

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**TIMOTHY A. LANGFORD, CIRCUIT COURT JUDGE
1ST JUDICIAL CIRCUIT**

FORMAL PROCEEDINGS DOCKET ENTRIES

Date of Document

1. September 28, 2012 - [Notice of Formal Proceedings and Charges](#)
2. October 18, 2012 - [Agreed Order of Extension](#)
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**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**TIMOTHY A. LANGFORD, CIRCUIT JUDGE
FIRST JUDICIAL CIRCUIT**

NOTICE OF FORMAL PROCEEDINGS AND CHARGES

Notice is hereby given of the initiation of formal proceedings under Rule 4.180 of Rules of the Supreme Court. At the times set out in this Notice, you were Circuit Judge for Kentucky's First Judicial Circuit composed of Ballard, Carlisle, Fulton and Hickman Counties. The charges are as follows.

On April 6, 2012, in Ballard Circuit Court Action No. 08-CI-00110, Jason Allcock, petitioner, v. Julie Allcock, respondent, at the verbal request of the paternal grandmother of the children of the parties, you summarily entered an order (hereinafter summary order) for the grandmother to take the children "to the family Easter gathering." (**Exhibit A** attached) When you entered the summary order you were aware that there was an outstanding domestic violence order (DVO) against Jason Allcock which had been entered by the Ballard District Court (**Exhibit B** attached). The DVO stated "respondent shall not be permitted visitation with the parties' minor children until further court order." In entering the summary order, you did not direct notice to any party in the case and did not hold a hearing.

In regard to the above matter, you violated SCR 4.020(1)(b)(i) and (v) in that your actions constituted misconduct in office and violated SCR 4.300, the Code of Judicial Conduct, Canons 1, 2A and 3A and B(2), (7) and (8) which read in pertinent part as follows:

CANON 1: A JUDGE SHALL UPHOLD THE INTEGRITY AND INDEPENDENCE OF THE JUDICIARY

An independent and honorable judiciary is indispensable to justice in our society. A judge should actively participate in establishing, maintaining and enforcing high standards of conduct, and shall personally observe those standards so that the integrity and independence of the judiciary will be preserved. The provisions of this Code are to be construed and applied to further that objective.

CANON 2: A JUDGE SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL OF THE JUDGE'S ACTIVITIES

A. A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

CANON 3: A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY AND DILIGENTLY

A. Judicial Duties in General. The judicial duties of a judge take precedence over all the judge's other activities. The judge's judicial duties include all the duties of the judge's office prescribed by law. In the performance of these duties, the following standards apply.

B. Adjudicative Responsibilities.

(2) A judge shall be faithful to the law and maintain professional competence in it. A judge shall not be swayed by partisan interests, public clamor or fear of criticism.

(7) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law. With regard to a pending or impending proceeding, a judge shall not initiate, permit, or consider ex

parte communications with attorneys and shall not initiate, encourage or consider ex parte communications with parties...

(8) A judge shall dispose of all judicial matters promptly, efficiently and fairly.

In particular, by the above conduct, you engaged in misconduct in office; failed to observe high standards of conduct in violation of Canon 1; failed to respect and comply with the law and to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary in violation of Canon 2A; were not faithful to the law in violation of Canon 3A and B(2); failed to accord to every person who had a legal interest in the proceeding the right to be heard according to law and considered and acted on ex parte communications in violation of Canon 3B(7); and failed to dispose of judicial matters fairly in violation of Canon 3B(8).

For your information, the Commission wishes to call your attention to the following Supreme Court Rule:

RULE 4.180 FORMAL PROCEEDINGS

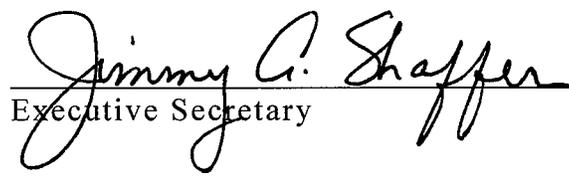
If the Commission concludes that formal proceedings should be initiated, it shall notify the judge. He may file an answer within 15 days after service of the notice. Upon the filing of his answer, or the expiration of time for so filing, the Commission shall set a time and place for the hearing and shall give reasonable notice thereof to the judge.

Please mail your answer to: Ms. Jimmy A. Shaffer, Executive Secretary,
Judicial Conduct Commission, P.O. Box 22208, Louisville, Kentucky 40252-
0208.

Date: 9/25, 2012


STEPHEN D. WOLNIUK, CHAIR

I hereby certify that copy hereof was served on Timothy A. Langford,
Circuit Judge, by mailing same to 8574 State Route 1128,
Hickman, Ky 42050
the 2nd day of October, 2012.


Executive Secretary

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**TIMOTHY A. LANGFORD, CIRCUIT JUDGE
FIRST JUDICIAL CIRCUIT**

AGREED ORDER OF EXTENSION

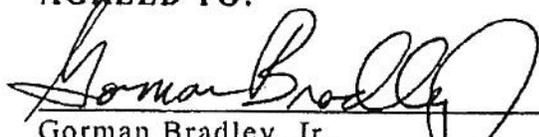
Upon consideration of request of counsel for Judge Langford for extension of time for filing answer to Notice of Formal Proceedings, and agreement thereto by counsel for the Commission, time for filing answer is hereby extended pursuant to SCR 4.200 to and including November 26, 2012.

Date: October 17, 2012



Stephen D. Wolnitzek, Chair

AGREED TO:



Gorman Bradley, Jr.
Counsel for Judge Langford



George F. Rabe
Counsel for the Commission

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

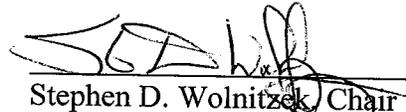
IN RE THE MATTER OF:

**TIMOTHY A. LANGFORD, CIRCUIT JUDGE
FIRST JUDICIAL CIRCUIT**

AGREED ORDER OF EXTENSION

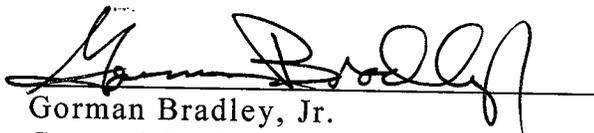
Upon consideration of request of counsel for Judge Langford for extension of time for filing answer to Notice of Formal Proceedings, and agreement thereto by counsel for the Commission, time for filing answer is hereby further extended pursuant to SCR 4.200 to and including December 21, 2012.

Date: November 17, 2012



Stephen D. Wolnitzek, Chair

AGREED TO:



Gorman Bradley, Jr.
Counsel for Judge Langford



George F. Rabe
Counsel for the Commission

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**TIMOTHY A. LANGFORD, CIRCUIT JUDGE
FIRST JUDICIAL CIRCUIT**

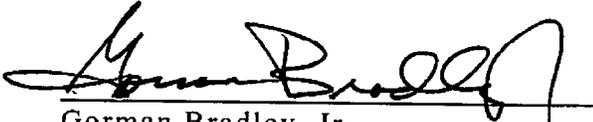
AGREED ORDER OF EXTENSION

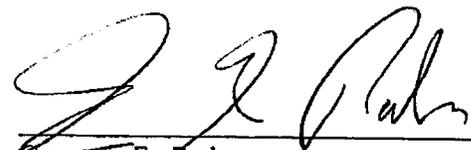
Upon consideration of request of counsel for Judge Langford for extension of time for filing answer to Notice of Formal Proceedings, and agreement thereto by counsel for the Commission, time for filing answer is hereby further extended pursuant to SCR 4.200 to and including January 25, 2013.

Date: 12-19, 2012


Stephen D. Wolnitzek, Chair

AGREED TO:


Gorman Bradley, Jr.
Counsel for Judge Langford


George F. Rabe
Counsel for the Commission

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**TIMOTHY A. LANGFORD, CIRCUIT JUDGE
FIRST JUDICIAL CIRCUIT**

AGREED ORDER OF EXTENSION

Upon consideration of request of counsel for Judge Langford for extension of time for filing answer to Notice of Formal Proceedings, and agreement thereto by counsel for the Commission, time for filing answer is hereby further extended pursuant to SCR 4.200 to and including February 4, 2013.

Date: January 22, 2013

Diane E. Logsdon
Diane E. Logsdon, Chair

AGREED TO:

Gorman Bradley, Jr.
Gorman Bradley, Jr.
Counsel for Judge Langford

George F. Rabe
George F. Rabe
Counsel for the Commission

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**TIMOTHY A. LANGFORD, CIRCUIT JUDGE
FIRST JUDICIAL CIRCUIT**

MOTION OF EXTENSION OF TIME TO FILE ANSWER

Comes Judge Timothy A. Langford, by counsel, pursuant to SCR 4.200, and moves this Commission to extend the time within which Judge Langford must file an answer to the Notice of Formal Proceedings and Charges served on Judge Langford on the 2nd day of October, 2012. In support of his motion counsel states that simultaneous with the filing of this motion a Motion to Dismiss has been filed. SRC 4.160 provides that the Rules of Civil Procedure apply to proceedings before the Commission. CR 12.01 provides that a timely filed motion permitted under Rule 12 extends the time in which an answer must be filed until ten (10) days after entry of a court's order on the motion. If CR 12 applies to this proceeding, the time in which to file the answer would of course be extended for ten (10) days. However, if CR 12 does not apply, Judge Langford's answer must be served no later than February 4, 2013. In an exercise of caution, counsel for Judge Langford has filed this motion to extend the time within which an answer must be filed and tendered an Agreed Order of Extension.

Dated this the 30th day of January, 2013.

Respectfully Submitted:


GORMAN BRADLEY, JR.
Bradley, Freed & Grumley, P.S.C.
1634 Broadway; P. O. Box 1655
Paducah, KY 42002-1655
Counsel for Judge Timothy A. Langford

CERTIFICATE OF SERVICE

I hereby certify a true and correct copy of the foregoing has been served
by mail upon the following parties on this the 30th day of January, 2013:

Hon. George F. Rabe
167 West Main Street, Suite 1004
Lexington, KY 40507
Counsel for the Commission

By: 
Gorman Bradley, Jr.

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION
CASE NO. 2012-116**

IN RE THE MATTER OF:

**TIMOTHY A. LANGFORD, CIRCUIT JUDGE
FIRST JUDICIAL CIRCUIT**

**MOTION TO DISMISS OR IN THE ALTERNATIVE
MOTION TO RECONSIDER**

Comes Timothy A. Langford, Circuit Judge, First Judicial Circuit, by counsel, pursuant to CR 12.02 and SCR 4.160, and moves this Commission to dismiss the formal proceedings and charges in this action. In the alternative, he requests the Commission to reconsider its decision to initiate formal proceedings and charges. In filing these motions, it is the intent of Judge Langford that these motions not be considered an answer to the Notice of Formal Proceedings and Charges. An answer will be timely filed, if necessary. In support of his motions, Judge Langford states as follows:

BACKGROUND

The marriage of Jason Allcock and Julie Allcock a/k/a Gordon, was dissolved by Judge Langford on November 10, 2008, in Ballard Circuit Court, Civil Action No. 08-CI-00110. Prior to the entry of the Decree of Dissolution, the parties to that action entered into a Separation Agreement and the decree approved and adopted the agreement. A copy of the Separation Agreement is attached as "Exhibit 1." The Separation Agreement reads in part:

"VI. Visitation. The Husband shall have liberal visitation with the parties' minor child, no less than the visitation in the Ballard County Standard Visitation schedule. The Wife agrees that she will make reasonable efforts to accommodate the Husband's additional requests for

visitation as are reasonable, provided such additional visitation shall not impair or hinder the child's educational, social and employment obligations or activities, nor prevent involvement in other activities such as extra-curricular, sports, *family and religious events*.”

(Emphasis added).

On February 13, 2012, after Jason assaulted Julie, Julie filed a Domestic Violence Petition in the Ballard District Court. Ballard District Judge Keith Myers granted the petition, entered an Emergency Order of Protection, and scheduled a hearing in the matter for February 21, 2012. After the hearing Judge Myers entered a Domestic Violence Order (“DVO”). One paragraph of the DVO provided, “Respondent shall not be permitted visitation with the parties’ minor children until further court order.”

April 6, 2012 was Good Friday, the first family or religious holiday after entry of the DVO. Good Friday was also a one-half day furlough for all Kentucky court personnel. By noon that day, Judge Langford had completed his regular Ballard Circuit Court motion day docket and was preparing to leave the court house. Before he could leave, he was informed by the circuit clerk that Linda Allcock, mother of Jason Allcock, wished to speak to him. Ms. Allcock asked the judge if her grandchildren could attend the family’s annual Easter egg hunt as they had normally done in previous years. Ms. Allcock explained to Judge Langford that Jason’s visitation had been recently restricted by a DVO. She went on to inform Judge Langford that she had attempted to contact Judge Myers that week regarding the matter but had not been able to do so. Judge Langford reviewed the DVO file and unsuccessfully attempted to contact Judge Myers. After Ms. Allcock assured him the children would be supervised, he entered the Order that is the subject of the anonymous complaint in this matter. A review of the computer log in the Ballard Circuit Judge’s office for April 6, 2012, reveals the Order was prepared

at 12:39 p.m. “Exhibit 2” is a copy of the computer log. A copy of the Order was immediately served on Julie Gordon, the children’s mother and DVO Protected Party.

After receiving the Notice of Formal Proceedings and Charges, Judge Langford and his counsel contacted Linda Allcock and Julie Gordon, who provided affidavits regarding the foregoing events. Copies of those affidavits were previously provided for consideration by the Commission and have been attached hereto as “Exhibit 3” and “Exhibit 4.” According to those affidavits, Julie Gordon, the mother, requested Linda Allcock, the grandmother, to obtain a court order to allow the children to attend the family Easter egg hunt. The mother was aware of, and consented to, the grandmother approaching a judge to request modification of the DVO. Further, the grandmother had unsuccessfully attempted to contact Judge Myers all week. Finally, the mother was immediately provided notice of the entry of the order by the grandmother, via telephone, and by the clerk, via email.

ARGUMENT

1. Paragraph 5 of the Preamble to the Kentucky Code of Judicial Conduct states:

The text of the Canons and Sections is intended to govern conduct of judges and to be binding upon them. It is not intended, however, that every transgression will result in disciplinary action. *Whether disciplinary action is appropriate, and the degree of discipline to be imposed, should be determined through a reasonable and reasoned application of the text and should depend on such factors as the seriousness of the transgression, whether there is a pattern of improper activity and the effect of the improper activity on others or on the judicial system.*

(Emphasis added.) While the three (3) factors to be considered in determining whether disciplinary action is appropriate and the degree of discipline to be imposed are not

exhaustive, Judge Langford is of the position that consideration of these three (3) factors does not warrant the formal proceeding and charges in this matter.

The Supreme Court of Kentucky has repeatedly observed,

The aim of proceedings instituted pursuant to this section is to improve the quality of justice administered within the Commonwealth by examining specific complaints of judicial misconduct, determining the relation to a judge's fitness for office and correcting any deficiencies found by taking the least severe action necessary to remedy the situation. The target is not punishment of the judge.

Summe v. Judicial Retirement and Removal Commission, 947 S.W.2d 42, 48 (Ky.1997) (quoting *Nicholson v. Judicial Retirement and Removal Commission*, 562 S.W.2d 306 (Ky.1978)); *Doyle v. Judicial Retirement and Removal Commission*, 885 S.W.2d 917, 919 (Ky.1994). Consideration of the three factors identified in paragraph 5 of the preamble and reflection upon the Supreme Court's description of the purpose of judicial disciplinary proceedings leads to the conclusion that the alleged misconduct of Judge Langford does not warrant the formal proceeding or charges in this matter.

A. *The seriousness of the transgression.* In retrospect, Judge Langford admits that he should have provided an opportunity for Ms. Gordon to be heard prior to the entry of the order if time had permitted. However, the facts surrounding this matter should be considered in deciding how the Commission should address the failure to give notice. First, the courthouse was closed for a half-day furlough at the time Judge Langford was approached by the grandmother. There was little or no time to contact the affected parties. Judge Langford considers family and religious holidays when deciding child visitation in every action for the dissolution of marriage. Judge Langford (and although unknown to Judge Langford at the time, Ms. Gordon) felt it was important to allow the children to attend an important family function on a religious holiday. In order

to preserve the provisions of District Judge Myers' DVO, Judge Langford required contact by the father to be supervised by the grandmother. Judge Langford directed the clerk to immediately give notice of the Order to the parties. We now know notice was provided via email to Ms. Gordon soon after its entry in to the record.

Canon 3 of the Kentucky Code of Judicial Conduct provides in part:

"CANON 3: A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY AND DILIGENTLY

- A. Judicial Duties in General. The judicial duties of a judge take precedence over all the judge's other activities. The judge's judicial duties include all the duties of the judge's office prescribed by law. In the performance of these duties, the following standards apply.
- B. Adjudicative Responsibilities.

- (7) A Judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law. With regard to a pending or impending proceeding, a judge shall not initiate, permit, or consider ex parte communications with attorneys and shall not initiate, encourage or consider ex parte communications with parties, except that:
 - (a) Where circumstances require, ex parte communications for scheduling, initial fixing of bail, administrative purposes or emergencies that do not deal with substantive matters or issues on the merits are authorized; provided:
 - (i) the judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the ex parte communication; and
 - (ii) the judge makes provision promptly to notify all other parties of the substance of the ex parte communication and allows an opportunity to respond.

- (d) A judge may, with the consent of the parties, confer separately with the parties and their lawyers in an effort to mediate or settle matters pending before the judge.

- (8) A judge shall dispose of all judicial matters promptly, efficiently and fairly.”

Simply stated, at the time he entered the order, Judge Langford reasonably believed an emergency existed for the children, which allowed for the ex parte entry of the order scheduling a five (5) hour, supervised visit for the children with the father’s family on a religious holiday considered important by all of the parties. No party gained an advantage as a result of the communication. Ms. Allcock was not a party to either the DVO or dissolution matter. The order only confirmed the circuit court visitation order that had been in effect for a number of years. The order also provided for supervision of the children by the grandmother, preserving the provisions of the DVO entered by Judge Myers. The order did not address a substantive matter or merits of the cause. Judge Langford provided for immediate notice to the parties to the dissolution/child visitation action.

Judge Langford’s conduct in this matter pales in comparison to conduct which usually warrants formal disciplinary action. For instance, in *Gormley v. Judicial Conduct Commission*, 332 S.W.3d 717 (2010), a public reprimand was issued by the Commission after the judge in that matter entered a “standing order” denying access to the judicial system to a class of persons and failed to rescind the order after being contacted by a representative of the Commission. No emergency existed in the *Gormley* case, and a class of people was prospectively barred for a significant period of time from seeking relief from the court. The disciplinary action taken by the Commission against Judge

Gormley shortly followed disciplinary action for other more egregious judicial misconduct by that judge.

Judge Langford does not now claim to have known of the wishes of Ms. Gordon at the time of entry of the order. However, the position of Ms. Gordon should be considered in determining whether discipline is appropriate in this matter and the extent of the discipline. The result would have been the same had Judge Langford known of Ms. Gordon's position and provided notice and a hearing to Ms. Gordon prior to entry of the order. The order would have read the same, the children would have been allowed to attend the Easter egg hunt, and any visit by the father would have been supervised.

B. Whether there is a pattern of improper activity. The entry of the order underlying this proceeding is one isolated incident. There is no pattern of improper activity. In fact, Judge Langford scheduled an immediate hearing in a somewhat similar situation after receiving notice of the anonymous complaint. (See letter of Judge Langford dated August 15, 2012; but see *Gormley*, 332 S.W.3d at 730, where the judge waited 6 weeks to correct an order after being contacted by a representative of the Commission.) This matter involved one five (5) hour visit under the supervision of the grandmother. A review of Judge Langford's cases would establish his respect for the due process rights of all parties in all matters before him, not just family matters.

C. The effect of the improper activities on others or on the Judicial System. The effect of the order was exactly as requested and expected by the mother, the grandmother and, most importantly, the children, who were the true beneficiaries of Judge Langford's action. Ms. Gordon was aware she could be held in violation of the DVO if she allowed the children to attend the Easter egg hunt where their father would be

present. Therefore, Ms. Gordon requested that an order be entered by a judge to allow the children to attend. Further, the mother and grandmother continue to enjoy the same cordial and open relationship they enjoyed before and since the entry of the DVO. The children were allowed to attend the Easter egg hunt as they had each Easter since birth.

2. SCR 4.020(2) provides, “***Any erroneous decision made in good faith shall not be subject to the jurisdiction of the Commission.***” (Emphasis added). Although he now understands and acknowledges, in retrospect, that there was not an “emergency” within the meaning of the judicial canons, at the time and under the circumstances of the entry of the order that is the subject of this complaint, Judge Langford believed in good faith that an emergency existed and acted in good faith on this belief.

In *Nicholson v. Judicial Retirement and Removal Commission*, 562 S.W.2d 306, 310 (Ky. 1978), the Supreme Court held that the purpose of this good-faith exemption of SCR 4.020(2) was to maintain judicial independence so that “[b]oth judicial eyes [c]ould be trained on the just disposition of the case at hand and not on the welfare of the sitting judge.” Further, in *Gormley*, the Supreme Court recognized that “to err is human[,]” and that the judicial conduct commission’s review should be focused on “the judges demeanor, motivation, or conduct in following (or in not following) the law.” *Gormley*, 332 S.W.3d at 726-27. The court continued by holding that judicial discipline is available only in circumstances where the judge acted in bad faith, engaged in a pattern of misconduct, or in which the judicial decision was particularly egregious. *Id.* at 728.

Judge Langford has not engaged in any pattern of misconduct and there can be no serious contention that he acted in bad faith or with an improper motivation. In signing

the underlying order, it is clear that Judge Langford believed that he was doing the right thing, for the right reasons, and in accordance with law. None of the bad faith discussed in *Gormley* is present in this case. As observed by the Supreme Court, "Something more than committing a good-faith legal error is obviously required before a judicial officer may be properly disciplined." *Gormley*, 332 S.W.3d at 727-28. That "something more" is missing in this case.

Contrary to the allegations in the anonymous complaint, Judge Langford does "care" about this case and what happens to Julie Gordon. Further, there was no "secret meeting" with the grandmother. Ms. Gordon agreed to allow the children to attend the Easter egg hunt with the stipulation that the children would not be left alone with the father. Ms. Gordon requested Ms. Allcock to pursue entry of an order so she would not be found in violation of the DVO. Ms. Gordon was aware Ms. Allcock would be asking a judge to enter an order allowing the children to attend the function. Ms. Gordon was immediately provided with a copy of the order. Unlike the situation considered in the *Gormley* case, Judge Langford's order was entered in good faith, provided for one limited Sunday afternoon visitation, did exactly what the mother had requested, and did not create an advantage for either parent. Judge Langford reasonably believed an emergency existed regarding the children and no party gained an advantage as a result of the meeting with Ms. Allcock and the entry of the order. Ultimately, the children were the winners in this situation. Focusing on "the judges demeanor, motivation, or conduct in following (or in not following) the law," there can be no doubt that Judge Langford acted in good faith.

Moreover, Judge Langford did not commit an "egregious error" as envisioned in *Gormley*, and that standard, if applied to Judge Langford in this case, presents serious and

fundamental problems for our judiciary. First, the adoption of the egregious error standard in *Gormley* was *expressly* obiter dictum. *Gormley*, 332 S.W.3d at 728 (“We address whether Judge Gormley’s actions fall within the egregious error standard *only as an illustrative guide for future cases.*”). This adoption was unnecessary to the Court’s decision because “Judge Gormley acted in bad faith and engaged in a pattern of misconduct, both of which were already established methods of committing sanctionable judicial misconduct. Beyond this, the “egregious ‘legal ruling[s]’” identified by the Court were in the multiple – they were a pattern of misconduct. *Id.* at 729 (emphasis added; alteration in original). Even in adopting the egregious error standard, the Supreme Court was unable to eliminate bad faith and a pattern of misconduct from its application.¹ There may be some circumstances in which a one-time error not made in bad faith is nevertheless so egregious that sanctions are warranted, but this is not one of them. Judge Langford did not engage in a pattern of misconduct or bad faith. His underlying motivation and demeanor are not seriously in question – he was trying to do the right thing for these children who are in the middle of an unfortunate family situation. The “something more” that converts a bad error to an egregious one is missing.

Second, *Gormley*’s egregious error standard is unworkable because it captures good faith judicial error that has never been considered misconduct. The standards of review prevailing in our appellate courts address many rulings that are “contrary to clear and determined law about which there is no confusion or question as to its

¹ This same problem plagued *In re Quirk*, 705 So.2d 172, 181 (La.1997), from which the “egregious error” standard was adopted in *Gormley*. In that case, “Judge Quirk’s practice of giving ‘clearly unconstitutional’ sentences trigger[ed] all of the aforementioned categories of disciplinable legal error because it constitutes a **pattern of egregious legal error made in bad faith.**” *Id.* (emphasis added). Moreover, *Quirk*’s egregious error standard was designed to capture not good faith legal errors, but “discretion-intensive” rulings that are technically “legal,” but clear misconduct, such as imposing sentences on the high-end of the guideline range on only one particular racial group. *Id.* at 181 n.16.

interpretation.” *Gormley*, 332 S.W.3d at 728. For example, “palpable error” is error that is “easily perceptible, plain, obvious and readily noticeable” that is “grave in nature[.]” *Brewer v. Com.*, 206 S.W.3d 343, 349 (Ky.2006). It is a defect that “is so manifest, fundamental and unambiguous that it threatens the integrity of the judicial process.” *Martin v. Com.*, 207 S.W.3d 1, 5 (Ky.2006). *See also* CR 61.02.² While there is no appreciable difference between “palpable error” and “egregious error,” none of the nine (9) occasions in which a Kentucky appellate court has found palpable error since 2011 (after *Gormley*) resulted in discipline against the judge. *See* 9 Ky. Prac. Crim. Prac. & Proc. §37.20, n. 3. Where is the line? What is the difference? How close does egregious error fall to an abuse of discretion? *Miller v. Eldridge*, 146 S.W.3d 909, 914 (Ky.2004) (“arbitrary, unreasonable, unfair, or unsupported by sound legal principles”). A strict, but foreseeable, application of the “egregious error” standard will result in a deluge of judicial disciplinary proceedings and, more troubling, threaten judicial independence. *See Summe*, 947 S.W.2d at 48.

The reason that one-time palpable error does not constitute egregious error is because, as the Supreme Court has repeatedly observed, “sanctionable misconduct” simply requires “something more” than a good faith legal error. *E.g.*, *Gormley*, 332 S.W.3d at 726. “Judicial misconduct is different.” *Id.* at 727. It “is not focused merely on the judge’s findings, conclusions, and ultimate judgment, ***but on the judge’s demeanor, motivation, or conduct in following (or in not following) the law.***” *Id.* (emphasis added). Our guiding authorities, and those upon which they rely, make clear that impart some articulable willfulness (in the form of bias, prejudice, bad faith,

² Palpable error is so egregious that reversal is required regardless of whether the error is preserved. *E.g.*, *Fisher v. Fisher*, 348 S.W.3d 582 (Ky.2011).

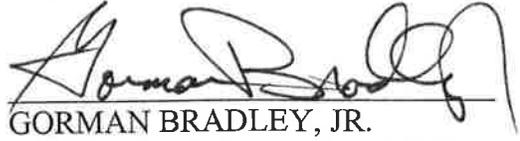
improper motivation, or clear pattern) is a necessary predicate for sanctionable misconduct. However, when a judge tries to do the right thing for the right reasons, but simply misinterprets the canons, the commission lacks jurisdiction to initiate formal proceedings or impose sanctions. Judge Langford's conduct was nothing more than a good faith legal error, which is not subject to the jurisdiction of the Commission. SCR 4.020.

Judge Langford has acknowledged his good-faith mistake in not providing Ms. Gordon an opportunity to be heard and has promised not to repeat that mistake. If this is the case and, as the Supreme Court has decreed, the purpose of the Judicial Conduct Commission is not to punish a judge, but to improve the quality of justice by taking the least severe action necessary to remedy the issue, this motion should be granted.

For the foregoing reasons, Judge Langford, pursuant to SCR 4.020(2), requests this Commission to find that it lacks jurisdiction in this matter because Judge Langford acted in good faith, enter an order withdrawing the *Notice of Formal Proceedings and Charges*, and dismiss the anonymous complaint against him. In the alternative, Judge Langford requests this Commission to reconsider its decision to initiate formal proceedings and charges.

Further, Judge Langford requests a hearing on this motion on a day certain at the convenience of the Commission and the Judge.

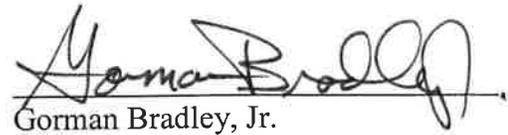
Respectfully submitted,



GORMAN BRADLEY, JR.
Bradley, Freed & Grumley, P.S.C.
1634 Broadway, P. O. Box 1655
Paducah, KY 42002-1655
270-443-0040
ATTORNEY FOR
JUDGE TIMOTHY A. LANGFORD

NOTICE

PLEASE TAKE NOTICE that this matter shall come on for hearing before the Judicial Conduct Commission, at the convenience of the Commission.

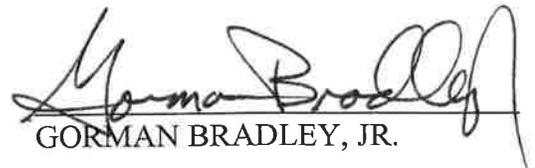


Gorman Bradley, Jr.

CERTIFICATE OF SERVICE

I hereby certify a true and correct copy of the foregoing motion has been served by mail on the following parties on this the 30th day of January, 2013:

Ms. Jimmy A. Shaffer
Executive Secretary
Judicial Conduct Commission
P. O. Box 22208
Louisville, KY 40252-0208



GORMAN BRADLEY, JR.

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF:

TIMOTHY A. LANGFORD, CIRCUIT JUDGE
FIRST JUDICIAL CIRCUIT

**AGREED ORDER GRANTING MOTION FOR EXTENSION
OF TIME TO FILE ANSWER**

Upon consideration of request of counsel for Judge Langford for extension of time for filing answer to Notice of Formal Proceedings and Charges, and agreement thereto by counsel for the Commission, time for filing answer is hereby further extended pursuant to SCR 4.200 to the 10th day after the Commission rules on the Judge's Motion to Dismiss.

Date: January 31, 2013

Diane E. Logsdon
Diane E. Logsdon, Chair

AGREED TO:

Gorman Bradley, Jr.
Gorman Bradley, Jr.
Counsel for Judge Langford

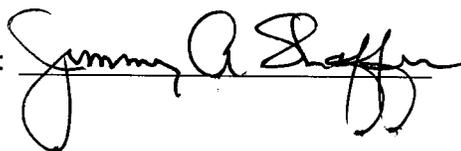
George F. Rabe
George F. Rabe
Counsel for the Commission

CERTIFICATE OF SERVICE

I hereby certify a true and correct copy of the foregoing has been served by mail upon the following parties on this the 31 day of Jan, 2013:

Hon. George F. Rabe
167 West Main Street, Suite 1004
Lexington, KY 40507
Counsel for the Commission

Hon. Gorman Bradley, Jr.
Bradley, Freed & Grumley, P.S.C.
1634 Broadway; P. O. Box 1655
Paducah, KY 42002-1655
Counsel for Judge Timothy A. Langford

By: 

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**TIMOTHY A. LANGFORD, CIRCUIT JUDGE
FIRST JUDICIAL CIRCUIT**

RESPONSE TO MOTION TO DISMISS OR TO RECONSIDER

Counsel for the Commission submits this memorandum in response to the motion of Judge Langford (hereinafter called Judge Langford's motion): (1) for the Commission to dismiss the charges for lack of jurisdiction, or (2) in the alternative, for the Commission to reconsider its decision to initiate formal proceedings. The two matters will be discussed in that order. First, we discuss a procedural issue.

Procedural Issue

This matter is before the Commission on motion of the judge pursuant to Kentucky Rule of Civil Procedure 12.02. The question at the outset is whether the Supreme Court Rules (SCR) governing the Commission contemplate customary motions practice under the Rules of Civil Procedure. SCR 4.160 states:

To the extent applicable and not inconsistent with these rules [SCR 4.000 to SCR 4.310], the Rules of Civil Procedure shall apply to proceedings before the commission, except that the proof shall be by clear and convincing evidence.

SCR 4.170 requires a preliminary investigation before the Commission can decide whether to initiate formal proceedings under SCR 4.180. The preliminary investigation under SCR 4.170 includes steps for exchange of information and opportunity for the judge to appear informally before the Commission. SCR 4.180 reads in full:

If the commission concludes that formal proceedings should be initiated, it shall notify the judge. He may file an answer within 15 days after service of the notice. *Upon the filing of his answer, or the expiration of time for so filing, the commission shall set a time and place for the hearing* and shall give reasonable notice thereof to the judge. (Emphasis added)

SCR 4.190 to SCR 4.280 set out specific commission procedures for disposition of the charges, including amendment of pleadings, procedural rights of the judge, hearing procedures, time limitations for final disposition, and written findings of fact and conclusions of law.

These rules for disposition of formal proceedings are inconsistent with the motion procedures of the civil rules. Therefore, those procedures appear to be inapplicable. Nevertheless, time for answer has been extended so that the Commission has an opportunity to address the motion (which may render the procedural question moot).

1. THE COMMISSION HAS JURISDICTION OVER THE CHARGES

The charges.

The Notice of Formal Proceedings and Charges (hereinafter called Charges) alleges in pertinent part that at the verbal request of the paternal grandmother of the children of the parties in a domestic relations proceeding, Judge Langford summarily entered a visitation order for the grandmother to take the children to the Easter gathering of the family of the father (as to whom a DVO was outstanding), that Judge Langford did not direct notice to any party, and that he did not hold a hearing. The Charges allege, among other violations, that by this conduct Judge Langford failed to accord to every person who had a legal interest in the proceeding the right to be heard according to law and considered and acted on ex parte communications in violation of Canon 3B(7).

SCR 4.020(3) and *Gormley v. Judicial Conduct Commission*, 332 S.W. 3d 717 (Ky. 2010) are not applicable to the charges in this case.

Judge Langford urges that the charges should be dismissed for lack of jurisdiction under SCR 4.020(2) which provides: “Any erroneous decision made in good faith shall not be subject to the jurisdiction of the Commission.” (Judge Langford’s motion, page 8) In discussing the case of *Gormley v. Judicial Conduct Commission*, 332 S.W.3d 717 (Ky. 2010), Judge Langford asserts (Judge Langford’s motion, pp. 11, 12) that something more than a good faith legal error is required for sanctionable conduct and that

when a judge tries to do the right thing for the right reasons, but simply misinterprets the canons, the commission lacks jurisdiction to initiate formal proceedings or impose sanctions. Judge Langford’s conduct was nothing more than a good faith legal error, which is not subject to the jurisdiction of the Commission. SCR 4.020.

Judge Langford’s reliance on the good-faith-legal-error discussion in *Gormley* is misplaced and takes that discussion out of context. SCR 4.020 (2) and *Gormley* deal with the issue of when an erroneous ruling by a judge during the course of a case can rise to the level of sanctionable conduct. That is made clear in the course of the *Gormley* opinion. The court there stated, 332 S.W. 3d 726:

Finding Judge Gormley clearly erred on the law is only the first half of the analysis.

The court further stated, 332 S.W. 3d 727:

We agree with Judge Gormley that SCR 4.020(2) prevents a judge from being sanctioned for committing a good faith legal error. Something more than committing a good faith legal error is obviously required before a judicial officer may be properly disciplined.

The court also quoted the following passage from *Matter of Benoit*, 487 A. 2d 1158, 1162-63 (Me. 1985), 332 S.W. 3d at 727, n. 25: (“Every trial judge will from time to time commit legal errors in decisions later reversed on appeal, but judicial discipline would be in order in almost

none of those cases. Something more than a mere error of law is required to constitute misconduct. . . .”).

The Charges do not allege that Judge Langford’s ruling allowing the Easter visitation was a legal error. In fact, Judge Langford states that the result would have been the same had he provided notice to the mother and an opportunity for her to be heard prior to the entry of the order. (Judge Langford’s motion, page 7) He states “The order would have read the same, the children would have been allowed to attend the Easter egg hunt, and any visit by the father would have been supervised.” (Ibid) We are willing to assume, *arguendo*, that after notice in an appropriate hearing, Judge Langford would have entered the same order for the visitation which he issued ex parte and that it would have been a correct order.

Thus, discussion in *Gormley* about the “something more” required for an erroneous decision by a judge to constitute sanctionable conduct is not germane to the violation charged in this case. The charge is not that the visitation order was erroneous, but rather that Judge Langford failed to accord the mother the right to be heard and considered and acted on ex parte communications in violation of Canon 3B(7) by issuing the order ex parte without notice. Nothing in *Gormley* or in any other case we are aware of suggests that just because a judge means well in engaging in conduct which violates the Code of Judicial Conduct, he is immune from sanctions by virtue of the good-faith-legal-error provision of SCR 4.160(2).

Recent comments of the Supreme Court of Kentucky on the prohibition of ex parte communications are apropos here. In *Commonwealth v. Wilson*, 384 S.W. 3d 113 at 116 (Ky. 2012), the Court stated:

One-sided contacts between judges and lawyers or parties regarding pending and impending cases are prohibited, even in matters where the legal stakes are lower than those at issue in this case. In particular, Kentucky’s district judges handle a large volume of routine matters, including traffic citations and

criminal misdemeanor cases. Disposition of most of these cases evades public scrutiny and lawyerly oversight. As a result, the lines of ethical conduct have, in some areas, become blurred. Courthouse culture seems to tolerate, and perhaps even encourage, in these low-stakes cases a one-sided intercession with the judge by parties, lawyers, or even elected officials. But *Kentucky's Judicial Canons forbid one-sided contacts relating to all judicial proceedings*, except in regards to scheduling, initial fixing of bail, administrative purposes, or emergencies that do not deal with substantive matters or issues on the merits. SCR 4.300, Canon 3(B)(7)(a). And even these exceptions are limited to instances in which nobody will gain a procedural or tactical advantage, and the judge notifies all other parties of the substance of the ex parte communication and allows an opportunity to respond. SCR 4.300, Canon 3(B)(7)(a)(i) and (ii). (Emphasis added)

Judge Langford cites no authority for the proposition that a good faith misinterpretation of the Code of Judicial Conduct is not subject to the jurisdiction of the Commission; and we are aware of none. The Charges allege that Judge Langford considered and acted on an ex parte communications in entering the visitation order. That conduct is prohibited by Canon 3B(7). We do not believe proof that a judge's violation of a canon is in bad faith is required for the Commission to have jurisdiction. Judges are required to follow the code. It is sufficient that the charges allege that the judge engaged in the conduct and that the conduct is in violation of the Code.

The conduct alleged is clearly a violation of Canon 3B(7) of the Code of Judicial Conduct. The Commission has jurisdiction to impose sanctions for such conduct under SCR 4.020(1)(b)(v). Even if Judge Langford had good intentions as he asserts, that addresses itself to the degree of discipline, not to the jurisdiction of the Commission.

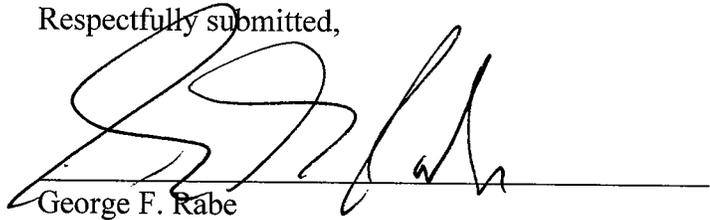
2. RECONSIDERATION

For the reasons stated above, we believe the charges allege conduct which constitutes a violation of Canon 3B(7). The exceptions are not applicable; the communications were on the merits of visitation and waiting too late to seek relief is not an emergency within the meaning of

the Canon. However, Judge Langford correctly notes that he has not had issues before the Commission other than the single instance of misconduct alleged in this case.

While Judge Langford does not state the specific relief requested on the motion to reconsider, it is apparent that he seeks a resolution that would not be attended by the publicity involved in formal proceedings which are not confidential under SCR 4.130. The request for a non-public disposition is an appeal to the Commission's discretion and not to its jurisdiction. In regard to that request, counsel for the Commission defers to discretion of the Commission.

Respectfully submitted,

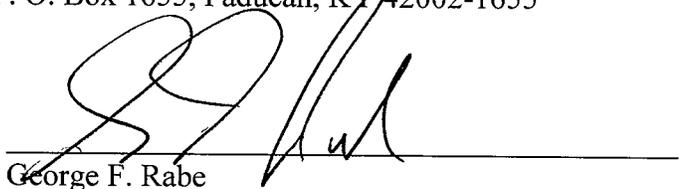


George F. Rabe
167 West Main Street
Suite 1004
Lexington, Kentucky 40507
(859) 255-2313

Counsel for the Commission

Certificate of Service

Copy hereof was on February 8, 2013, mailed to Honorable Gorman Bradley, Bradley, Freed & Grumley, P.S.C., 1634 Broadway, P. O. Box 1655, Paducah, KY 42002-1655



George F. Rabe

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**TIMOTHY A. LANGFORD, CIRCUIT JUDGE
FIRST JUDICIAL CIRCUIT**

MOTION TO EXTEND TIME FOR FINAL DISPOSITION

Pursuant to SCR 4.260(3), counsel for the Commission moves that time within which the Commission must make final disposition be extended for an additional 120 days to and including July 26, 2013, and as grounds states:

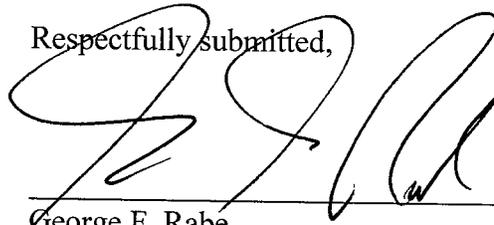
1. SCR 4.260(3) provides that the Commission shall make final disposition in formal proceedings within 180 days of notice of such proceedings, subject to extension for good cause. Formal proceedings were initiated on September 28, 2012. The initial 180 days for final disposition will end March 27, 2013.

2. SCR 4.260(3) provides that the Commission may for good cause extend the 180-day period not exceeding an additional 180 days. Judge Langford has requested and received extensions of more than 120 days for filing his answer. The additional time for Judge Langford's answer is good cause for extending the time for final disposition by the Commission.

3. This request for extension is subject to mootness by the Commission's disposition of Judge Langford's pending motion to dismiss or reconsider.

4. Proposed order for extension is tendered with this motion.

Respectfully submitted,

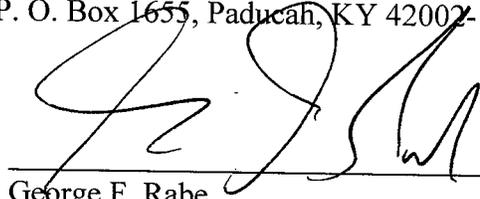


George F. Rabe
167 West Main Street, Suite 1004
Lexington, Kentucky 40507
(859) 255-2313

Counsel for the Commission

Certificate of Service

Copy hereof was on February 8, 2013, mailed to Honorable Gorman Bradley, Bradley, Freed & Grumley, P.S.C., 1634 Broadway, P. O. Box 1655, Paducah, KY 42002-1655



George F. Rabe

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

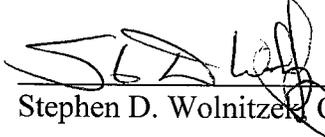
**TIMOTHY A. LANGFORD, CIRCUIT JUDGE
FIRST JUDICIAL CIRCUIT**

ORDER EXTENDING TIME FOR FINAL DISPOSITION

Upon consideration of motion for extension of time for final disposition, it appearing that the Commission has at Judge Langford's request granted extensions of more than 120 days for filing his answer, the Commission finds good cause for this extension; therefore, pursuant to SCR 4.260(3) it is by the Commission

ORDERED that time for the Commission to make final disposition in these formal proceedings is hereby extended to and including July 26, 2013.

Date: 2-22-13



Stephen D. Wolnitzer, Chair

Copies to: Gorman Bradley, Jr.
George F. Rabe

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

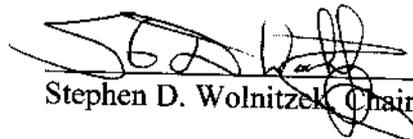
**TIMOTHY A. LANGFORD, CIRCUIT JUDGE
FIRST JUDICIAL CIRCUIT**

**ORDER DENYING MOTION TO DISMISS OR
IN THE ALTERNATIVE TO RECONSIDER**

Upon consideration of motion of Judge Langford for the Commission to dismiss the formal proceedings, or in the alternative for the Commission to reconsider its decision to initiate formal proceedings, and of the response thereto, it is by the Commission

ORDERED that motion of Judge Langford to dismiss or in the alternative to reconsider be and hereby is denied.

Date: 2-26-13



Stephen D. Wolnitzek, Chair

Copies to: Gorman Bradley, Jr.
George F. Rabe

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION
CASE NO. 2012-116**

IN RE THE MATTER OF:

**TIMOTHY A. LANGFORD, CIRCUIT JUDGE
FIRST JUDICIAL CIRCUIT**

NOTICE

Comes Gorman Bradley, Jr., of the law firm Bradley, Freed & Grumley, P.S.C. and hereby gives notice to the Commission that he withdraws as counsel for Judge Timothy A. Langford. Counsel advises the Commission that Judge Timothy A. Langford will proceed, pro se in this matter. All further correspondence should be sent directly to Judge Timothy A. Langford at 8574 State Route 1128, Hickman, Kentucky 42050.

DATED this 1st day of March, 2013.

Respectfully submitted,



GORMAN BRADLEY, JR.
Bradley, Freed & Grumley, P.S.C.
1634 Broadway, P. O. Box 1655
Paducah, KY 42002-1655
270-443-0040

CERTIFICATE OF SERVICE

I hereby certify a true and correct copy of the foregoing motion has been served by mail on the following parties on this the 1st day of March, 2013:

Hon. George F. Rabe
167 West Main Street, Suite 1004
Lexington, KY 40507
Counsel for the Commission

Ms. Jimmy A. Shaffer
Executive Secretary
Judicial Conduct Commission
P. O. Box 22208
Louisville, KY 40252-0208

Judge Timothy A. Langford
8574 State Route 1128
Hickman, KY 42050



GORMAN BRADLEY, JR.



TIMOTHY A. LANGFORD
8574 State Route 1128
HICKMAN, KENTUCKY 42050

TELEPHONE
(270) 236-2465

FAX
(270) 236-9975

March 1, 2013

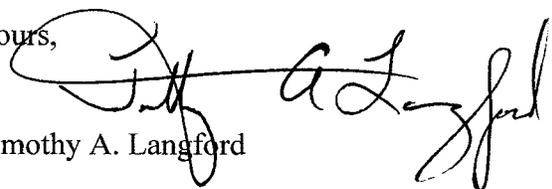
Mr. Stephen D. Wolnitzek
Judicial Conduct Commission
P.O. Box 22208
Louisville, Kentucky 40252-0208

RE: JCC Case Number 2012-116

Dear Mr. Wolnitzek,

This letter is sent to advise you that I will be representing myself in regard to the notice of a formal proceeding and charges. Please forward all pleadings directly to me at 8574 State Route 1128, Hickman, Kentucky 42050. I am sending this by both facsimile and regular mail. Thank you for your attention to this.

Yours,


Timothy A. Langford

TAL:ksl
cc: Ms. Jimmy Shaffer

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION
CASE NO. 2012-116**

IN RE: THE MATTER OF:

**TIMOTHY A. LANGFORD, CIRCUIT JUDGE
FIRST JUDICIAL CIRCUIT**

ANSWER

Comes Timothy A. Langford, pro se, and for his answer to the Notice of Formal Proceedings and Charges states as follows:

1. I serve as Circuit Judge for the First Judicial Circuit of the Commonwealth of Kentucky, composed of Ballard, Carlisle, Fulton and Hickman counties.

Ballard County Action 08-C-0110 was a dissolution of marriage action that involved, among other issues, the custody and visitation of two young boys, children of the marriage of Jason Allcock and Julie Allcock.

Linda Allcock, paternal grandmother of the two young boys subject of the April 6, 2012 order came to the Ballard County courthouse at about Noon on Good Friday, April 6, 2012. Circuit Court concluded at approximately 11:45 a.m. on that day. Good Friday was a half-day workday/holiday for AOC employees. The Courthouse was closing at 12:00 Noon to observe Good Friday.

Ms. Allcock, the grandmother, came to my Ballard County office and asked that her two grandsons (the product of a broken/divorced home) be able to come to her fathers' home for the family Easter egg hunt on Easter Sunday, April 8th. I asked why that was a problem. She told me that there was an EPO between her son and his former wife. I told her that I could not discuss her son's case and EPO with her. I told her that a

motion would normally have to be filed and a hearing held to consider her request. She told me that she had been trying to get her request heard by the District Court all week but had been unable to do so. The District Judge was apparently out of town. She also told me that the boys had “every year of their lives” attended this Easter celebration at their grandfather’s and that the great-grandfather was in failing health and that the 2012 Easter egg hunt might be his last.

I told her that I would look at the file and see what I could do. I believe that she remained in the Courthouse.

I looked at the 2008 divorce file and found the separation agreement which dealt with visitation, which stated in part:

VI: Visitation. The Husband shall have liberal visitation with the parties’ minor child, no less than the visitation in the Ballard County Standard Visitation schedule. The Wife agrees that she will make reasonable efforts to accommodate the Husband’s additional requests for visitation as are reasonable, provided such additional visitation shall not impair or hinder the child’s educational, social and employment obligations or activities, nor prevent involvement in other activities such as extra-curricular, sports, family and religious events. (Emphasis added.)

I looked at the Ballard District 12-D-001 EPO file to see what the allegations of violence were and what, if any, orders were in place regarding the children and the father visiting. I found that the alleged violence of the father was directed against the mother and that the father’s visitation was “suspended until further order of this Court or the Ballard Circuit Court.” (Emphasis added) See exhibit ‘A’ copy attached.

I entered the order, which is the subject of these formal proceedings, allowing the

boys to go with the grandmother to the family Easter celebration at their great-grandfather's, as they had done every year of their lives. See exhibit 'B' attached.

The following will reflect the mechanics of my thought and internal deliberations as I decided to enter this order.

a. I did not discuss with the grandmother any of the allegations in, nor any aspect of the pending EPO case. This discussion did not deal with substantive matters or issues on the merits of the EPO. Canon 3(B)(7)(a)

b. The circumstances required action. Either a denial of the request or granting the request. The Courthouse was closed for the Easter holiday when the grandmother came. She had no other access to justice for the boys open to her before Easter Sunday, April 8, 2012. I considered this an emergency for the boys. If I did not grant the request the boys would, for the first time in their lives, miss this paternal family Easter celebration.

This was not an emergency for the parents (mother and father). It was an emergency for these two young boys. Part of the high calling of my office is to afford protection of every persons' rights, especially the rights of children, who often cannot speak for themselves.

I did not ask the grandmother what the boys' mother thought about the children attending this Easter celebration. Had I asked this question, the grandmother could and would have told me that the mother was okay with the boys going as long as she (the mother) did not violate the EPO by allowing them to attend. Further, inquiry by me would have resulted in the grandmother informing me that the mother had also told the grandmother that it was alright for her (the grandmother) to contact the court and get an

order (or some papers) that would allow the boys to attend the Easter celebration. (Affidavit of Linda Allcock Exhibit 'C' and Affidavit of Julie Gordon Exhibit 'D' attached)

This information would place the discussion with the grandmother squarely under Canon 3 B(7)(d).

“A judge may, with the consent of the parties, confer separately with the parties and their lawyers in an effort to mediate or settle matters pending before the judge.”

Had I asked these questions I could have included this information in the preamble of the April 6, 2012 order. This would have given anyone who might look at the order the information needed to see that the anonymous complaint filed against me with this commission was not based in fact.

The complaint alleged that there was a “secret meeting”. There was nothing secret about Ms. Allcock coming to the Ballard County Courthouse on April 6, 2012, since her former daughter-in-law and mother of the children, had given her permission to do so.

The complainant did not possess knowledge of the facts when the complaint was filed.

The mother had given her permission for and had actual knowledge that the grandmother would be approaching the Court for an okay for the boys to go to the Easter celebration.

2. Regarding the paragraph that begins on page 2 of the Notice, I deny that my

actions, as outlined above, constituted misconduct in office and violated SCR 4.020 (1)(b)(i) and (v) and SCR 4.3

3. In response to the paragraph that begins on page 3 of the Notice, I deny all of the allegations of misconduct in office.

(a) I observed the highest standards of conduct required by Canon 1. Nothing about entering the order allowing two young boys to attend an Easter egg hunt detracted from the independence and integrity of the judiciary.

Quite the opposite. It shows a judiciary who will protect the “least of these,” the children who often do not have a voice. I did not shrink from my duty, rather I did what I could and what I thought right, just and proper in entering the order. There was not a wink and nod here. All that was done was done in the “light of day”. I welcome public scrutiny of my actions on April 6, 2012.

(b) I respected and complied with the law and acted in a manner that promotes public confidence in the integrity and impartiality of the judiciary required by Canon 2(A). The grandmother, at the request of the mother, had unsuccessfully attempted all week to contact the District Judge who entered the Domestic Violence Order. My actions reflected in the April 6, 2012 Order satisfied the request of the mother. More important, my Order allowed two young boys to attend a religious and family holiday as they had been allowed to do since birth. The best interest of the two boys was protected.

My action showed that this judge cares about two boys that he does not know. I did not turn a deaf ear to the plea of the grandmother who wanted her two grandsons to celebrate Easter as they had done every year at the family Easter egg hunt. She did not want her grandsons penalized for the alleged misconduct of her son subject of the

EPO/DVO.

I could have wrung my hands and said to the grandmother, “You’re too late.” Rather I utilized the Canons to further the interest of justice to protect the best interest of the boys. I found this to be an emergency under SCR 4.3, Canon 3(B)(7) and thus entered the Order.

(c) I was faithful to the law as required by Canons 3(A) and (B)(2). I was approached as the Courthouse was being cleared for the Good Friday holiday. I extended my stay to meet my judicial duties. I was faithful to the law and protected the best interest of the children in this divorce action, one of the highest callings of my office. I was not swayed by partisan interest, public clamor or fear of criticism. I simply did what I could to ensure that these two boys were able to enjoy Easter afternoon with their extended paternal family as they had always done. Again, the mother of the children was aware that a Judge would be approached and an Order would be obtained. The Order I entered was exactly as requested by the mother of the children.

(d) My actions in the brief meeting with the grandmother and entering the Order falls within the emergency exception contained in Canon 3(B)(7)(a).

“(7) A judge shall accord to every person who has a legal interest in a proceeding, or that person’s lawyer, the right to be heard according to law. With regard to a pending or impending proceeding, a judge shall not initiate, permit, or consider ex parte communications with attorneys and shall not initiate, encourage or consider ex parte communications with parties, except that:

(a) Where circumstances require, ex parte communications for scheduling, initial fixing of bail, administrative purposes or emergencies that do not deal with substantive

matters or issues on the merits are authorized; provided:

- (i) the judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the ex parte communication, and*
- (ii) the judge makes provision promptly to notify all other parties of the substance of the ex parte communication and allows and opportunity to respond.*” (Emphasis added.)

This was an emergency for the two young Allcock boys who, but for the entry of my Order, would not have been able to enjoy their Easter celebration with their entire extended paternal family.

At the time I entered the Order no party gained a procedural or tactical advantage as a result of the entry of the order. I directed the Clerk to send a copy of the Order to both parties and to give the grandmother a copy. A copy of the Order was immediately sent to the mother, Julie Allcock Gordon on April 6, 2012.

(e) I promptly, efficiently and fairly disposed of the judicial matter presented to me as required by Canon 3(B)(8).

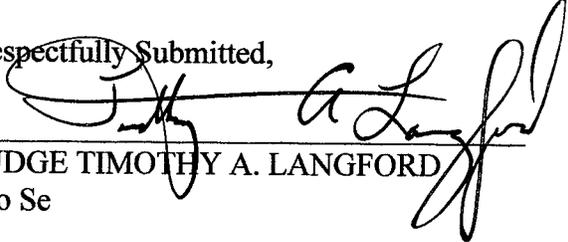
How can anyone say that I did not dispense all judicial matters promptly, efficiently and fairly? The request was first brought to my attention at about Noon on April 6, 2012. The order was entered less than an hour later on an afternoon that the Courthouse was closed for Good Friday. You simply cannot be more prompt or efficient than that. This order was fair in that it provided for the children to attend the Easter celebration with the grandparent’s supervision and further provided that the father would not be alone with them. This was exactly what the mother wanted and had requested of the grandmother.

I could have played it safe for myself and told the Grandmother that I could not help the boys because there was no time for a hearing since it was Good Friday afternoon and the Courthouse was closed. This would have all been correct. Rather than doing that, I looked to the rules and found that the situation fit the emergency exception for the boys. I acted. I entered the order allowing them to enjoy the Easter egg hunt with their family as they had done each year of their lives. I saw no downside risk for the boys as long as they were surrounded by their grandmother and extended family.

My decision to allow them to go to the Easter egg hunt was the correct decision for the boys. It obviously did open me up to the anonymous complaint filed and possible censure. This was a trade worth making for the best interest of the two young boys.

WHEREFORE, for the foregoing reasons, I respectfully request that the charges be dismissed and held for naught.

Respectfully Submitted,

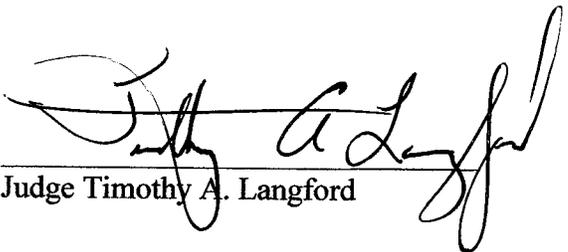


JUDGE TIMOTHY A. LANGFORD
Pro Se

CERTIFICATE OF SERVICE

I hereby certify a true and correct copy of the foregoing answer has been served by mail on the following parties on this the 6 day of March, 2013.

Ms. Jimmy A. Shaffer
Executive Secretary
Judicial Conduct Commission
P.O. Box 22208
Louisville, Kentucky 40252-0208
Hon. George F. Rabe
167 West Main Street, Suite 1004
Lexington, Kentucky 40507
Counsel for the Commission



Judge Timothy A. Langford



EMERGENCY ORDER OF PROTECTION

KRS Chapter 403;
FCRPP Part IV

Case No. **12-D-00001-001**

Court **DISTRICT**

County **Ballard** State **KY**

PETITIONER/PLAINTIFF

JULIE ELYSE ALLCOCK
First Middle Last

And/or on behalf of minor family member(s): (list name(s))

DOB and relationship of Petitioner):
WILLIAM JASON ALLCOCK (SON-6/2000); SAMUEL FORT ALLCOCK (SON-6/2005)

V.

PETITIONER/PLAINTIFF IDENTIFIERS

[Redacted] Date of Birth of Petitioner

Other Protected Persons/DOB:

ENTERED
SEP 11 2012
BALLARD COUNTY CLERK
JOLLY BURKE

RESPONDENT/DEFENDANT

JASON RAY ALLCOCK
First Middle Last

Relationship to Petitioner: spouse former spouse
 unmarried, child in common unmarried, currently
or formerly living together child stepchild
 parent grandparent person who lives in the same
household as a child(ren) if the child(ren) is the alleged victim
(justify)

Respondent Address:
7285 OSCAR RD
LACENTER Kentucky

RESPONDENT/DEFENDANT IDENTIFIERS

SEX	RACE	DOB	HT	WT
M	W	[Redacted]	6-4	250
EYES	HAIR	Social Security #		
		[Redacted]		
DRIVERS LICENSE #		STATE	EXP. DATE	
[Redacted]		KY		

Distinguishing Features

CAUTION: Weapon involved Armed and Dangerous Divorce/Custody/Visitation case pending

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and Kentucky law providing Respondent notice and opportunity to be heard.

Additional findings of this order are as set forth below.

THE COURT HEREBY ORDERS:

- That the above-named Respondent be restrained from committing further acts of abuse or threats of abuse.
- That the above-named Respondent be restrained from any contact with the Petitioner/Plaintiff.
- Additional terms of this order are as set forth below.

The terms of this order shall be effective until the hearing provided for in KRS 403.740(4) or in KRS 403.745, or until withdrawn by the Court. SEE ATTACHED SUMMONS FOR DATE AND TIME OF HEARING. KRS 403.740(4).

Continuance of an **unserved** EPO is limited to six (6) months. If Respondent has not been served with this order and the Court has not otherwise withdrawn it, this order will expire in six (6) months, on **AUGUST 13 2012** KRS 403.740(6).

WARNING TO RESPONDENT:

This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, any U.S. Territory, and may be enforced by Tribal Lands (18 U.S.C. Section 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. Section 2262). Only the Court can change this order.

Exh A.

Case No. **12-D-00001-001**

ADDITIONAL FINDINGS: The Court, having reviewed the petition and being sufficiently advised, finds that the allegations indicate an immediate and present danger of domestic violence and abuse.

THEREFORE, IT IS FURTHER ORDERED:

- That the above-named Respondent be restrained from any communication with the above-named Petitioner.
- That the above-named Respondent remain at all times and places at least 500 feet (not to exceed five hundred) away from Petitioner, Petitioner's minor child(ren), and Petitioner's family or household;
- except as follows: _____

- That, Petitioner having established specific demonstrable danger, the above-named Respondent be restrained from going to or within the distance(s) specified of the location(s) described below:
 - Location: 810 TURNER LANDING RD, BARLOW KY 250 feet.
 - Location: _____ feet.
 - Location: _____ feet.
 - Location: _____ feet.
- except as follows: _____

- That the above-named Respondent be restrained from disposing of, or damaging, any property of the parties.
- That the above-named Respondent vacate the residence shared by the parties located at _____
(specific address)

- In accordance with the criteria of KRS 403.270, 403.320 and 403.822, temporary custody of _____
be awarded to _____

- In order to assist in eliminating future acts of domestic violence and abuse RESPONDENT'S VISITATION WITH THE PARTIES' MINOR CHILDREN IS SUSPENDED UNTIL FURTHER ORDER OF THIS COURT OR THE BALLARD CIRCUIT COURT

VIOLATION OF THIS ORDER SHALL CONSTITUTE CONTEMPT OF THIS COURT AND MAY RESULT IN CRIMINAL CHARGES. ANY PEACE OFFICER SHALL ARREST THE RESPONDENT WITHOUT A WARRANT UPON PROBABLE CAUSE THAT A VIOLATION OF THIS ORDER HAS OCCURRED.

2-13-12
Date Issued

[Signature]
Judge

Copies to:
Court file; Petitioner; Court Clerk in county of Petitioner's usual residence, if different; Law Enforcement Agency/dispatch center responsible for LINK entry; Law Enforcement Agency(ies) designated for service; Local Dept. for Community Based Services (CHFS).
E. **Entries in boxes are complete and legible. Without correct information in each box, Order MAY NOT be entered into LINK.**

JASON ALLCOCK

PLAINTIFF

VS

JULIE ALLCOCK

DEFENDANT

ORDER

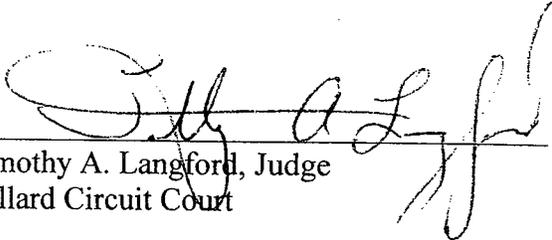
The court having been informed that the Ballard District Court has entered an order of Protection which is restricting the petitioners visitation with his minor children, the court having further been advised that the petitioners family has an annual Easter get together involving a Easter egg hunt and other activities, the Court having reviewed the file and being otherwise sufficiently advised;

IT IS THE ORDER OF THIS COURT that the grandmother of the two minor children, is hereby ordered and allowed to pick up the minor children at 12 noon on Easter Sunday for the purpose of taking the children to the family Easter gathering.

IT IS FURTHER THE ORDER OF THIS COURT that the grandmother shall return the children at 5pm to the care and custody of the children's mother.

IT IS FURTHER THE ORDER OF THIS COURT should the father be present at the gathering, it will Not be a violation of Order of Protection entered in action 12-D-001 since the father's time will be supervised at the family gathering by the grandmother.

This the 6 day of April, 2012



Timothy A. Langford, Judge
Ballard Circuit Court

Exh. B

AFFIDAVIT OF LINDA ALLCOCK

Comes the Affiant, after being first duly sworn, and for her Affidavit herein states as follows:

1. My name is Linda Allcock and I am the mother of Jason Allcock and grandmother of Will and Sam Allcock. Will and Sam Allcock are the children born into the marriage of Jason Allcock and Julie Allcock, n/k/a Julie Gordon.

2. I previously submitted a hand-written statement to Judge Timothy A. Langford. It is my understanding that statement was furnished to the Commission. Every allegation contained in that statement is true and correct to the best of my knowledge and belief.

3. I am the former mother-in-law of Julie Gordon. I continue to have a good cordial and open relationship with Julie Gordon and Julie Gordon has always allowed me to exercise my rights and obligations as the grandmother of Will and Sam Allcock. Julie Gordon and I regularly correspond by phone or text. Julie Gordon visits in my home.

4. After the entry of the EPO and DVO in the Ballard District Court, Case No. 12-D-00001-001 I continued to have a good relationship with Julie Gordon and regularly exercised visitation with my grandchildren. I exercised the visitation with the knowledge, agreement, and assistance of Julie Gordon.

5. During the week prior to Easter of April 2012 Julie Gordon and I discussed the fact that Will and Sam Allcock would not be allowed to attend my family Easter egg hunt. I asked Julie Gordon to allow the children to attend since every member of the family would be there except Will and Sam. Julie Gordon told me that if she allowed the children to visit she would be in violation of the DVO since Jason Allcock

would be there. Julie Gordon advised me that she had no problem with the children attending the Easter egg hunt but did not want to be in violation of the DVO. Julie Gordon further advised me that as long as I could get an Order entered allowing the children to attend the Easter egg hunt that she was in agreement that the children could attend.

6. During the week prior to Easter in April of 2012 I made numerous attempts to contact Judge Keith Myers who had entered the DVO. Julie Gordon knew that I was attempting to contact Judge Myers. My sister is a neighbor of Keith Myers and even drove to his house in an attempt to discuss the matter with him. We were never able to contact Judge Myers. On Thursday before Easter we learned that Judge Myers was out of town on vacation.

7. I learned that the Ballard County Courthouse was open on the morning of Good Friday. I went to the Courthouse around noon and was told Judge Langford was still in the building.

8. Upon approaching Judge Langford I explained to him the situation as I outlined in my hand-written statement. Judge Langford told me he would review the files and if he could, he would issue an Order.

9. Immediately upon receiving a copy of the Order from the Clerk I called Julie Gordon to advise the Order had been signed. Julie Gordon asked for a copy of the Order. The Ballard Circuit Court Clerk's office scanned and emailed a copy of the Order to Julie Gordon.

10. The following Easter Sunday Julie Gordon delivered Will and Sam Allcock to my residence around 1:00 p.m. to attend the family Easter egg hunt. There were no problems that day and the boys enjoyed the Easter egg hunt.

11. I am aware that a copy of this Affidavit will be filed with the Commission. I am also aware that a signed copy of this Affidavit will be forwarded to Julie Gordon for her review.

FURTHER, the Affiant sayeth not.

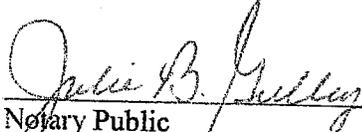
Dated this the 12th day of October, 2012


LINDA ALLCOCK, AFFIANT

STATE OF KENTUCKY)
) SS:
COUNTY OF McCracken)

Subscribed and sworn to before me by LINDA ALLCOCK on this the 12th day of October, 2012.

My commission expires: December 27, 2014.


Notary Public # 432571
State of Kentucky at Large

AFFIDAVIT OF JULIE GORDON

Comes the Affiant, after being first duly sworn, and for her Affidavit herein states as follows:

1. My name is Julie Gordon.
2. I have read and reviewed the Affidavit of Linda Allcock. I am aware that a copy of the Affidavit of Linda Allcock will be furnished to the Commission.
3. Every allegation contained in the Affidavit of Linda Allcock is true and correct to the best of my knowledge and belief.
4. In addition to the statements contained in paragraph 5 of the Affidavit of Linda Allcock, I also told Linda Allcock the boys could go to the Easter dinner if they were with her and were not left alone with Jason.
5. I am aware that a copy of this Affidavit will be filed with the Commission.

FURTHER, the Affiant sayeth not.

Dated this the 15 day of October, 2012


 JULIE GORDON, AFFIANT

STATE OF KENTUCKY)
) SS:
 COUNTY OF McCracken)

Subscribed and sworn to before me by **JULIE GORDON** on this the 15th day of October, 2012.

My commission expires: 12-26-2014.


 Notary Public
 State of Kentucky at Large
 # 432570

Exh D.

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**TIMOTHY A. LANGFORD, CIRCUIT COURT JUDGE
1ST JUDICIAL CIRCUIT**

NOTICE OF TIME AND PLACE FOR HEARING

NOTICE is hereby given that the hearing in these formal proceedings will be held commencing June 4, 2013, at 9:00 a.m. in Courtroom B, Second Floor, in the McCracken Circuit Courthouse, 301 South Sixth Street, Paducah, Kentucky 42003.

CERTIFICATE OF SERVICE

Copy hereof was mailed this 12th day of March, 2013, to Hon. Timothy A. Langford, Circuit Judge, 1st Judicial Circuit, 8574 State Route 1128, Hickman, Kentucky 42050; and George F. Rabe, 157 Kentucky Avenue, Lexington, KY 40502.


JIMMY A. SHAFFER
EXECUTIVE SECRETARY

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF

HON. TIMOTHY A. LANGFORD, CIRCUIT JUDGE
1ST JUDICIAL CIRCUIT

FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER

I

STATEMENT OF CHARGES

The Judicial Conduct Commission of the Commonwealth of Kentucky was created for the purpose of, and is vested with the jurisdiction to, initiate, hear and decide charges of official misconduct by any judge of the Court of Justice or lawyer while a candidate for judicial office, and upon a finding of such official misconduct, to impose sanctions pursuant to SCR 4.020. In furtherance of this authority and purpose, the Commission filed charges of judicial misconduct against Judge Timothy A. Langford, Circuit Judge, 1st Judicial Circuit, on September 28, 2012. (Notice of Formal Proceedings and Charges dated September 28, 2012 is attached hereto and incorporated herein by reference).

II

PROCEEDINGS

1. The Respondent, Timothy A. Langford is the Circuit Judge for the 1st Judicial Circuit consisting of Ballard, Carlisle, Fulton, and Hickman Counties, Kentucky.
2. The Commission authorized an investigation into the allegations after receipt of an anonymous complaint.

3. The Respondent was informed of the investigation and appeared *pro se* before the Commission on July 27, 2012. The Respondent was provided the factual information in the custody of the Commission for examination, pursuant to SCR 4.170(4) and was afforded an opportunity to present any other information bearing on the investigation. The Respondent provided additional information bearing on the Commission's investigation.

4. Notice of Formal Proceedings and Charges were filed against the Respondent on September 28, 2012 under Supreme Court Rule 4.180. Counsel for the Respondent requested an Order of Extension in order to further discuss the charges. On December 14, 2012, the Respondent, along with his counsel, Hon. Gorman Bradley, Jr., appeared before the Commission. Resolution of the matter was unsuccessful, and on March 7, 2013, the Respondent filed a *pro se* response to the charges.

5. On February 22, 2013, an Order was entered extending the time for final disposition by the Commission of these charges to July 26, 2013, for good cause.

6. The Respondent was provided a Notice of Hearing on March 12, 2013, setting the matter for formal hearing on June 4, 2013, at which time the Respondent appeared without counsel, testified in his own behalf, and offered other evidence.

7. A Motion to Dismiss or in the Alternative to Reconsider was filed by the Respondent through his then counsel, Hon. Gorman Bradley, Jr., subsequent to the filing of formal charges and before the hearing on said charges on June 4, 2013. These Motions and orders pertaining thereto are found in the official record of the Commission relating to the Respondent.

8. At the beginning of the hearing on June 4, 2013, counsel for the Commission requested that the rule be invoked as to the removal of witnesses from the courtroom and said Motion was sustained.

9. The six (6) voting members of the Commission in this case are as follows:
Hon. Stephen D. Wolnitzek, Judge Janet Stumbo, Judge Eddy Coleman, Judge Susan Johnson, Diane E. Logsdon and Joyce King Jennings. In attendance during the hearing were alternate members Judge Linda Rae Bramlage, Judge Laurance VanMeter, and Judge David Bowles, none of whom participated in the Commission's deliberations.

10. At the conclusion of the hearing, but before final argument of counsel for the Commission and of the Respondent, the Respondent moved the Commission to dismiss the charges as they pertain to Canon 1, Canon 2, Canon 3B(2), 3B(7) and 3B(8). These Motions were taken under submission to be ruled upon by the Commission as part of its deliberations.

The Respondent's Motions insofar as Canon 1 and Canon 3B(2) are concerned are sustained, and it is the determination of the Judicial Conduct Commission that Judge Langford did not violate Canon 1 or Canon 3B(2). The vote of the Commission on these Motions was unanimous (6-0). Insofar as the Respondent's Motion pertains to Canon 2, it was denied by a vote of 5-1. As to the Respondent's Motion pertaining to Canon 3B(7), it was denied by unanimous vote (6-0) of the Commission and as it pertains to Canon 3B(8), it was denied by unanimous vote (6-0) of the Commission.

III

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Judicial Conduct Commission concludes that the following Findings of Fact and Conclusions of Law have been established by clear and convincing evidence.

CHARGE

On April 6, 2012, in Ballard Circuit Court Action No. 08-CI-00110, Jason Allcock, Petitioner, versus Julie Allcock, Respondent, at the verbal request of the paternal grandmother of the children of the parties, Judge Langford summarily entered an Order (hereinafter Summary Order) "for the grandmother to take the children, to the family Easter gathering." (See the attached Order entered by the Court). When Judge Langford entered the Summary Order, he was aware that there was an outstanding Domestic Violence Order (DVO) against Jason Allcock which had been entered by the Ballard District Court, (See attached Domestic Violence Order). The DVO stated, "Respondent shall not be permitted visitation with the parties' minor children until further Court Order." In entering the Summary Order, Judge Langford did not direct notice to any party in the case and did not hold a hearing.

By a vote of 6-0, the Commission finds with respect to this charge that the Respondent violated SCR 4.020(1)(b)(i) and (v), and that the actions of the Respondent constituted misconduct in office, and violated SCR 4.300, the Code of Judicial Conduct, in that the Respondent failed to respect and comply with the law and to act in a manner that promotes public confidence in the integrity and impartiality of the Judiciary in violation of Canon 2, and failed to accord to every person who had a legal interest in the proceeding the right to be heard according to law, and considered and acted on ex parte communications in violation of Canon 3B(7), and failed to dispose of judicial matters fairly, in violation of Canon 3B(8).

ORDER

The Respondent has been found guilty of violating the Code of Judicial Conduct and engaging in misconduct in this matter. The Respondent allowed a non-party to an action to approach him, and without giving notice to either party to that action, nonetheless entered an

Order allowing the perpetrator of domestic violence to have visitation with his children, even though a previous Domestic Violence Order had restricted that visitation. The Respondent's basic defense was that he was confronted with an emergency because the person requesting the visitation came to him two (2) days before the date of the visitation, and that constituted the emergency. While Canon 3B(7) does allow certain items to be performed by the Court in an emergency, it does not allow matters of substance to be decided ex parte. This was clearly a matter of substance, as it was previously ordered by a Court that such visitation not take place.

Of concern to the Commission is the testimony that was adduced by the Respondent from various witnesses that when residents of this Judicial Circuit have concerns with Court Orders, they do not file Motions, but merely pick up the phone and call the Court. In fact, there was testimony from a former employee of the Commonwealth Attorney who specifically directed a phone call to the Circuit Court, and provided the phone number of the Judge to the individual. It appears that based upon proof adduced at this hearing that, not only phone calls, but even personal visits to the residence of a Judge, is not an uncommon occurrence. As the Supreme Court recently stated in its Opinion in *Commonwealth of Kentucky vs. Wilson*, 384 S.W.3d 113, (Ky., 2012) relating to ex parte contacts between traffic offenders and Judges, "One-sided contacts between Judges and lawyers or parties regarding pending and impending cases are prohibited, even in matters where the legal stakes are lower than those at issue in this case. . . ." "Courthouse culture seems to tolerate, and perhaps even encourage, in those low stakes cases a one-sided intersession with the Judge by parties, lawyers, or even elected officials. But Kentucky's Judicial Canons forbid one-sided contacts relating to all judicial proceedings, except in regards to scheduling, initial fixing of bail, administrative purposes or emergencies that do not deal with substantive matters or issues on the merits." SC 4.300, Canon 3B(7)(a). "And even

these exceptions are limited to instances in which nobody will gain a procedural or tactical advantage and the Judge notifies all other parties of the substance of the ex parte communication and allows an opportunity to respond.” SCR 4.300, Canon 3B(7)(a)(i). “A Judge must discourage ex parte communication and allow it only if all the criteria stated in Section 3B(7) are clearly met.” SCR commentary on SCR 4.300, Canon 3B(6)-(7). And “local policy” does not come within the innumerable exceptions. *Thomas v. Judicial Commission*, 77 S.W.3rd 578, 580, (Kentucky 2.2002). It is the Judge’s ethical responsibility to maintain the high standard for local practice, prohibiting improper ex parte contacts by lawyers and non-lawyers alike.

For the foregoing violations, the Commission concludes that a Public Reprimand is warranted in this case, and by a vote of 6-0, the Respondent, Timothy A. Langford, Circuit Judge, 1st Judicial Circuit, is Publicly Reprimanded.

Rule 4.270 provides that the Commission Order shall become effective within ten (10) days after service, unless an appeal is filed within that time.

I hereby certify that the above Findings of Fact, Conclusions of Law and Final Order represent an action of the Judicial Conduct Commission this 14th day of June, 2013.


STEPHEN D. WOLNITZEK
CHAIR OF THE COMMISSION

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Findings of Fact, Conclusions of Law and Final Order were mailed to Hon. Timothy A. Langford, 8574 St. Route 1128, Hickman, Kentucky 42050, and Counsel for the Commission Hon. George F. Rabe, 157 Kentucky Avenue, Lexington, Kentucky 40502 on the 17th day of June, 2013.


MS. JIMMY A. SHAFFER,
EXECUTIVE SECRETARY