

Supreme Court of Kentucky

2022-SC-0370-RR

JAMES T. JAMESON

APPELLANT

V.

IN SUPREME COURT

JUDICIAL CONDUCT COMMISSION

APPELLEE

AND

2022-SC-0454-OA

JAMES T. JAMESON

PETITIONER

V.

IN SUPREME COURT

JUDICIAL CONDUCT COMMISSION

RESPONDENT

ORDER

The Judicial Conduct Commission temporarily suspended Judge James T. Jameson, with pay, from his position as Circuit Court Judge for Kentucky's 42nd Judicial Circuit (Calloway and Marshall Counties) by order entered on August 15, 2022. Jameson filed a notice of appeal of the August 15, 2022 Temporary Suspension Order on September 1. The JCC subsequently moved this Court to

dismiss Jameson’s appeal on September 16, arguing that his appeal from the temporary suspension order was an impermissible interlocutory appeal not allowed under either Supreme Court Rule (SCR) 4.290(2) or existing Kentucky case law. On this point, we agree. We are not persuaded that the circumstances presented can be characterized as satisfying the elements of the collateral order doctrine articulated in *Breathitt Cnty. Bd. Of Education v. Prather*, 292 S.W.3d 883 (Ky. 2009), and its progeny. See *Childers v. Albright*, 636 S.W.3d 523 (Ky. 2021); *Sheets v. Ford Motor Company*, 626 S.W. 3d 594 (Ky. 2021); and *Commonwealth v. Farmer*, 423 S.W.3d 690 (Ky. 2014).

This Court, however, is deeply troubled by factual circumstances described in Jameson’s response to the JCC’s motion to dismiss and later-filed October 18, 2022 Petition for Writ of Prohibition (Case No. 2022-SC-0454), which remains pending. Jameson details in both filings that his temporary suspension was reached by a 3-2 margin of the Commission. Suspension of a sitting judge by a 3-2 vote stands in disturbing contrast to the language of SCR 4.120, which requires the “affirmative vote of at least 4 members [of the Commission]” before a judge may be suspended and raises the question, in the mind of this Court, whether Jameson’s temporary suspension was void *ab initio* regardless of the merits involved, on which we do not opine at this time.

The apparent failure of the JCC to follow SCR 4.120 in ordering Jameson’s temporary suspension demonstrates CR 76.22 “good cause” to advance our consideration of Jameson’s pending writ petition.

Accordingly, it is hereby ORDERED as follows:

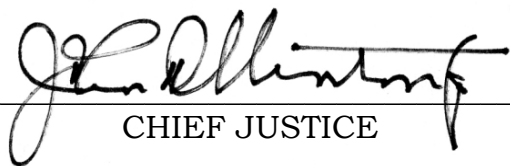
1. The JCC's motion to dismiss, filed in Case No. 2022-SC-0370-RR, is GRANTED, and that case is dismissed.

2. Jameson's petition for writ of mandamus, filed on October 18, 2022, as Case No. 2022-SC-0454, is advanced on the Court's docket for expedited decision pursuant to CR 76.22.

3. The JCC shall file a response to Jameson's writ petition no later than Monday, October 31, 2022, at 10:00 a.m., Eastern Time. The JCC's response shall conform to the requirements of CR 76.36(2). To facilitate expeditious receipt, the Clerk of the Supreme Court is directed to distribute this Order by electronic mail to the parties, and the JCC's response may be sent by electronic mail to the Clerk with copy to opposing counsel.

Minton, C.J.; Conley, Hughes, Lambert, Keller, VanMeter, JJ., sitting. All concur. Nickell, J., not sitting.

ENTERED: October 28, 2022


CHIEF JUSTICE