

TENN. R. SUP. CT. 2.1 - GIVING PRECEDENCE TO THE DUTIES OF JUDICIAL OFFICE:

The duties of judicial office, as prescribed by law, shall take precedence over a judge's personal and extrajudicial activities. (That's the JOB!)

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WILLIAMSON

Williamson County judge says there's nothing wrong with boat trips he takes with lawyers

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A Williamson County judge said he isn't doing anything wrong when he takes boat trips with lawyers, and he denied an attorney's emergency motion for time to try to learn more about the trips.

Judge Michael Binkley confirmed in emails obtained by the USA TODAY NETWORK - Tennessee that he would attend a three-day lake trip in 2016 with several attorneys, including one who had an active case before him at the time.

More: How close can judges be with lawyers? Emails including Williamson Co. judge raise questions

"Common sense" does not endanger the public for personal gain or pleasure.

"If the public is as smart as everybody says they are, most people who have any common sense are going to say, 'What is wrong with judges and lawyers having fun together?' Nothing," Binkley said during an open court hearing on Aug. 30, the same day the USA TODAY NETWORK - Tennessee published a story about the Center Hill Lake trips.

Binkley, who didn't respond to a request for comment before that story published, said at the hearing he looks forward to the boat trips each year.

Virginia Story, the attorney who invited Binkley on the trip in 2016, had an active case before the judge in circuit court, which sparked questions about whether judges can remain fair and impartial when presiding over cases while simultaneously vacationing with attorneys in those cases.

Story, who attended the hearing where Binkley discussed the trips, said they were "benign."

"They are absolutely a blast," Binkley said. "I am with my friends, who are lawyers. Some family

members are there. We all, I think would agree 110 percent, have some of the best times we've ever had. It is so much fun.

With great power comes great responsibility and the need for public integrity and trust that exceeds that of almost every other profession.

"I pay for my own gas. I pay for my — whatever I pay for," Binkley said.

Binkley addressed the trips after attorney Connie Reguli filed an emergency motion to suspend the proceedings in a case involving her client, Sam Clemmons, until they could complete an open records request into the emails to learn the extent of the trips.

For a person to hold the power to almost instantly destroy and deprive a persons life, liberty, and property... the public has a right to demand their hands remain reasonably clean and uncompromising.

The judge denied that motion.

He stressed that there's nothing wrong with lawyers and judges having a good time outside of work, "as long as you're not doing anything improper."

"People can assume whatever they want to. That's their business. But we're not so stupid, irresponsible or violating rules and getting special treatment out on a lake house boat, where you're all sitting around having a good time," Binkley said.

Story, who represents the defendants in Clemmons' case, said the trips at Center Hill Lake are only one day, despite emails that show the trips spanned three days, from Friday through Sunday.

I don't know any other profession where innocent members of the public lose their property, their homes, their cars, their access to family and friends, their enjoyment of both their inalienable natural rights as well as their constitutional freedoms.

"I don't know of any other profession that has to (argue against) each other every day in court and be adversaries, and fight for your clients zealously, but then we expect them to go out and go to bar functions and seminars, and sit across the aisle from each other and be friends," Story said.

Where in just one hour, a person or family can wrongfully, erroneously, or criminally suffer more damage and deprivation "under color of law", than they will literally be able to recover from, throughout the rest of their lives, combined.

"There's no way you can do that unless you have a mutual respect for each other. Respect for the way that you represent your client, and respect for the way that you carry on your family life."

There are plenty of advanced vocational opportunities in the field of law, for those individuals who are not willing to "set themselves apart", in the interest of preserving judicial integrity, public trust, and maintaining impartial tribunals.

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RULE 1.2 Promoting Confidence in the Judiciary: A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

[1] Public confidence in the judiciary is eroded by improper conduct and conduct that creates the appearance of impropriety. This principle applies to both the professional and personal conduct of a judge.

[2] A judge should expect to be the subject of public scrutiny that might be viewed as burdensome if applied to other citizens, and must accept the restrictions imposed by the Code. (<https://www.tncourts.gov/rules/supreme-court/10>)

RULE 1.3 Avoiding Abuse of the Prestige of Judicial Office: A judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so.