

## **Court refuses to bump judge for comment in custody case**

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A comment by a Dickson County judge that he sets parental visitation "so absolutely ridiculous that nobody can adhere to it" is insufficient grounds to remove him from a child visitation dispute, a court ruled.

A ruling issued Wednesday by the Tennessee Court of Appeals attributed the statement to Juvenile Court Judge Andrew Jackson. It said the comment was made before the start of a Jan. 30 hearing to consider permanent visitation being requested by a father.

Jackson was quoted by the appeals court ruling as saying, "Before we get started on this, I want everybody to understand I don't set visitation. If I do, I specifically make it so absolutely ridiculous that nobody can adhere to it. And I hold people in contempt and put them in jail for it."

Writing for the appeals court, Judge W. Frank Crawford said that "while we note that Judge Jackson's comments, when read from the record, do seem a bit brusque, not every comment by a judge that can be deemed improper requires recusal." Jackson declined to comment yesterday, citing judicial rules prohibiting him from discussing cases outside court.

Nashville legal scholar David Raybin said it's a judge's job to set visitation when parties can't agree. "Certainly, judges ought to be urging people to agree on things, but if they can't, it's the judge's job to set visitation and not conditions that people can't meet."

The Court of Appeals also ruled that the child's mother, identified as Brittany Pate, had waited too long to petition the court to remove Jackson.

The Court of Appeals did not address Jackson's stated practice of not setting visitation.

In the dispute at hand, a man identified as Ray Wright sought visitation with a child born on June 15, 2001. On Feb. 13, Jackson awarded Wright visitation for seven hours every weekend.

Pate asked for a stay in the visitation order on March 12, and asked that Jackson be removed from the case.