



MISSISSIPPI COMMISSION ON JUDICIAL PERFORMANCE
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November 30, 2010

NEWS RELEASE

The Mississippi Commission on Judicial Performance has recommended to the Mississippi Supreme Court that Talmadge D. Littlejohn, Chancery Court Judge, 1st Chancery Court District of Mississippi, be publicly reprimanded and assessed costs of One Hundred Dollars, (\$100.00), John B. Toney, Executive Director of the Commission announced today. The 1st Chancery Court District includes Alcorn, Tishomingo, Pontotoc, Lee, Itawamba, Monroe and Union counties.

The Commission found that Judge Littlejohn abused his contempt powers by jailing Tupelo attorney Danny R. Lampley when Mr. Lampley refused to recite the Pledge of Allegiance in court.

The Commission's recommendations are filed with the Supreme Court which will consider the same and make the appropriate final decision in the matter. A copy of the Commission Findings and Recommendation is attached hereto for your information.

BEFORE THE MISSISSIPPI COMMISSION ON JUDICIAL PERFORMANCE

**INQUIRY CONCERNING A JUDGE
NO. 2010-216**

COMMISSION FINDINGS OF FACT AND RECOMMENDATION

FILED
NOV 30 2010
OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

INITIATION OF PROCEEDINGS

1. On October 11, 2010 the Mississippi Commission on Judicial Performance, (hereinafter referred to as the "Commission"), filed a Formal Complaint in Inquiry Concerning a Judge, No. 2010-216 charging Talmadge D. Littlejohn, Chancery Court Judge, 1st Chancery Court District of Mississippi, (hereinafter "Respondent"), with conduct prejudicial to the administration of justice which brings the judicial office into disrepute in violation of §177A of the Mississippi Constitution of 1890, as amended.

2. Respondent, through counsel, filed his Motion to Dismiss and Answer and Affirmative Defenses but later withdrew the same upon submission to the Commission of an Agreed Statement of Facts and Proposed Recommendation dated November 9, 2010, which was signed by Respondent, his counsel and the Executive Director for the Commission and accepted by the Commission on November 12, 2010 at its regular monthly meeting.

FINDINGS OF FACT

3. Based upon the pleadings and the Agreed Statement of Facts and Proposed Recommendation and after considering Respondent's history with the Commission and other

factors delineated in *Mississippi Comm'n on Judicial Performance v. Gibson*, 883 So.2d 1155, 1158 (Miss. 2004), the Commission finds the following by clear and convincing evidence, to wit:

4. On or about the 6th day of October, 2010, Respondent, in his official capacity as Chancery Judge, ordered that Danny Lampley, Attorney at Law, be incarcerated in the Lee County jail for “criminal contempt” of court for failure on the part of Mr. Lampley to recite the “Pledge of Allegiance to the American Flag” in open court. Respondent agrees that his actions in this regard violated Mr. Lampley’s rights guaranteed to him under the First Amendment to the Constitution of the United States, under the holding of the Supreme Court of the United States in *West Virginia State Board of Education v. Barnette*, 319 U.S. 624, (1943).

VIOLATIONS

5. Canon 1 of the Code of Judicial Conduct admonishes judges to uphold the integrity of the judiciary and further provides that judges are subject to a high standard of conduct. Canon 2A of the Code of Judicial Conduct requires judges to respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. Canon 3B(2) requires judges to be faithful to the law and to maintain professional competence in it. Canon 3B(4) requires judges to be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom they deal in their official capacities. Canon 3B(8) requires judges to dispose of all judicial matters promptly, efficiently and fairly.

6. Respondent's actions as stated in the Agreed Statement of Facts and Proposed Recommendation constitute a violation of Canons 1, 2A, 3B(2), 3B(4) and 3B(8) of the Code of Judicial Conduct and §177A of the Mississippi Constitution of 1890, as amended as said conduct constitutes conduct prejudicial to the administration of justice which brings the judicial office into disrepute.

MITIGATION

7. Respondent has acknowledged his actions and has cooperated fully with the Commission in its investigation. Further, Respondent has altered the manner in which he conducts the Pledge of Allegiance in his court so that the recitation thereof shall hereafter be voluntary and the right of any person to refrain from reciting the same will be respected and protected.

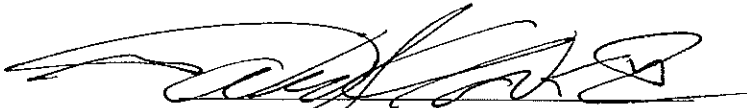
RECOMMENDATION

8. Section 177A of the Mississippi Constitution provides that upon recommendation of the Commission, a judge may be removed, suspended, fined, publicly censured or reprimanded by the Supreme Court. To so sanction a judge, the Court must find one or more enumerated grounds for sanction, including conduct prejudicial to the administration of justice which brings the judicial office into disrepute. The Commission finds by clear and convincing evidence that the Respondent's conduct herein constitutes such misconduct and recommends to the Mississippi Supreme Court that the Respondent be publicly reprimanded pursuant to §177A

of the Mississippi Constitution of 1890, as amended, and assessed costs in the sum of One Hundred Dollars, (\$100.00).

Dated this the 18th day of November, 2010.

MISSISSIPPI COMMISSION ON
JUDICIAL PERFORMANCE



Judge H. David Clark, II
Chairman