



THE TENNESSEE BOARD OF JUDICIAL CONDUCT

511 Union Street
Suite 600
Nashville, TN 37219

April 11, 2013

Michael W. Catalano, Clerk
100 Supreme Court Building
401 Seventh Avenue, North
Nashville, TN 37219-1407
615-253-1470

MEMBERS OF THE TENNESSEE
BOARD OF JUDICIAL CONDUCT

FOR PUBLIC RELEASE

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The Honorable James McKenzie
1475 Market Street, Room 101
Rhea County Courthouse
Dayton, Tennessee 37321

RE: Complaints in File Nos. B12-5167, B13-5219, and B13-5220

Dear Judge McKenzie:

This letter shall serve as a public reprimand pursuant to your agreement with an investigative panel of the Board of Judicial Conduct relating to Cases B13-5167, B13-5219 and B13-5220.

Case B13-5167 concerns your conduct while on the Bench on December 18, 2012, in which you made a comment concerning your belief that one of the attorneys who appears in your court must be having a sexual relationship with another attorney who appears before you. This was said in such a manner that other attorneys who were in your court on that day heard it. Upon being confronted by one of the attorneys about whom the comment was made, you apologized to that attorney and on the next day, called the other attorney into your chambers and apologized to that attorney and told them that such conduct would not occur again. Both of the attorneys perceived that you were sincere in your apology.

Cases B13-5219 and B13-5220 basically concern the same incident which took place on November 20, 2012. On that date you approached the spouse of a Court employee who had taken a leave of absence and whom you perceived had a personal issue with you. This spouse and you were in the presence of a number of other individuals who worked with the spouse. At this time, you used inappropriate language in inquiring about the Court employee's potential problem.

This was done in an abrasive manner and was noted by other persons present during the conversation. This was not done in Court or in an official setting.

Your actions in the above matters constituted a violation of Canon 1 of the Code of Judicial Conduct as set forth in Rule 10 of the Rules of the Supreme Court of Tennessee, which provides:

CANON 1 — A JUDGE SHALL UPHOLD AND PROMOTE THE INDEPENDENCE, INTEGRITY, AND IMPARTIALITY OF THE JUDICIARY, AND SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY.

Your actions specifically violated Rule 1.2 of said Canon which provides:

RULE 1.2 Promoting Confidence in the Judiciary

A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

Your conduct in addition violated the provisions of Tennessee Code Annotated Section 17-5-301(g)(2) in that this conduct “*detrimentally affects the integrity of the Judiciary.*”

Accordingly, this letter constitutes a Public Reprimand for your actions in the above cases.

Sincerely,


Chris Craft
Board Chair

CC/bep



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David Wedekind

The Honorable Ron Ramsey
Lt. Governor and Senate Speaker
1 Legislative Plaza
Nashville, TN 37243-0219

The Honorable Beth Harwell
Speaker of the House
301 6th Avenue North
Suite 19 Legislative Plaza
Nashville, TN 37243

Dear Speakers of the Senate and House:

As Chairperson of the Board of Judicial Conduct, I am sending you notice of the following public judicial discipline pursuant to Tenn. Code Ann. § 17-5-208, which states as follows:

17-5-208. Notice reporting reprimands to speakers of the senate and house of representatives -- Notice a public record.

(a) The chair of the board shall immediately provide the speaker of the senate and the speaker of the house of representatives with the name, type of judge, judicial district, if applicable, the reason for the reprimand and the number of previous reprimands each time any of the following events occur:

(1) A judge receives a second or subsequent public reprimand for conduct occurring during the entire period of time the person is a sitting judge;

.....

(b) (1) The notice provided the speakers pursuant to subdivision (a)(1) shall be a public record.

On this date I have issued on behalf of the Board a public reprimand to Judge James McKenzie, Rhea County General Sessions Judge in the Twelfth Judicial District. The reason for the reprimand is contained in the language of the reprimand itself, which is attached. He received one prior public reprimand during the years he has been a sitting judge, which was issued on December 3, 2010.

This prior public reprimand may be accessed through the Board of Judicial Conduct's website at <http://www.tncourts.gov/boards-commissions/court-judiciary/disciplinary-actions>.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Craft". The signature is written in a cursive style with a large initial "C" and a long, sweeping tail.

CHRIS CRAFT
Board Chair

CC/bep