

JUDGE CAMILLE R. McMULLEN

Recommendation: RETAIN

Commission Vote: 6 FOR RETENTION • 3 FOR REPLACEMENT

Legal Education and Experience

Judge Camille R. McMullen received a law degree from the University of Tennessee College of Law in 1996. She served as law clerk for Judge Joe Riley in the Tennessee Court of Criminal Appeals during 1996. She joined the District Attorney's office of the 30th Judicial District in 1997 where she prosecuted cases until 2001. Judge McMullen then became an Assistant U.S. Attorney for the Western District of Tennessee, where she prosecuted cases from 2001 until June, 2008, when she was appointed by the Governor to serve on the Court of Criminal Appeals. She was elected in August, 2008.

Service to the Profession

Judge McMullen is a member of the Tennessee and Memphis Bar Associations, as well as the National Bar Association. She received recognition for Outstanding Efforts in Project Neighborhood in 2002. She also was awarded the US DOJ Special Achievement Award in 2005. Judge McMullen has coached the mock trial team at Central High School in Memphis for a number of years.

Survey Results and Interview

Judge McMullen had the lowest overall rating of Court of Criminal Appeals judges from all 4 evaluating groups, appellate judges, trial judges, attorneys and court staff. She received low marks from appellate judges in the area of promptness in writing opinions. Her initial interview in December of 2013 did not alleviate the concerns of the majority of this Commission. However, her second interview in January of 2014 did alleviate the concerns of a majority of this Commission. Judge McMullen did demonstrate to the Commission in the second interview her commitment to improve the timeliness of filing her opinions and working on her relationships with court personnel and fellow judges.

Comments and Recommendation

A majority of the Commission found that after the second interview of Judge McMullen that she should be recommended for retention. The majority of the Commission found that she had unquestioned integrity, knowledge of the law and service to the profession. The majority had been concerned about her ability to communicate as was demonstrated in a poor first interview and demonstrated in poor survey results by court personnel. The majority also had concerns about Judge McMullen's preparation and attentiveness as was evidenced by her very poor turnaround time in finalizing her opinions. Finally, the majority had concerns about her effectiveness in working with other judges as was demonstrated in her poor survey results from both the appellate judges and the trial judges. Judge McMullen gave an excellent interview the second time and gave sufficient assurance to this Commission that she would improve in the above areas. A minority still expressed serious concern that Judge McMullen did not initially recognize or acknowledge in the first interview that she had a problem issuing opinions in a timely manner. Also, the survey results demonstrate that all groups surveyed identify significant issues with Judge McMullen's performance. The minority still had significant concerns that Judge McMullen did not offer the Commission any assurances at the first interview that she recognized these performance issues and had a plan to correct them. While the second interview was a significant improvement the minority did not change their initial vote to replace Judge McMullen.

The Commission recommends Judge Camille R. McMullen be retained on the Tennessee Court of Criminal Appeals.

Judge McMullen's Response

It has been said that the essential function of an appellate court judge is to ensure the fair and impartial

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application of the rule of law. I want to thank the Commission for recognizing that I have “unquestioned integrity, knowledge of the law, and service to the profession.” Should the voters of this State retain me for a second term, I will continue to work tirelessly to ensure the fair and impartial application of the law in each and every case that comes before me. Above all, I will continue to maintain my integrity as a jurist and will continue to provide exemplary service to the people of the State of Tennessee.

The Commission’s primary area of concern was a survey, which was based upon subjective information. I believe it is important for the voters of this State to consider the survey results in the proper context. Respondents were asked to rate judges on a scale of 1 to 5, with 1 being “unacceptable”, 2 being “below average”, 3 being “average”, 4 being “above average”, and 5 being “excellent.” My overall rating was a 4.14, which is “above average.”

The Commission’s concerns, which I have taken to heart, focused on the survey results in certain areas. For example, the Commission was of the opinion that the survey results from court personnel, for which I received an “above average” rating of 4.63, were “poor.” I value the court personnel in the Tennessee judicial system, and I will make every effort to increase my rating from “above average” to “excellent” in this area. From appellate and trial judges, I received an overall rating of “above aver-

age,” 4.07 and 4.04, respectively. I will continually strive to increase my rating in this area from “above average” to “excellent.”

In the area of timeliness, the survey results suggested that I had the slowest opinion turnaround time on the Court. This was of concern to the Commission. However, the objective report from the Administrative Office of the Courts (AOC) established that my rank on the court with respect to turnaround time for opinions has continually improved. In 2009, my first full year on the court, I was ranked ninth out of ten judges; in 2010, eighth out of ten judges; in 2011, eighth out of eleven judges; in 2012, sixth out of twelve judges; and in 2013, seventh out of twelve judges. As I expressed to the Commission in the second interview, the disparity between the survey results and the AOC report demonstrates the need to improve the perception of untimeliness. In addition, I will continue to refine my efforts in issuing high quality opinions in a timely manner and will make every effort to increase my survey results from “above average” to “excellent.”

I believe it is important for the voters of this State to know that the primary work product of an appellate judge is the written opinion. In this regard, I have authored over 400 opinions and have had less than 1% of them reversed. I will continue to strive to write high quality opinions and maintain a low reversal rate. Again, I would like to thank the Commission for its service and recommendation for my retention.