

MISSISSIPPI COMMISSION ON JUDICIAL PERFORMANCE

2011 ANNUAL REPORT

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ROY CAMPBELL, III, ESQ.

EXECUTIVE DIRECTOR

JOHN B. TONEY

COMMISSION OFFICES

660 North Street
Suite 104
Jackson, Mississippi 39202
Telephone: 601-359-1273
Facsimile: 601-354-6277
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 2011, the Commission received 270 new complaints against Mississippi judges. During that same period 6 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- 2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
Litigants	5030	261	276	231	237
Citizens	787	25	26	12	12
Attorneys	239	23	11	13	13
Law Enforcement	178	2	7	3	4
MCJP	121	6	11	3	3
Public Officials	91	3	5	0	0
Judges	44	2	0	0	1
Dept. of Audit	29	0	0	0	0
Total	6215	322	337	262	270

Number of Complaints Against Judges

	<u>1980- 2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
Justice Court Judges	2785	96	140	111	81
Circuit Court Judges	1259	67	66	37	61
Chancellors	1299	60	62	56	46
Municipal Court Judges	609	23	30	27	36
County Court Judges	319	28	15	15	21
Supreme Court Judges	150	36	2	2	9
Administrative Judges	16	1	5	0	1
Court of Appeals	9	5	6	1	1
Other	74	6	11	13	14
Total	6520	322	337	262	270

Disposition

	<u>1980- 2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
Unfounded or Without Merit	2993	101	133	155	175
Matter of Appellate Review	2429	164	118	66	65
Informal Disposition	469	22	15	15	10
Formal Complaint Initiated	470	31	26	16	6
Judge Removed, Resigned or Retired During Commission Investigation	39	0	1	0	0
Inactive Status Subject to Reconsideration	32	0	0	0	0
Lack of Jurisdiction	37	1	1	4	0
Private Admonishment	28	6	4	6	0
Total	6497	325	298	262	270

(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 2011, the Commission filed 6 recommendations for discipline with the Mississippi Supreme Court. These 6 cases are now matters of public record and are reported here without violating the constitutional requirement of confidentiality.

- (1) **Inquiry Concerning a Judge No. 2009-241/2010-046.** The Commission recommended that a Justice Court Judge be publically reprimanded, suspended for 120 days without pay and assessed costs for interfering in the orderly prosecution of a criminal case in another court and ticket-fixing. (*Sup Ct. No. 2011-JP-00114*)
- (2) **Inquiry Concerning a Judge No. 2009-109/146/195.** The Commission recommended that a Circuit Court Judge be publicly reprimanded, fined the sum of \$1,000 and assessed costs for abuse of contempt powers and for discourteous and confrontational courtroom demeanor. (*Sup Ct. No. 2011-JP-00319*)
- (3) **Inquiries Concerning a Judge Nos. 2009-161.** The Commission recommended that a Justice Court Judge be publicly reprimanded, suspended without pay for 30 days, fined the sum of \$2,000 dollars and assessed costs for multiple counts of misconduct including involving himself in cases not assigned to him, engaging in ex parte communication, interfering with the orders of another judge and mishandling traffic tickets. (*Sup Ct. No. 2011-JP-00555*)
- (4) **Inquiries Concerning a Judge No. 2010-115.** The Commission recommended that a Justice Court Judge, (and practicing attorney), be publically reprimanded, fined the sum of \$500 and assessed costs for issuing an arrest warrant on behalf of her client against the client's ex-husband. The Supreme Court found that the judge abused the power of her office by acting as a judge in a matter involving one of her own clients. (*Sup Ct. No. 2011-JP-00552*)
- (5) **Inquiry Concerning a Judge No. 2011-012.** The Commission recommended that a Justice Court Judge be publically reprimanded and assessed costs for lending the prestige of her office to a private individual who was facing criminal charges in an out-of-state court. The judge made a single telephone call to the out-of-state judge's chambers to vouch for an individual. The out-of-state judge was the complainant in the case. (*Sup Ct. No. 2011-JP-00554*)
- (6) **Inquiry Concerning a Judge No. 2010-149.** The Commission recommended that a Youth Court Referee be publically reprimanded, fined the sum of \$500 and assessed costs for abusing her contempt powers. The judge jailed an adult for indirect criminal contempt of court without affording the person due process. (*Sup Ct. No. 2011-JP-01280*)