

MISSISSIPPI COMMISSION ON JUDICIAL PERFORMANCE

2012 ANNUAL REPORT

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EXECUTIVE DIRECTOR

JOHN B. TONEY

COMMISSION OFFICES

660 North Street
Suite 104
Jackson, Mississippi 39202
Telephone: 601-359-1273
Facsimile: 601-354-6277
Website: judicialperformance.ms.gov
E-Mail: mailbox@judperf.state.ms.us

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.

COMPLAINTS:

A. Summary of Complaints

In calendar year 2012, the Commission received 253 new complaints against Mississippi judges. During that same period 3 formal proceedings were initiated. The number of complaints requiring investigations remained fairly consistent with prior years. Also, as in years past, several hundred additional inquiries were received concerning the judicial system, interpretation of the Code of Judicial Conduct, and how to file a complaint.

B. Statistical Summary

Source of Complaints

	<u>1980- 2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>
Litigants	5291	276	231	237	220
Citizens	812	26	12	12	17
Attorneys	262	11	13	13	5
Law Enforcement	180	7	3	4	3
MCJP	127	11	3	3	2
Public Officials	94	5	0	0	0
Judges	46	0	0	1	1
Audit-Other	29	0	0	0	5
Total	6537	337	262	270	253

Number of Complaints Against Judges

	<u>1980- 2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>
Justice Court Judges	2881	140	111	81	104
Circuit Court Judges	1326	66	37	61	49
Chancellors	1359	62	56	46	46
Municipal Court Judges	632	30	27	36	28
County Court Judges	347	15	15	21	11
Supreme Court Judges	186	2	2	9	0
Administrative Judges	17	5	0	1	1
Court of Appeals	14	6	1	1	3
Other	80	11	13	14	11
Total	6842	337	262	270	253

Disposition

	<u>1980- 2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>
Unfounded / Without Merit	3094	133	155	175	152
Matter of Appellate Review	2593	118	66	65	73
Informal Disposition	491	15	15	10	11
Formal Complaint Initiated	501	26	16	6	3
Judge Removed, Resigned or Retired During Commission Investigation	39	1	0	0	0
Inactive Status Subject to Reconsideration	32	0	0	0	0
Lack of Jurisdiction	38	1	4	0	0
Private Admonishment	34	4	6	0	1
Total	6822	298	262	270	240

(Discrepancies in totals may result from 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 2012, 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) **Inquiry Concerning a Judge No. 2011-156.** The Commission recommended that a Justice Court Judge be publically reprimanded, suspended for 30 days without pay and assessed costs in the amount of \$2,022.75 for failing to properly adjudicate matters assigned to him, engaging in ticket-fixing, dismissing charges without a hearing, engaging in *ex parte* communication with a criminal defendant, failing to disclose the *ex parte* communication to the prosecution and falsifying court records. (*Sup Ct. No. 2012-JP-00683*)
- (2) **Inquiry Concerning a Judge No. 2010-215.** The Commission recommended that a Municipal Court Judge be publicly reprimanded, suspended without pay for 30 days, and assessed costs in the amount of \$1,151.60 for multiple counts of ticket-fixing. (*Sup Ct. No. 2012-JP-01368*)
- (3) **Inquiries Concerning a Judge Nos. 2011-222/235.** The Commission recommended that a County Court Judge be publicly reprimanded, fined the sum of \$1,000.00 and assessed costs of \$100.00 for abuse of contempt powers. After recusing himself from a Youth Court matter, the judge re-entered the case and issued bench warrants for the arrest of two adults without affording the adults sufficient due process. (*Sup Ct. No. 2012-JP-01745*)