



THE TENNESSEE BOARD OF JUDICIAL CONDUCT

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February 25, 2015

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FOR PUBLIC RELEASE

The Honorable Robert Newell
Juvenile Court Judge (retired)
Gibson, Tennessee

RE: Board of Judicial Conduct Complaint
File No. 12-5171

Dear Judge Newell:

This letter shall serve as a public letter of censure pursuant to your agreement with an investigative panel of this Board.

This matter involves the case of and hearings held at various times in the case identified as Gibson County Juvenile Court No. 01579, hearings over which you presided as Judge.

- A. In a hearing on December 6, 2011, you permitted an attorney to act on behalf of a litigant, after the attorney had indicated in court that "It's going to be an obvious conflict for me to stay in (the case)." You ignored the conflict issue raised by the attorney, and proceeded to conduct a hearing.
- B. During the hearing you directed a surname change for a minor child, although no one had requested one, and without giving a reason.
- C. At a subsequent hearing on April 25, 2012, you indicated before the actual hearing began that you were not receptive to the petition filed by a litigant, the petition being the reason for the hearing. Before any witnesses were sworn, you began to question a litigant directly.

- D. Following the swearing in of a witness, almost immediately upon a litigant and witness stating her name, you stated “Do you want to go to jail?” Further, you repeatedly threatened to hold the witness/litigant in contempt of Court. This behavior by you was intemperate, intimidating, and unwarranted for any reason.
- E. The April 25 hearing progressed in less than an orderly presentation of proof and was frequently interrupted by gratuitous commentary and interruptions from you.
- F. At one point you began a statement directed to counsel for the complainant by addressing her as “Lady...” a characterization the Court of Appeals found to be “less than decorous.” That comment was followed by insulting language directed at the attorney.
- G. In addition, at another time in the April hearing you told a litigant directly to “shut your mouth.”
- H. While the case was on appeal, however, following your receipt of a communication from the Board of Judicial Conduct concerning the subject complaint, you attempted, without legal basis, to make additional findings or explanations of prior hearings and holdings by you. That attempt was determined by the Court of Appeals to be void ab initio, and without a jurisdictional foundation, verging into advocacy and contrary to the transcripts.
- I. The Court of Appeals determined that your management and handling of the subject case was a “procedural train wreck.”

The canons or rules allegedly violated by the above-described conduct are therefore the following, as they were in effect at the time of the hearings in 2012:

Canon 1. A Judge Shall Uphold the Integrity and Independence of the Judiciary

A. An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing high standards of conduct and shall personally observe those standards so that the integrity and independence of the judiciary will be preserved. The provisions of this Code are to be construed and applied to further that objective.

Canon 2. A Judge Shall Avoid Impropriety and the Appearance of Impropriety in All of the Judge's Activities

A. A judge shall respect and comply with the law* and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

Canon 3. A Judge Shall Perform the Duties of Judicial Office Impartially and Diligently

A. Judicial Duties in General. The judicial duties of a judge take precedence over all the judge's other activities. The judge's judicial duties include all the duties of the judge's office prescribed by law*. In the performance of these duties, the following standards apply.

B. Adjudicative Responsibilities.

...(4) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity, and shall require* similar conduct of lawyers, and of staff, court officials, and others subject to the judge's direction and control.

(5) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to, bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation, or socioeconomic status, and shall not permit staff, court officials, and others subject to the judge's direction and control to do so.

E. Disqualification.

(1) A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances where:

...(a) the judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge* of disputed evidentiary facts concerning the proceeding;

Your actions in preparing an "Order" without legal justification, following your receipt of notification that a disciplinary complaint had been filed against you, violated the Code of Judicial Conduct as it was in effect at the time (2013) of your action, in Canon 1, Rules 1.1, 1.2, and 1.3; Canon 2, Rule 2.2, 2.3, 2.6, 2.8, and 2.11. Your conduct also detrimentally affected the integrity of the judiciary or undermined public confidence in the administration of justice.

In addition, you have agreed with the Board of Judicial Conduct, through its investigative panel, to complete, either in person or online, a judicial ethics program or other educational program, approved by the Board of Judicial Conduct through the investigative panel, addressing issues of judicial demeanor, sensitivity awareness, and dealing with others in the workplace.

Upon receiving notice from Disciplinary Counsel in this matter, you promptly responded and have fully cooperated with the Court of the Judiciary and its successor the Board of Judicial Conduct. You have fully and without hesitation or reservation complied with and assisted The Board of Judicial Conduct in addressing and resolving this matter.

Accordingly, this letter constitutes a Public Censure for your actions in the above matter. Pursuant to Tenn. Code Ann. § 17-5-301(g)(4), this Public Censure shall be read to you when you appear before the Board of Judicial Conduct on February 25, 2015.

Sincerely,

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

Chris Craft
Board Chair