



JUDICIAL QUALIFICATIONS COMMISSION

STATE OF GEORGIA

July 29, 2016

By Certified Mail
Return Receipt Requested
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Honorable J. Bryant Durham, Jr.
Judge, Superior Court, Rome Judicial Circuit
3 Government Plaza, Suite 310
Rome, GA 30161

Re: JQC Complaint # 2016-470

Dear Judge Durham:

Under Rule 4(e) of the Rules of the Judicial Qualifications Commission, the Commission is concluding the above referenced complaint by issuing this letter and submitting it for publication in the legal organ of Floyd County, *The Rome News-Tribune*.

On June 17, 2016, Denver Fenton Allen, a criminal defendant charged with murder, appeared before you in the Superior Court of Floyd County on his request to discharge his public defender and represent himself in his upcoming trial. During that hearing, Mr. Allen began making obscene remarks and acting with the utmost contempt of the Court. Rather than de-escalating the situation, you engaged Mr. Allen and made a number of remarks which you, by your own admission, know were highly inappropriate.

As you know, Canon 1 of the Code of Judicial Conduct requires judges to avoid impropriety or the appearance of impropriety in all circumstances. Canon 2 requires that you discharge the duties of your office impartially, competently, and diligently. Both of these Canons were violated by your conduct that day and required that you not engage in the exchange you did. Following this exchange, however, you self-reported the matter to the Commission and followed up with correspondence taking full responsibility for your actions and expressing a willingness to do whatever was necessary to atone for your behavior. You also immediately recused from Mr. Allen's case.

Further, you voluntarily appeared before the Commission with your attorney, Lester Tate, on Friday, July 15, 2016, and again took full responsibility for your improper and intemperate comments. The Commission was impressed with your candor, sincerity, and contrition. The Commission also is convinced that you learned from this experience and will not allow yourself to be drawn into this kind of exchange again.

Honorable J. Bryant Durham, Jr.

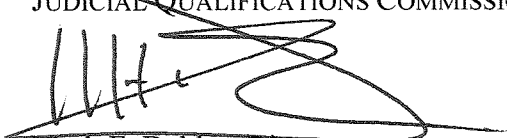
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In addition to your willingness to take responsibility, the Commission notes that you have no disciplinary history and that you have received strong community support for the work you have done on the bench, despite this incident of misjudgment. You have also agreed to undergo sensitivity training or counseling in order to assist you in handling these types of situations in the future, and have granted permission to the Commission to publish this letter in the county organ.

Based on the factors outlined above, the Commission is satisfied to conclude this matter with this letter admonishing you for engaging in the improper verbal exchange with Mr. Allen.

Sincerely,

JUDICIAL QUALIFICATIONS COMMISSION

Mark F. Dehler, Director

cc: Members of the Judicial
Qualifications Commission