

Missouri Judge Suspended After Threatening to Expose Rival Candidate's Husband Affairs



A former judge from Missouri has been suspended for at least two years following a recording of him threatening to reveal the affairs of his rival's husband if she ran against him in a judicial election. The Missouri Supreme Court suspended Philip E. Prewitt, a former judge in Macon County, Missouri, in a January 31st opinion that was noted by the Legal Profession Blog. Following the decision, Prewitt resigned as an administrative judge for the Missouri Administrative Hearing Commission, responsible for hearing disputes involving state agencies.

Prewitt's rival made the recording at the request of the FBI. The FBI got involved after the rival received an anonymous letter to her daughter in 2018 that crudely described her husband's infidelity and named the children of other families involved in the affairs. Before the letter was found, Prewitt had allegedly mentioned the affairs to several people, including a church pastor, a former police chief, and the city's mayor, in conversations that were relayed to the rival. She believed that Prewitt intended to use her husband's conduct against her in the campaign and that he was responsible for the letter.

The rival believed that her children were unaware of the affairs, but she was aware that they could learn about them due to the ethics case. During a recorded meeting at a restaurant in Macon, Missouri, in early 2018, Prewitt denied knowledge of the letter but said that he intended to reveal the affairs. He also indicated that he was angry because the rival had sent out a mailer in a previous campaign that disputed Prewitt's judicial campaign claims. The rival filed an ethics complaint with the judicial ethics commission in March 2018 based on the recorded conversation and also contacted the client Prewitt had referenced, who then wrote to the commission.

Prewitt acknowledged that he sought to dissuade the rival from opposing him in the election, which he lost in 2018. He claimed that her husband's affairs were relevant because she would oversee divorce cases if elected and maintained that he learned of his client's affair with the rival's husband outside of representation. Prewitt had argued that he did not engage in misconduct and that no discipline should be imposed, and if there was any discipline, it should not include a suspension. He also noted his cooperation in the disciplinary process.

The Missouri Supreme Court stated that Prewitt's threats violated ethics rules requiring judges to act in a manner that promotes public confidence in the judiciary, bar judges from abusing the prestige of their office, and bar conduct prejudicial to the administration of justice. His threats also violated rules on preserving client confidence. The state supreme court pointed out that even though Prewitt said he learned of his client's affair outside of representation, his comments referencing the representation during recorded comments suggested otherwise. The state supreme court concluded that suspension was the appropriate discipline based on the American Bar Association Standards.

Philip E. Prewitt, a former judge in Macon County, Missouri, has been suspended for at least two years for violating ethics rules, including those that require judges to promote public confidence in the judiciary, bar them from abusing their office, and bar conduct prejudicial to the administration of justice. The state supreme court found Prewitt's threats inappropriate and caused potential injury to his former client and the legal system.

REFERENCES:

Ex-judge is suspended after secret recording by possible rival candidate revealed threat