the Year, obtaining the Outstanding Achievement Award, and many more honorable awards. He is married and the father of two adult daughters and serves as a deacon and treasurer for the Sylvarena Missionary Baptist Church. He currently serves the Commission as lay member.

Cornelia Gayden

Ms. Gayden is a lay member. She is employed by the McComb School District as a Community Engagement and Communications Coordinator.

Ms. Gayden is a graduate of Louisiana State University where she was a star player for their basketball program. After graduation, she played professional basketball in the United States, Europe and the Middle East. Ms. Gayden also played in the USA Basketball Select Team World University Games in Fuoka, Japan in 1995. She is a three-time recipient of the Madeline Doucet Alumni Award, which is awarded to the outstanding alumni of the year. She was also named Southeastern Conference Great in 2003, Women's Basketball News Service All American in 2000, and Kodak Regional All American in 1994. She is the 3rd all-time leading scorer in the Southeastern Conference and the NCAA all-time leader in 3-point goals (337).

Ms. Gayden is very active in her community serving on the advisory board for the McComb School District, the Mayor's Youth Council Committee, and the Fundraiser Committee chair for the Pine Grove Community Center. Ms. Gayden founded the Raining Three Leadership Academy and Raining Three Hoop School. She has also been a member of the Kiwanis Club, the Pike County Arts Council, the Southwest Medical Foundation, and the Pike County Chamber of Commerce.

ALTERNATE MEMBER BIOGRAPHIES

Judge Stephen T. Bailey

Judge Bailey has served as a chancellor of the First Chancery District since Feb. 1, 2018. Judge Bailey was appointed to a vacancy, then elected to a full term in November 2018. The First Chancery District includes Alcorn, Itawamba, Lee, Monroe, Pontotoc, Prentiss, Tishomingo and Union counties. He previously served as a prosecutor in Lee County Youth Court and Tupelo Municipal Court. He began his private law practice in 1996. He is a graduate of the University of Mississippi and earned a Juris Doctor from the University of Mississippi School of Law.

Judge Stanley A. Sorey

Judge Sorey has served on the 13th Circuit Court bench since January 2016. He is senior judge of the district that includes Covington, Jasper, Simpson and Smith counties. He was in private law practice for more than 16 years before he was elected Circuit Judge. He served as Smith County Prosecutor and municipal prosecutor for the towns of Mize and Taylorsville. He was board attorney for the Smith County Board of Supervisors for 10 years. He was president of the Smith County Bar Association for 14 years.

Judge Sorey served for six years in the Mississippi National Guard, including active duty during Operation Desert Storm.

Judge Sorey earned a Bachelor of Science degree from Mississippi College and a law degree from Mississippi College School of Law. He also attended Jones County Junior College, Copiah-Lincoln Community College and the University of Southern Mississippi.

Judge Edwin Y. Hannan

Judge Hannan also was re-elected on Oct. 28 as chairman of the Conference of County Court Judges. Officers of the Conference of County Court Judges were elected by their colleagues during the Fall Trial and Appellate Judges Conference in Jackson. Judge Hannan, of Madison, has served as conference chairman since 2015.

Judge Hannan began his service as Madison County Court Judge in January 2007. He previously served for more than nine years as Madison Municipal Judge. He practiced law for 25 years before he was elected to the Madison County Court bench. He is a graduate of the University of Mississippi and the University of Mississippi School of Law.

Judge Wes Curry

Judge Curry was elected as a Forrest County Justice Court Judge in 2011. He was appointed as Hattiesburg Municipal Judge in August 2017. He practices law with Curry & Curry PLLC in Hattiesburg, MS. Judge Curry served as president of both the Hattiesburg Area Young Lawyers and the South Central Mississippi Bar Association. He serves as the SCMBA representative on the board of Mississippi Legal Services, and on the Mississippi Board of Bar Commissioners. Judge Curry attended the University of Mississippi for both undergraduate and law school. During law school, he served as a law clerk for Mississippi Supreme Court Justice Michael Sullivan. He later served as a law clerk for Judge Billy Bridges of the Mississippi Court of Appeals. Judge Curry is a member of First Presbyterian Church, where he has served as a deacon and currently serves as an elder. Judge Curry serves the Commission as the alternate Justice Court Judge member.

Karen K. Sawyer

Ms. Sawyer is an honor graduate from the University of Texas with a Baccalaureate Degree in Nursing. She received her Juris Doctorate cum laude from Tulane Law School in 1992.

She is a shareholder at Copeland, Cook, Taylor and Bush, P.A. (Gulf Coast Office) where her practice is primarily civil litigation with a focus on medical malpractice, general liability and insurance coverage matters. She is also a certified mediator.

Ms. Sawyer is a member of the Harrison County Bar, the Mississippi Bar and the American Bar Association. She volunteers as a facilitator in the annual James O. Dukes Professionalism Task Force Program. Ms. Sawyer served as past chair of the Women in the Profession Committee and is a member of the Mississippi Women's Lawyer Association. Currently she serves on the Bench Bar Committee and is a Bar Commissioner for the Second Judicial District, Post 1. Ms. Sawyer was admitted as a Fellow of the Mississippi Bar Foundation in 2003 where she served as Trustee and President. She is also a member of the Russell-Blass-Walker Chapter of the American Inns of Court. Ms. Sawyer has received the Alonzo Westbrook Public Service Award in 2008, was named one of the Women Trailblazers by the Women in the Profession Committee in 2012 and received the Mississippi Bar's Distinguished Service Award for 2012-2013. In July, 2015, she was named the Susie Blue Buchanan Award winner by the Women in the Profession. In addition, she serves on the Board of Directors of the South Mississippi Aids Task Force, the League of Women Voters, Mississippi Medical Alliance,

and the Great Southern Club. She is currently serving on the Commission as the alternate attorney member.

Jeff Adcock

Jeffery Adcock is a native of Biloxi, Mississippi and graduated from Mississippi State University with a Bachelor's of Science Degree in Business Administration. After earning a Master's of Business Administration, he moved to Jackson, Mississippi. After a career in state government that included a variety of positions and responsibilities in several different agencies, he became the Director of Administration for the State Auditor's Office. After serving in this position under four different State Auditors, Mr. Adcock retired from state government in 2009. After retirement from state government, Mr. Adcock has been involved in real estate management and investment. Mr. Adcock serves the Commission as an alternate lay member.

Robert (Bob) Graves

Bob Graves graduated from Winona High School, Mississippi State University, and Mississippi College School of Law. He was a Senior Vice President with Merrill Lynch in the Jackson office and retired in 2002. He currently serves as an Arbitrator of Disputes for the Financial Industry Regulatory Authority (FINRA). In addition, Bob raises Angus cattle on his farm in Carroll County.

As a Rotarian he is recognized as a multiple Paul Harris Fellow, a Paul Harris Society Member, a Major Donor, and a Rotary Foundation Benefactor. He is a member of the Winona Rotary Club. He served as District Governor in 2011-12.

Mr. Graves is a veteran and has been a member of American Legion Post 52 since 1969. He is a member of the Post Oratorical Committee and the Boys State Committee. He serves as the alternate lay member of the Mississippi Commission on Judicial Performance.

Bob is married to the former Carole Watts. They are members of the First Baptist Church of Winona.