

SUPREME COURT OF MISSISSIPPI

Wonda Doe v. Gaines L. Stegall, individually and d/b/a Nottingham Place Apartments, and Betty Stegall

Doe v. Stegall · No. No. 2001-CA-01674-SCT; consolidated with No. 1998-CA-01058-SCT · Decided September 25, 2001

SUMMARY

The Mississippi Supreme Court denied Wonda Doe’s motion for further review of the Court of Appeals’ refusal to recuse Judge T. Kenneth Griffis. The court held that a reasonable person knowing all the circumstances would not question Judge Griffis’s impartiality despite campaign statements concerning personal-injury lawyers and the Mississippi Trial Lawyers Association.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	George C. Carlson, Justice; Carlson, Justice; Smith, Chief Justice; Cobb, Presiding Justice; Easley, Justice; Dickinson, Justice
JURISDICTION	Mississippi
DECIDED	September 25, 2001
DOCKET	No. 2001-CA-01674-SCT; consolidated with No. 1998-CA-01058-SCT
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Doe sought further review under Mississippi Rule of Appellate Procedure 48C(b) of the Mississippi Court of Appeals' denial of reconsideration of Judge T. Kenneth Griffis's refusal to recuse himself. The Mississippi Supreme Court, sitting en banc, reviewed the recusal issue and denied the motion.
STANDARD OF REVIEW	Manifest error standard for reviewing a judge's refusal to recuse.
PRECEDENTIAL VALUE	precedential
PARTIES	Wonda Doe v. Gaines L. Stegall, individually and d/b/a Nottingham Place Apartments, Betty Stegall

TOPICS

- appellate procedure
- standard of review
- personal injury
- civil procedure
- torts

PRACTICE AREAS

appellate procedure

judicial recusal

personal injury

QUESTIONS PRESENTED

1. Whether Judge T. Kenneth Griffis's campaign statements and related circumstances required his recusal because a reasonable person knowing all the circumstances might question his impartiality.
2. Whether the Mississippi Court of Appeals erred in denying reconsideration of Judge Griffis's refusal to recuse himself.

HOLDINGS

1. A judge must recuse when the judge's impartiality might be questioned by a reasonable person knowing all the circumstances, but the record here did not establish such a reasonable basis for questioning Judge Griffis's impartiality.

KEY QUOTATIONS

“Finding that a reasonable person knowing all the circumstances would not question the impartiality of Judge Griffis, we deny the motion.” (¶1)

“The test for recusal has been stated as follows: “[W]ould a reasonable person, knowing all the circumstances, harbor doubts about the judge's impartiality?”” (¶10)

“Therefore, based on the limited record before us on this issue, the reasons stated, and the Code of Judicial Conduct, the rules and the applicable case law, we conclude that a reasonable person, knowing all the circumstances, could not question Judge Griffis's impartiality.” (¶16)

FACTUAL BACKGROUND

The underlying case involved an apartment tenant who was twice raped at knifepoint by a burglar during a two-hour period. In the recusal proceedings, Doe alleged that Court of Appeals Judge T. Kenneth Griffis lacked impartiality because, during his 2002 judicial campaign, he distributed fliers criticizing personal-injury lawyers and referred to his opponent's prior position as president of the Mississippi Trial Lawyers Association. The Supreme Court also considered that Judge Griffis had previously joined decisions favorable to personal-injury plaintiffs, including the Court of Appeals decision reversing summary judgment for the Stegalls in this case.

PROCEDURAL HISTORY

The underlying personal-injury action was twice appealed after the Hinds County Circuit Court granted summary judgment to the Stegalls; the Supreme Court reversed the first judgment in *Doe v. Stegall*, 757 So. 2d 201 (Miss. 2000), and remanded for trial. After the circuit court again granted summary judgment, the case was appealed a second time and later deflected to the Court of Appeals, which reversed and remanded on the merits. Doe moved to recuse Judge Griffis based principally on statements made during his judicial campaign, and after the Court of Appeals denied reconsideration, she sought further review in the Supreme Court. The Supreme Court denied the motion.

DISPOSITION

writ_denied

CASES CITED

- Doe v. Stegall, 757 So. 2d 201, 202-04 (Miss. 2000)
- Doe v. Stegall, 2003 WL 22707337 (Miss. Ct. App. Nov. 18, 2003)
- Bredemeier v. Jackson, 689 So. 2d 770, 774 (Miss. 1997)
- Davis v. Neshoba County Gen. Hosp., 611 So. 2d 904, 905 (Miss. 1992)
- In re Conservatorship of Bardwell, 849 So. 2d 1240, 1247 (Miss. 2003)
- Frierson v. State, 606 So. 2d 604, 606 (Miss. 1992)
- Rutland v. Pridgen, 493 So. 2d 952, 954 (Miss. 1986)
- Turner v. State, 573 So. 2d 657, 678 (Miss. 1990)
- Rogers v. Morin, 791 So. 2d 815, 821 (Miss. 2001)
- Murphree v. Cook, 822 So. 2d 1092, 1100 (Miss. Ct. App. 2002)
- Burnham v. Stevens, 734 So. 2d 256, 262-63 (Miss. Ct. App. 1999)
- Rogers v. Rausa, No. 2001-CA-01760-COA, 2003 WL 21790237 (Miss. Ct. App. Aug. 5, 2003)
- Wilkins v. Bloodsaw, 850 So. 2d 185 (Miss. Ct. App. 2003)
- Moore v. K & J Enterprises, 856 So. 2d 621 (Miss. Ct. App. 2003)