

ORIGINAL

IN THE TENNESSEE COURT OF THE JUDICIARY

FILED

2012 JAN 24 PM 2:01

**IN RE: THE HONORABLE JAMES TAYLOR
GENERAL SESSIONS JUDGE
HAWKINS COUNTY, TENNESSEE**

APPELLATE COURT CLERK
NASHVILLE

Docket No. M2011-00706-CJ-CJ-CJ

File No. 11-4731

FORMAL CHARGES

Timothy Discenza, Disciplinary Counsel for the Tennessee Court of the Judiciary, at the direction of an investigative panel of three members of the Court of the Judiciary, in accordance with Tennessee Code Annotated § 17-5-301, *et. seq.*, hereby files formal charges against the Honorable James Taylor, General Sessions Judge of Hawkins County, Tennessee.

Jurisdiction

1. Following a full investigation authorized under the provisions of Tennessee Code Annotated § 17-5-304(b)(3), the three judge investigative panel composed of the Honorable Joe F. Fowlkes, the Honorable Jeffrey Bivins, and the Honorable Chris Craft found, pursuant to Tennessee Code Annotated § 17-5-304(d)(2)(A), that there is reasonable cause to believe that the Honorable James Taylor has committed judicial

offenses alleged herein in violation of Tennessee Code Annotated § 17-5-302, and directed Disciplinary Counsel to file formal charges pursuant to Tennessee Code Annotated § 17-5-304(d)(2)(A).

2. The Honorable James Taylor, at times relevant herein, was a continuing part time Juvenile Judge of the Juvenile Court of Hawkins County, Tennessee, having been elected to that position, and at other times relevant herein, was a full time General Sessions Judge of Hawkins County Tennessee, having been appointed to that position. Therefore, Judge Taylor is subject to judicial discipline by the Court of the Judiciary pursuant to Tennessee Code Annotated § 17-5-102.

Charges

Disciplinary Counsel charges the Honorable James Taylor as follows:

Count I

3. On or about June 30th, 2008, James Taylor, while holding a position as a part time Juvenile Court Judge in Hawkins County, Tennessee, received in excess of nine thousand dollars (\$9,000.00) from a client, Julie Rasmussen, which he indicated to her would be invested by him, for her and on her behalf, which was converted by James Taylor to his own use.

4. At all times described in paragraph 3, the said James Taylor, as Juvenile Judge of Hawkins County Tennessee was subject to the Code of Judicial Conduct, as set out in Rule 10, Rules of the Supreme Court of Tennessee.

In pertinent part, the Code of Judicial Conduct, by and through its Canons, provides as follows:

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.

Commentary. Deference to the judgments and rulings of courts depends upon public confidence in the integrity and independence of judges. The integrity and independence of judges depends in turn upon their acting without fear or favor. Although judges should be independent, they must comply with the law, including the provisions of this Code. Public confidence in the impartiality of the judiciary is maintained by the adherence of each judge to this responsibility. Conversely, violation of this Code diminishes public confidence in the judiciary and thereby does injury to the system of government under law.

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.

Commentary. —Public confidence in the judiciary is eroded by irresponsible or improper conduct by judges. A judge must avoid all impropriety and appearance of impropriety. A judge must expect to be the subject of constant public scrutiny. A judge must therefore accept restrictions on the judge's conduct that might be viewed as burdensome by the ordinary citizen and should do so freely and willingly.

The prohibition against behaving with impropriety or the appearance of impropriety applies to both the professional and personal conduct of a judge. Because it is not practicable to list all prohibited acts, the proscription is necessarily cast in general terms that extend to conduct by judges that is harmful although not specifically mentioned in the Code. Actual improprieties under this standard include violations of law, court rules, or other specific provisions of this Code. The test for appearance of impropriety is whether the conduct would create in reasonable minds a

perception that the judge's ability to carry out judicial responsibilities with integrity, impartiality, and competence is impaired.

5. The above-described conduct and actions of Judge Taylor set forth herein in paragraph 3 constitute multiple violations of the Code of Judicial Conduct as set forth in the preceding paragraph 4, and as such, subject him to the sanctions provided by the provisions of Tennessee Code Annotated § 17-5-301.

6. In addition, the above-described conduct, actions, and/or inactions of Judge Taylor set forth on Count I constitute multiple statutory violations of the Tennessee Code Annotated, and as such, subject him to sanctions due to the misconduct provisions of Tennessee Code Annotated § 17-5-302, including violation of the following:

§17-5-302. Misconduct

Offenses of which the court may take cognizance shall include the following...

(3) Violation of the Code of Judicial Conduct as set out in the rules of the Supreme Court of Tennessee...

(8) Any other conduct calculated to bring the judiciary into public disrepute or to adversely affect the administration of justice.

Count II

7. James Taylor, while a Juvenile Court Judge, and later while a General Sessions Judge of Hawkins County, Tennessee filed numerous claims with the Tennessee Administrative Office of the Courts, claiming payment for services as appointed counsel in cases in which James Taylor performed no legal services.

8. At all times relevant to the conduct of Judge James Taylor as described in the preceding paragraph 7, Canons 1 and 2 of the Code of Judicial Conduct as set forth in paragraph 4 above, were in full force and effect and applicable to Judge Taylor. Those Canons are incorporated by reference into this paragraph.

9. The above-described conduct and actions of Judge Taylor set forth herein in paragraph 7 constitute multiple violations of the Code of Judicial Conduct as set forth in the preceding paragraph 4, incorporated by reference in paragraph 8, and as such, subject him to the sanctions provided by the provisions of Tennessee Code Annotated § 17-5-301, and further constitute misconduct pursuant to the provisions of Tennessee Code Annotated § 17-5-302 (3) and (8).

Count III

10. James Taylor, while a Juvenile Court Judge of Hawkins County, Tennessee collected funds as a result of representing to the public that he was organizing a “Citizens’ Heritage Display”, a monument that he represented would be displayed in the local courthouse, and that James Taylor converted the funds collected to his own use.

11. At all times relevant to the conduct of Judge James Taylor as described in the preceding paragraph 10, Canons 1 and 2 of the Code of Judicial Conduct as set forth in paragraph 4 above, were in full force and effect and applicable to Judge Taylor. Those Canons are incorporated by reference into this paragraph.

12. The above-described conduct and actions of Judge Taylor set forth herein in paragraph 10 constitute multiple violations of the Code of Judicial Conduct as set forth in the preceding paragraph 4, incorporated by reference in paragraph 8, and as such, subject him to the sanctions provided by the provisions of Tennessee Code Annotated §

17-5-301, and further constitute misconduct pursuant to the provisions of Tennessee Code Annotated § 17-5-302 (3) and (8).

Count IV

13. James Taylor acted as the Judge in matters before the General Sessions Court of Hawkins County, Tennessee, in cases that came before said court, and then filed claims for the same cases with the Tennessee Administrative Office of the Courts, claiming payment for services as appointed counsel in those cases which occurred while James Taylor was sitting as the General Sessions Judge of Hawkins County, Tennessee.

14. At all times relevant to the conduct of Judge James Taylor as described in the preceding paragraph 13, Canons 1 and 2 of the Code of Judicial Conduct as set forth in paragraph 4 above, were in full force and effect and applicable to Judge Taylor. Those Canons are incorporated by reference into this paragraph.

15. The above-described conduct and actions of Judge Taylor set forth herein in paragraph 13 constitute multiple violations of the Code of Judicial Conduct as set forth in the preceding paragraph 4, incorporated by reference in paragraph 8, and as such, subject him to the sanctions provided by the provisions of Tennessee Code Annotated § 17-5-301, and further constitute misconduct pursuant to the provisions of Tennessee Code Annotated § 17-5-302 (3) and (8).

Count V

16. On December 21ST, 2011 notice was given to Judge James Taylor pursuant to

Tennessee Code Annotated § 17-5-304(c)(1) notifying Judge James Taylor that a full investigation of the matters contained in Counts I through IV above, had been authorized by an investigative panel, and requiring Judge Taylor to file a response within 30 days to the office of the Disciplinary Counsel, Tennessee Court of the Judiciary. Judge Taylor failed to file a written response to said allegations as required by statute.

17. At all times described in paragraph 16 above, the said James Taylor, as Juvenile Judge of Hawkins County Tennessee, and General Sessions Judge of Hawkins County, Tennessee was subject to the provisions of Tennessee Code Annotated § 17-5-304. In pertinent part, Tennessee Code Annotated §17-5-304 provides as follows:

§ 17-5-304

Complaints of judicial misconduct or incapacity; investigations; notice requirements; recommendations of disciplinary counsel; filing of formal charges

... (c)(1) Within thirty (30) days after the investigative panel authorizes a full investigation, disciplinary counsel shall give the following notice to the judge by certified mail:

- (A) A specific statement of the allegations being investigated and the canons or rules allegedly violated, with the provision that the investigation can be expanded if appropriate;
- (B) The judge's duty to respond;
- (C) The judge's opportunity to meet with disciplinary counsel; and
- (D) The name of the complainant, unless the investigative panel determines that there is

good cause to withhold that information.

(2) The investigative panel may defer the giving of notice; however, notice must be given pursuant to this section before making a determination other than dismissal of the complaint.

(3) Disciplinary counsel may request that the judge file a written response within thirty

(30) days after service of the notice...

18. At all times relevant to the conduct of Judge James Taylor as described in the preceding paragraph 16, Canons 1 and 2 of the Code of Judicial Conduct as set forth in paragraph 4 above, were in full force and effect and applicable to Judge Taylor. Those Cannons are incorporated by reference into this paragraph.

19. The above-described conduct and actions of Judge Taylor set forth herein in paragraphs 10 and 11 constitute multiple violations of the Code of Judicial Conduct as set forth in the preceding paragraph 4, incorporated by reference in paragraph 8, and as such, subject him to the sanctions provided by the provisions of Tennessee Code Annotated § 17-5-301, and further constitute misconduct pursuant to the provisions of Tennessee Code Annotated § 17-5-302 (3) and (8).

NOTICE

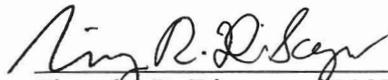
The Honorable Judge James Taylor is hereby given written notice of the details of the Formal Charges brought against him pursuant to Tenn. Code Ann. § 17-5-307.

Pursuant to Tenn. Code Ann. § 17-5-307(c), Judge Taylor shall have thirty (30) days from and after the date of receipt of these Formal Charges to file an Answer with the Court by filing the same at the Office of the Clerk of the Court of the Judiciary, 100 Supreme Court Building, 401 Seventh Avenue North, Nashville, Tennessee 37219 and by serving a copy on Disciplinary Counsel at P.O. Box 3088, Memphis, Tennessee 38173.

Failure to answer these Formal Charges shall constitute an admission of the factual allegations not answered.

WHEREFORE, Disciplinary Counsel moves the Court to set this matter for hearing before the Hearing Panel of the Court of the Judiciary at such location where the Court of the Judiciary may convene by law, within sixty (60) days from and after the date the Answer is filed by Judge Taylor, as required by Tenn. Code Annotated § 17-5-308(a), or, in the event no Answer is filed, to set the matter within ninety (90) days of the date these Formal Charges are filed with the Clerk of the Court, in order to comply with the statutory time limit, and upon the hearing of this action, to impose just and proper sanctions as provided by law, including the costs and discretionary costs as provided by law.

This the 24 day of January, 2012.



Timothy R. Discenza #008716
Disciplinary Counsel
Tennessee Court of the Judiciary
P.O. Box 50356
Nashville, Tennessee 37205

Patrick J. McHale, # 004643
Assistant Disciplinary Counsel
Tennessee Court of the Judiciary

APPROVED BY THE INVESTIGATIVE PANEL
IN ACCORDANCE WITH RULE 6, SECTION 5
OF THE RULES OF PRACTICE AND PROCEDURE
OF THE TENNESSEE COURT OF THE JUDICIARY:

BY: Joe F. Fowlkes by
King R. Dilson
Honorable Joe F. Fowlkes
Investigative Panel Member

BY: Chris Craft by
King R. Dilson
Honorable Chris Craft
Investigative Panel Member

BY: Jeffrey Bivins by
King R. Dilson
Honorable Jeffrey Bivins
Investigative Panel Member