

# Supreme Court of Kentucky

2022-SC-0496-RR

JAMES T. JAMESON

PETITIONER

V.

IN SUPREME COURT

JUDICIAL CONDUCT COMMISSION

RESPONDENT

## **ORDER**

The Judicial Conduct Commission determined that James T. Jameson, Circuit Court Judge for the 42nd Judicial Circuit consisting of Marshall and Calloway Counties, committed judicial misconduct as charged in the seven counts against him and ordered that he be removed from his current office and barred from re-election to that office. Judge Jameson appeals from the Commission's Final Order, raising multiple claims of error.

Upon review of the record, the Court has concerns about the adequacy of findings by the Commission. A lack of adequate findings by an administrative agency creates significant problems for our ability to provide judicial review. "If an agency does not clearly disclose the grounds upon which its decision is based, a court will be usurped of its power of review over questions of law." *Louisville & N. R. Co. v. Commonwealth ex rel. Kentucky R. R. Commission*, 314 S.W.2d 940, 943 (Ky. 1958). "Only when an opinion summarizes the conflicting evidence

accurately and states the evidentiary basis for the [decision maker's] finding, does it enable the . . . reviewing courts to determine . . . whether the finding is supported by [clear and convincing] evidence as reasonable.” *Arnold v. Toyota Motor Mfg.*, 375 S.W.3d 56, 62 (Ky. 2012).

The JCC fails to connect its interpretations to specific testimony or specific portions of exhibits. Instead, witness names and documents are often simply listed as supportive of a point with no further clarification.<sup>1</sup>

The JCC largely does not make credibility determinations as to the various witnesses who appeared before it or weigh relative credibility and veracity of the testimony received. Instead, the JCC generally states that testimony supported a point, sometimes identifying a particular witness, but not stating what the testimony was or pinpointing a specific portion of the Temporary Suspension Hearing or Final Hearing during which that testimony occurred.

Accordingly, it is hereby ORDERED as follows:

1. This matter is remanded to the Judicial Conduct Commission to provide supplemental Findings of Fact and Conclusions of Law no later than July 28, 2023.
2. Following the filing of the Commission's supplemental findings, each side may file a supplemental brief to address any additional issues

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<sup>1</sup> For example, despite the disciplinary process being highly contested, the JCC repeatedly begins findings by stating “[a]s supported by your/Judge Jameson’s admissions” (Count I, A., F., G., H., I.; Count III, A. ). This is then sometimes followed by “and the testimony of [witness], you . . . .” In each example, the JCC fails to explain what it is that Judge Jameson was supposed to have admitted. JCC also fails to list any specific testimony of such witnesses, instead proceeding directly to its conclusions without providing what facts led to these conclusions.

raised by the supplemental findings. Briefs shall not exceed 8,750 words or 20 pages if typewritten, and must be filed no later than August 28, 2023.

VanMeter, C.J.; Bisig, Conley, Lambert, Keller, and Thompson, JJ., sitting. VanMeter, C.J.; Conley, Lambert, Keller, and Thompson, concur. Bisig, J., respectfully dissents from the Order remanding this matter to the Judicial Conduct Commission, and would affirm the Commission's final order. Nickell, J., not sitting.

ENTERED: June 15, 2023.

A handwritten signature in black ink, appearing to read "Janine B. VanMeter", written over a horizontal line.

CHIEF JUSTICE