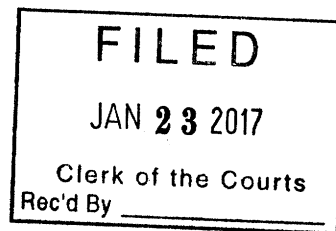


FOR PUBLIC RELEASE



ADM 2017-00011

**IN THE BOARD OF JUDICIAL CONDUCT
STATE OF TENNESSEE**

DEFERRED DISCIPLINARY AGREEMENT

IN THE MATTER OF COMPLAINTS CONCERNING JUDGE AMANDA SAMMONS

RE: Board of Judicial Conduct Complaints B14-5904, B14-5932, B15-5997, B15-6168, B15-6339-6344, B16-6377, B16-6433, B16-6434, B16-6459, B16-6486, and B16-6548

This Agreement entered into by and between an Investigative Panel of the Tennessee Board of Judicial Conduct and the Honorable Amanda Sammons, Judge of the General Sessions Court of Campbell County, Tennessee, is a Deferred Disciplinary Agreement as contemplated by Tennessee Code Annotated section 17-5-301(f)(4). This Agreement is in resolution of the complaints against Judge Sammons with the Tennessee Board of Judicial Conduct in Nos. B14-5904, B14-5932, B15-5997, B15-6168, B15-6339-6344, B16-6377, B16-6433, B16-6434, B16-6459, B16-6486, and B16-6548.

This agreement to be subject to a Deferred Disciplinary Agreement concerning the above captioned complaints has taken place after extensive investigation of the complaints by the Disciplinary Counsel, prompt, detailed and comprehensive responses to the complaints by Judge Sammons and her counsel, productive meetings with Judge Sammons, her counsel, and Disciplinary and Assistant Disciplinary Counsel, her cooperation in the investigation and resolution of these complaints, and her acknowledgement of errors committed in connection with the matters under consideration.

The Investigative Panel of the Board of Judicial Conduct specifically considering these matters has also fully considered correspondence by Judge Sammons to Disciplinary Counsel of November 14, 2016, which they received at her request, and which is specifically made an exhibit to this agreement. The investigative panel has noted that Judge Sammons has expressed a sincere desire to modify her behavior as a Judge so as to be more reflective and less hasty and impatient in her judicial decision-making. Judge Sammons has been made aware that Judge Shayne Sexton, Criminal Court Judge for the 8th Judicial District of Tennessee, has agreed to act as her mentor and be available to assist her and consult with her concerning any matters of law, procedure or ethics about which she might have questions, and she has also agreed to and is

ordered to attend, at her own expense, the General Jurisdiction Course at the National Judicial College, which takes place in Reno, Nevada in October of 2017.

This agreement resolves all pending complaints. The following is a summary of complaints:

Complaints B14-5904, B14-5932, and B15-5997 all generally concern disputes with the Public Defenders Office in which procedural errors which occurred in the issuing of a warrant for defendants, requiring of an oath being taken by a defendant who had already reached a resolution of dismissal in a case, and indicating to a defendant that he could be arrested and jailed for non-payment of monetary conditions of a judgment. Judge Sammons has demonstrated that revised procedures have been implemented.

B15-6168 involved the erroneous statement to a defendant, who had appeared in Judge Sammons' court on a Show Cause Order that he could be held in contempt and jailed for not paying a civil judgment.

B15-6339 thru B15-6344, all involved the same case in which Judge Sammons mistakenly entered an order as an agreed order, even though changes had been made by her to the originally submitted order.

B15-6377 involved the issuance by Judge Sammons of an *ex parte* Protective Custody order causing two children to be taken from their custodial parent, without notification of the proceedings to the custodial parent.

B16-6433 involved cases in which Judge Sammons required defendants to pay fees for court-appointed counsel even though the defendants had not utilized court-appointed counsel, and Judge Sammons had taken the position that because a defendant has utilized private counsel, they were presumed to have sufficient funds to pay administrative fees. Judge Sammons has discontinued this practice pursuant to a ruling from the Criminal Court.

B16-6344 involved a situation in which Judge Sammons filed two "motions" in connection with the appeal of a party to the Circuit Court exercising appellate jurisdiction over her Court. She had no standing to file a public document in the Circuit Court with the intention of trying to influence the outcome of the matter in Circuit Court.

B16-6459 involved a case in which Judge Sammons ordered the imposition of a \$250,000.00 bond in a case which she thought was a case of aggravated child abuse, without determining the appropriate facts of the case which involved only the failure of a mother to have her children properly restrained with seat belts. Judge Sammons acknowledged this error within two hours and took steps to remedy.

B16-6548 involved Judge Sammons granting a mother temporary sole legal custody pursuant to an *ex parte* order so that the mother of the child would be able to take the child out of the country on a vacation. The order was granted without attempted service of process on the father, without a preliminary hearing as required by law, without appointing a Guardian ad Litem and without proof that the child was "subject to an immediate threat to the child's health or

safety to the extent that a delay in the hearing would be likely to result in severe or irreparable harm” as stated in the order..

B16-6486 involved the purchase by Judge Sammons of drug-testing kits, ordering drug testing on individuals in her Court without probable cause to believe they were using illegal drugs, and causing persons she ordered drug tested to be assessed a fee for the drug testing by entering an order ordering the Clerk of the Circuit Court to assess, collect, and remit this fee, this order not being authorized by law. Judge Sammons has since this time discontinued this practice.

The Canons or Rules which pertained to the above-described conduct included the following, as they were in effect at the time of the conduct:

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.

Rule 1.1 Compliance with the Law

A judge shall comply with the law, including the Code of Judicial Conduct.

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.

CANON 2 — A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY, COMPETENTLY, AND DILIGENTLY.

Rule 2.5 Competence, Diligence, and Cooperation

(B) A judge shall cooperate with other judges and court officials in the administration of court business.

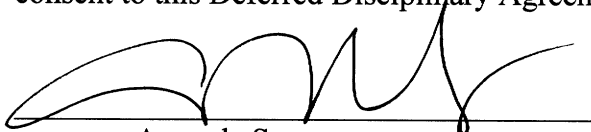
Rule 2.8 Decorum, Demeanor, and Communication with Jurors

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

It is agreed between the Investigative Panel and Judge Sammons that for and in consideration of the Investigative Panel not pursuing formal charges on the complaints, Judge Sammons will be on probation for a period of three years commencing from the date of the

execution of this agreement. The conditions of probation are as follows: (1) no meritorious complaints are filed against Judge Sammons within the period of probation; (2) Judge Sammons shall attend at her own expense the General Jurisdiction Course at the National Judicial College, which takes place in Reno, Nevada in October of 2017; (3) Judge Sammons shall consult with Judge Shayne Sexton concerning any questions she might have concerning matters of law, procedure or ethics.

IN WITNESS WHEREOF, Judge Amanda Sammons and the Investigative Panel hereby consent to this Deferred Disciplinary Agreement on this the 11 day of January 2017.


Amanda Sammons
General Sessions Judge

FOR THE INVESTIGATIVE PANEL:

Dee Gay by
Timothy R. Discenza with permission
Hon. Dee Gay

11 January 2017
Date


Joe Fowlkes by
Timothy R. Discenza with permission
Hon. Joe Fowlkes

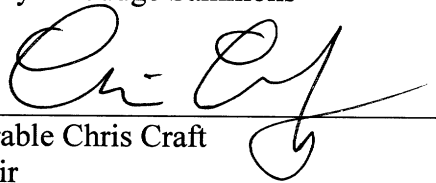
11 January 2017
Date

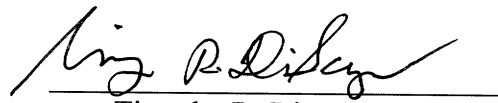
Ron Hickman by
Timothy R. Discenza with permission
Ron Hickman

11 January 2017
Date

APPROVED:


Wade Davies
Attorney for Judge Sammons


The Honorable Chris Craft
Board Chair
Board of Judicial Conduct


Timothy R. Discenza
Disciplinary Counsel

1/18/17

AMANDA H. SAMMONS

CAMPBELL COUNTY GENERAL SESSIONS & JUVENILE COURT JUDGE

POST OFFICE BOX 1101

JACKSBORO, TENNESSEE 37757

(423) 562-6020 PHONE

(423) 907-1954 FAX

November 14, 2016

Mr. Timothy Discenza
Disciplinary Counsel
Tennessee Board of Judicial Conduct
P. O. Box 50536
Nashville, Tennessee 37205

Re: Hon. Amanda H. Sammons

Dear Mr. Discenza and Members of the Panel:

In preparation for our meeting with Mr. Discenza, I wanted to share with you some of the thoughts I've had during the months I've been on suspension awaiting my criminal trial. I want you all to know that I haven't wasted my time on suspension. I've thought through issues surrounding my difficult tenure. I am not who I was when this whole process began two years ago. This suspension and trial have made me more mature and accepting. I think I'm one of the only judges handling a General Sessions Court docket who has ever actually been through the process that the defendants before me are now experiencing.

In thinking this through, there is no question that I was too hasty to judge and too quick to be angry before. Although I was reacting to what I perceived to be injustice, that is certainly not an excuse. The trials I have endured have shown me these faults of mine and have molded me into a more temperate and patient person. I will never be the same, not just because I don't want to be, but because I can't.

There is no question that I have been humbled by this experience, but I also hope you will look at that fact that in all of these cases I was trying to do what I thought was right. I may not have handled all these situations gracefully, but when I've talked about problems with our system in Campbell County, I wasn't making them up. As it has played out since many of these complaints were filed, although ours is a very small town with only a handful of licensed attorneys, a large number of them in recent months and years have not only been disbarred but have gone to federal prison, have been brought up on charges of severe embezzling, and have faced serious discipline and suspension. The existence of officers of the court who were more interested in helping themselves rather than helping the people of this county is not a question that is up for

debate: it is a proven fact. And that is the situation I was trying to remedy as I took the bench. At the same time, I hope you will see that some of the claims which have been made against me are simply not accurate. I just went through being a defendant in a criminal trial when there was not a factual basis to believe that I had done anything wrong. I was charged after I made sure bail was set for defendants during a snowstorm, and I made an error which I corrected in two hours.

Nevertheless, please do not misunderstand me – I am not writing to complain. Instead, I am actually thankful for what I've just gone through. What I experienced was torturous and painful, but I think it will make me a better judge and will also help bring healing to our county.

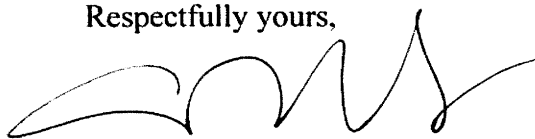
I believe if you look at my courts pre-trial versus post-trial, you will see that hostility has been eviscerated. Generations of coldness have melted away and a new day is springing forth out of the ground. Things are really different since I've been tried and gone back on the bench. There seems to be a new spirit of cooperation, and my impression is that the public has confidence in my courts and what we are doing.

In terms of resolving this case, I would ask the Board to consider a resolution which takes into account the fact that I've already been suspended for almost three months, and that before you decide on whether public discipline is necessary, you let me prove that I will run the court professionally and let this improvement in the court and its culture play out. I respectfully and humbly request the opportunity to complete judge school and to even do a mentorship with the aid of a senior judge if such an opportunity is available. But I am also respectfully requesting that you consider the tremendous life-altering trial I have just endured to be sufficient discipline and training for any harm I may have done in these complaints. If after a certain time period, you determine that I am not complying with the Canons, you can take whatever action you deem appropriate to impose discipline.

I find myself strangely grateful for my trials. I am only asking for a new beginning. A fresh start. To let the healing begin.

Thank you very much for your consideration.

Respectfully yours,

A handwritten signature in black ink, appearing to read 'Amanda H. Sammons'. The signature is fluid and cursive, with a large initial 'A' and 'S'.

Amanda H. Sammons