

**COMMONWEALTH OF KENTUCKY  
JUDICIAL CONDUCT COMMISSION**

**IN RE THE MATTER OF:**

**SAM POTTER, JR., DISTRICT COURT JUDGE  
8<sup>TH</sup> JUDICIAL DISTRICT**

**AMENDED AGREED ORDER OF SUSPENSION**

Sam Potter, Jr. is District Judge for Kentucky's 8<sup>th</sup> Judicial District consisting of Warren County. Judge Potter has waived formal proceedings and has agreed to entry of this Order.

During a preliminary investigation, the Commission received information that Judge Potter engaged in the following conduct: He consumed alcohol to a degree that it affected the performance of his duties. He appeared in court disheveled and engaged in erratic behavior. He routinely made inappropriate statements to parties and attorneys in open court. He had, on numerous occasions, failed to provide basic due process rights to criminal defendants. He engaged in ex-parte communications with defense attorneys, prosecuting attorneys, and criminal defendants who appeared before him. He often neglected his judicial responsibilities or performed them in a substandard manner.

During the period of the Commission's investigation, Judge Potter entered into an extensive in-patient treatment program. Upon his successful completion of the program, he entered into a contract with the Kentucky Lawyers Assistance Program (KYLAP) and has agreed to abide by all terms of the program and has agreed to allow the Commission to monitor his progress.

The Commission concludes that by the conduct described above, Judge Potter violated SCR 4.300, the Code of Judicial Conduct, Canon 1 by failing to maintain high standards of conduct and uphold the integrity and independence of the judiciary; Canon 2A

by failing to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary; Canon 3B(2) by failing to be faithful to the law; Canon 3B(4) by failing to be dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity; Canon 3B(7) by engaging or considering ex-parte communications; Canon 3B(8) by failing to dispose of matters promptly, efficiently, and fairly; and Canon 4A(3) by failing to conduct his extra-judicial activities so that they do not interfere with the proper performance of judicial duties.

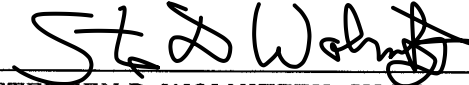
Therefore, for the foregoing conduct, Judge Potter is hereby suspended from his duties without pay for two periods of time totaling 30 days; the first period shall begin on December 15, 2015, the beginning date of the original suspension period, and end on December 31, 2015, for a total of 17 days; the second period shall begin on April 16, 2016, and end on April 28, 2016, for a total of 13 days.

During the suspension Judge Potter shall not use his office at the Warren County Justice Center. Judge Potter shall forbear from using his secure courthouse access pass and shall turn in any access passes, keys, or credentials to court security while the suspension is in effect.

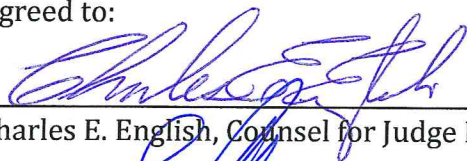
Failure to abide by the terms of the KYLAP contract shall be considered a violation of this Agreed Order and shall be cause for additional discipline.

In entering this Order with the Agreement of Judge Potter, the Commission has duly considered that he fully cooperated in the Commission's investigation and has taken appropriate steps to ensure that the offending conduct will not be repeated.

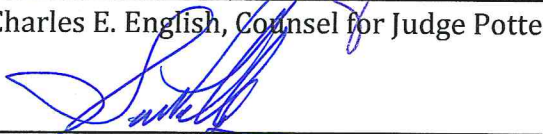
Date: December 17<sup>th</sup>, 2015

  
STEPHEN D. WOLNITZEK, CHAIR

Agreed to:



Charles E. English, Counsel for Judge Potter



Hon. Sam Potter, Jr.