

MISSISSIPPI COMMISSION ON JUDICIAL PERFORMANCE

2009 ANNUAL REPORT

COMMISSION MEMBERS

JUDGE HENRY L. LACKEY, CHAIRMAN
JUDGE H. DAVID CLARK, II, VICE-CHAIRMAN
JUDGE WILLIAM E. ANDREWS, III
JUDGE JOHN SHIRLEY
AUGUSTUS L. COLLINS
CORNELIA GAYDEN
GAINES S. DYER, ESQUIRE

EXECUTIVE DIRECTOR

LUTHER T. BRANTLEY, III, (Retired June 30, 2009)
DARLENE D. BALLARD, (Interim Executive Director)

Commission Offices

201 Barefield Complex, 455 N. Lamar
Jackson, Mississippi, 39202
Post Office Box 22527
Telephone: 601-359-1273
Facsimile: 601-354-6277
E-Mail: mailbox@judperf.state.ms.us

COMPLAINTS:

A. Summary of Complaints

In calendar year 2009, the Commission received 337 new complaints against Mississippi judges, an increase from 2008. During that same period 26 formal proceedings were initiated. As the number of complaints received by the Commission increased in 2009, the number of complaints requiring investigations increased accordingly. Commission telephone records also indicate that several hundred additional inquiries were received concerning the judicial system, interpretation of the Code of Judicial Conduct, and how to file a complaint. The Commission sent out over 700 complaint forms.

B. Statistical Summary

Source of Complaints

	<u>1980- 2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>
Litigants	4607	220	203	261	276
Citizens	713	39	35	25	26
Attorneys	217	10	12	23	11
Law Enforcement	170	2	6	2	7
MCJP	114	2	5	6	11
Public Officials	85	1	5	3	5
Judges	40	2	2	2	0
Dept. of Audit	29	0	0	0	0
Total	<u>5671</u>	<u>276</u>	<u>268</u>	<u>322</u>	<u>337</u>

Number of Complaints Against Judges

	<u>1980- 2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>
Justice Court Judges	2596	93	96	96	140
Circuit Court Judges	1124	77	58	67	66
Chancellors	1195	52	52	60	62
Municipal Court Judges	554	22	33	23	30
County Court Judges	282	18	19	28	15
Supreme Court Judges	144	3	3	36	2
Administrative Judges	15	1	0	1	5
Court of Appeals	6	0	3	5	6
Other	60	10	4	6	11
Total	<u>5976</u>	<u>276</u>	<u>268</u>	<u>322</u>	<u>337</u>

Disposition

	<u>1980- 2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>
Unfounded or Without Merit	2772	126	95	101	133
Matter of Appellate Review	2176	121	132	164	118
Informal Disposition	432	20	17	22	15
Formal Complaint Initiated	429	28	13	31	26
Judge Removed, Resigned or Retired During Commission Investigation	38	0	1	0	1
Inactive Status Subject to Reconsideration	32	0	0	0	0
Lack of Jurisdiction	36	1	0	1	1
Private Admonishment	17	4	7	6	4
Total	<u>5932</u>	<u>300</u>	<u>265</u>	<u>325</u>	<u>298</u>

(Discrepancies in totals are due to pending complaints and multiple sources, types of judges and/or subject matter in several complaints. Multiple complaints against individual judges arising from a specific case or containing the same allegations are filed as one complaint.)

C. Disciplinary Recommendations

During 2009, the Commission filed 5 recommendations for discipline with the Mississippi Supreme Court. These 5 cases are now matters of public record and are reported here without violating the constitutional requirement of confidentiality.

- (1) **Inquiry Concerning a Judge No. 2008-098.** The Commission recommended that Joe Brown, Justice Court Judge, District 2 of Quitman County be publicly reprimanded, suspended from office for 30 days without pay, fined \$1,500.00 and assessed costs. The Commission found that Judge Brown, in his official capacity, improperly touched a Deputy Justice Court Clerk and used inappropriate language.
- (2) **Inquiry Concerning a Judge No. 2009-044.** The Commission recommended that Bill Anderson, Justice Court Judge, Post One, Lamar County be publicly reprimanded, suspended from office for 30 days without pay and assessed costs. The Commission found that Judge Anderson, in his official capacity, failed to render timely rulings, engaged in improper ex parte communication with a litigant, improperly issued an arrest warrant, and improperly denied bond to a defendant.
- (3) **Inquiry Concerning a Judge No. 2008-132.** The Commission recommended that Johnny C. Hartzog, Justice Court Judge, Post 2, Jefferson Davis County be publicly reprimanded, suspended from office for a period of 6 months without pay, and assessed costs. The Commission found that Judge Hartzog engaged in judicial misconduct by failing to recuse himself from a case when recusal was required, using the influence of his office to advance the private interests of a party to litigation and allowing his social relationship with a party to litigation to influence his conduct and judgment.
- (4) **Inquiry Concerning a Judge No. 2008-265.** The Commission recommended that William Agin, County Court Judge, District One, Madison County be publicly remanded and assessed costs. The Commission found that Judge Agin engaged in judicial misconduct by failing to render an opinion in a civil case in a timely manner.
- (5) **Inquiry Concerning a Judge Nos. 2008-022/027.** The Commission recommended that Bobby B. Delaughter, Circuit Court Judge, 7th Circuit Court District, Hinds County, be suspended pending the resolution of certain criminal charges against him. Judge Delaughter subsequently entered a guilty plea wherein he admitted that he did obstruct, influence and impede a federal proceeding while being interviewed by the Federal Bureau of Investigation. Judge Delaughter resigned from the office of Circuit Judge.