

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**DONNA G. DUTTON, DISTRICT COURT JUDGE
53RD JUDICIAL CIRCUIT**

AGREED ORDER OF SUSPENSION

Donna Dutton is District Judge for Kentucky's 53rd Judicial Circuit consisting of Anderson, Shelby, and Spencer Counties. Judge Dutton has waived formal proceedings and has agreed to the entry of this Order.

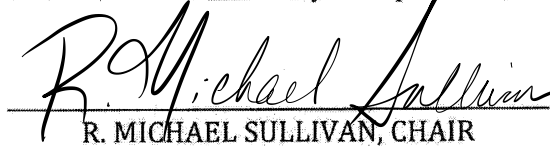
During a preliminary investigation, the Commission received information that Judge Dutton engaged in the following conduct: On July 18, 2019, she heard argument on a Motion to Recuse filed by defense counsel in Shelby County Case No. 19-M-00386, styled *Commonwealth v. Carter*. Defense counsel of record was not in attendance at the hearing but had asked another attorney to cover for him and argue the motion. At a bench conference conducted during the proceedings, Judge Dutton accused defense counsel of stealing from her husband, Gilmore Dutton. She then commented that defense counsel is "not going to be conflicted out forever," which was reasonably perceived as a threat by the parties involved. After the bench conference, she failed to immediately recuse.

The Commission received further information that, following the bench conference, Judge Dutton interfered with defense counsel's right to obtain a video copy of the bench conference. Judge Dutton improperly pressured both the Shelby County Circuit Clerk and Judge Linda Bullock to decline to provide the video as requested by defense counsel. Judge Dutton's interference ultimately resulted in involvement from the Administrative Office of the Courts, Judge Bullock's recusal, and the appointment of a special judge.

The Commission concludes that Judge Dutton's conduct violates SCR 4.300, and the following provisions of the Code of Judicial Conduct: **Rule 1.1**, which requires judicial officers to comply with the law; **Rule 1.2**, which requires judicial officers to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary; **Rule 1.3**, which prohibits a judge from abusing the prestige of judicial office to advance the personal or economic interests of the judge or others; **Rule 2.2**, which requires a judge to perform all duties of judicial office fairly and impartially; **Rule 2.4**, which prohibits a judge from permitting family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment; **Rule 2.8**, which requires a judge to be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity; **Rule 2.9**, which prohibits a judge from initiating, permitting, or considering *ex parte* communications, or from considering other communications made to the judge outside the presence of the parties or their lawyers, concerning a pending or impending matter; and **Rule 2.11**, which requires a judge to disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned.

Therefore, in light of Judge Dutton's conduct, she is hereby suspended from her duties without pay for a period of fourteen (14) consecutive days beginning midnight September 6, 2020 and ending midnight September 20, 2020. During the suspension, Judge Dutton shall not use her judicial office at the Shelby County Judicial Center, nor any other judicial offices she may have in other courthouses. Judge Dutton shall also forbear from using her secure courthouse access pass and shall turn in any access passes, keys, or credentials to court security while the suspension is in effect.

SO ORDERED this 24th day of September, 2020.

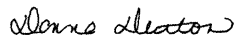

R. MICHAEL SULLIVAN, CHAIR

Have Seen and Agreed:



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Hon. Donna G. Dutton



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