

Court Clerk Claims Unintentional Rear-End Dial Led to Wrongful Ousting



Patricia Burnette Chastain, an elected court clerk in Franklin County, North Carolina, is appealing her removal from office due to alleged misconduct. Chastain's lawyer claims that her actions don't warrant removal, as they do not rise to the level of egregious misconduct, corruption, or malpractice. A local attorney filed the initial petition for her removal, and Judge Thomas Lock of Johnston County, North Carolina, ordered Chastain's removal in response. Oral arguments for her appeal were heard on February 8th.

The incident in question occurred in June 2020. Chastain was approached by several citizens who were unable to reach the on-duty magistrate that evening. Chastain subsequently called Chief Magistrate James Arnold while he was out picking up food in Raleigh, North Carolina, requesting that he send a magistrate to the office and indicating that better coverage was needed. Arnold replied that he would not send a magistrate unless he could speak directly to one of the local citizens. Chastain refused to hand over her cellphone to allow Arnold to do so. He suggested that if Chastain had any complaints, she could call his supervisor, Chief District Judge John Davis. Shortly after, Chastain unknowingly redialed Arnold's number, and he overheard her saying one of three possible phrases containing explicit language directed at Judge Davis.

Chastain's lawyer, Matthew Ballew, argued that using the F-word in the same sentence as a judge's name is not grounds for removal. The lawyer who sought Chastain's removal, Kip Nelson, argued that Chastain's intent was more important than her words. According to Nelson, Chastain made the initial call to Arnold "with the intent to undermine the public's respect for Judge Davis and Mr. Arnold and their judicial authority." Therefore, the use of explicit language directed at Judge Davis constituted willful misconduct that is egregious.

In addition to the phone call incident, Chastain faced several other accusations. These included visiting the homes of feuding neighbors to mediate their dispute, despite no case being pending before the clerk's office at the time. She also handed out coupons for free smoothies at a new business close to the courthouse to judges, lawyers, staff members, and the jury venire, despite being advised not to give potential jurors anything of value in the future. Chastain also introduced a local lawyer who was a judicial candidate to the jury pool, went to jail after a preliminary hearing to visit a suspect and fill out the required affidavit of indigency, and was the subject of improvement recommendations in an audit report that focused on employee training and increased oversight.

Chastain's brief argued that the trial judge had wrongly found that her isolated actions were sufficient for removal. The brief claimed that the trial court had taken several isolated events, each separated by substantial time, place, and actors, and concluded that Chastain had engaged in "knowing and persistently repeated conduct" that constituted the highest bar for removal of corruption or malpractice. Chastain's case had previously reached a state appeals court, which found that the trial judge who ousted her had wrongly considered evidence outside the charging affidavit. Lock ruled on remand in April 2022 that the charged actions were sufficient for removal.

In conclusion, Patricia Burnette Chastain is appealing her removal from office following several accusations of misconduct, including the use of explicit language directed at Judge Davis during a phone call. Her lawyer argues that the accusations do not warrant removal, while the lawyer who sought her removal claims that Chastain intended to undermine the public's respect for judicial authority. This case highlights the importance of maintaining professional conduct in the legal system and the potential consequences of failing to do so.

REFERENCES:

Elected court clerk says she was wrongly ousted over 'unintentional rear-end dial'