

SUPREME COURT OF MISSISSIPPI

Mississippi Commission on Judicial Performance v. Gunter

797 So. 2d 988 (Miss. 2001) · Decided October 11, 2001

SUMMARY

The Mississippi Supreme Court reviewed a disciplinary proceeding against George Gunter, a part-time City of Petal municipal court judge. The court adopted an agreed recommendation finding misconduct involving improper use of judicial authority, intemperate conduct, and misuse of criminal-history information. Gunter was publicly reprimanded, fined \$1,500, and assessed \$100 in costs.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	McRae, Presiding Justice; Pittman, Chief Justice; Smith, Justice; Mills, Justice; Waller, Justice; Cobb, Justice; Diaz, Justice; Easley, Justice; Banks, Presiding Justice, not participating
JURISDICTION	Mississippi
DECIDED	October 11, 2001
DISPOSITION	approved
PROCEDURAL POSTURE	Judicial-discipline proceeding submitted to the Mississippi Supreme Court on an Agreed Statement of Facts and Proposed Recommendation in lieu of an evidentiary hearing.
PRECEDENTIAL VALUE	Published, precedential opinion of the Supreme Court of Mississippi.
PARTIES	Mississippi Commission on Judicial Performance v. George Gunter

TOPICS

- administrative law
- remedies
- constitutional law
- municipal law

PRACTICE AREAS

- judicial discipline
- constitutional law
- administrative law
- remedies

QUESTIONS PRESENTED

1. Whether Gunter's admitted conduct constituted willful misconduct in office and conduct prejudicial to the administration of justice that brought the judicial office into disrepute.

2. Whether the Commission's recommended sanctions of a public reprimand, a \$1,500 fine, and \$100 in costs were appropriate.

HOLDINGS

1. Gunter's admitted conduct violated the Mississippi Constitution, Mississippi Code section 45-27-13, the cited federal criminal statutes, and the specified Canons of Judicial Conduct, and constituted willful misconduct in office and conduct prejudicial to the administration of justice that brought the judicial office into disrepute.
2. Willful misconduct in office is the improper or wrongful use of judicial power by a judge acting intentionally or with gross unconcern for the consequences, generally in bad faith; a specific intent to use judicial power for a purpose the judge knew or should have known was beyond legitimate authority constitutes bad faith.
3. Willful misconduct in office is per se prejudicial to the administration of justice and brings the judicial office into disrepute; conduct that does not rise to the level of willful misconduct may nonetheless be prejudicial through negligence or ignorance not amounting to bad faith.
4. The appropriate sanction was a public reprimand, a \$1,500 fine, and assessment of \$100 in proceeding costs.

KEY QUOTATIONS

“Willful misconduct in office is the improper or wrongful use of power of his office by a judge acting intentionally or with gross unconcern for his conduct and generally in bad faith.” (991)

“We have held that -willful misconduct in office is per se prejudicial to the administration of justice and brings the judicial office into disrepute.” (991)

FACTUAL BACKGROUND

George Gunter, a part-time municipal court judge and practicing attorney, interfered with the handling of an assault matter involving a client in his capacity as counsel, including contacting court personnel and berating justice-court clerks. He used his judicial authority to obtain an NCIC criminal history for an opposing party in a child-custody matter. In a separate matter, he acted intemperately toward a teenage defendant and her mother, ordered the mother arrested for contempt without paperwork or bond, and later ordered her release.

PROCEDURAL HISTORY

The Mississippi Commission on Judicial Performance filed a complaint against City of Petal Municipal Court Judge George Gunter on February 3, 2000, based on complaints concerning his conduct as a judge and practicing attorney. Gunter admitted the alleged misconduct, and the Commission and Gunter jointly recommended a public reprimand, a \$1,500 fine, and \$100 in costs. The Supreme Court adopted the recommendation and directed that the reprimand be administered in open court after the decision became final.

DISPOSITION

approved

CASES CITED

- In re Quick, 553 So. 2d 522, 524-25 (Miss. 1989)
- In re Anderson, 451 So. 2d 232, 234 (Miss. 1984)
- Miss. Comm'n on Judicial Performance v. Walker, 565 So. 2d 1117, 1124-25 (Miss. 1990)
- Miss. Comm'n on Judicial Performance v. Byers, 757 So. 2d 961, 970 (Miss. 2000)
- Miss. Comm'n on Judicial Performance v. Sanders, 708 So. 2d 866 (Miss. 1998)

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