



# Shelby County Government

**MARK H. LUTTRELL, JR.**  
MAYOR

**JUDGE PAUL G. SUMMERS**  
DOJ SETTLEMENT COORDINATOR

**TO: Honorable Mark H. Luttrell, Jr.**  
**Mayor, Shelby County, Tennessee**

**Honorable Dan H. Michael**  
**Juvenile Court Judge of Memphis & Shelby County**

**Honorable Bill Oldham**  
**Sheriff of Shelby County, Tennessee**

**Honorable Kathryn Pascover**  
**Shelby County Attorney**

**US Department of Justice**  
**Winsome Gayle, Esq.**  
**Civil Rights Division, Special Litigation Section**

**Richard Goemann, Esq.**

**Emily Keller, Esq.**

**Professor Sandra Simkins, Due Process Monitor**

**Dr. Michael Leiber, Equal Protection Monitor**

**Dr. Bernard Glos, Protection from Harm-Facility Monitor**

**FROM: Honorable Paul G. Summers, Settlement Agreement Coordinator**  
**Senior Judge (Ret.), State of Tennessee**

**DATE: September 22, 2017**

**RE: Compliance Report #10**

**In late July 2017 Mayor Mark Luttrell asked me to consider the office of Settlement Agreement Coordinator (SAC) for the Memorandum of Agreement (MOA). Although I had heard about the federal oversight by the Department of Justice (DOJ) of the Juvenile Court system in Shelby County, I did not know the details. Mayor Luttrell sent me a copy of the MOA and the 9<sup>th</sup> reports of the monitors, consultant, and the settlement coordinator. I began my study.**

**After a site visit and meeting with the Mayor's and Court's staffs, I accepted the job, subject to approval of the County Commission. I officially started on September 1<sup>st</sup>. By the time I submit this 10<sup>th</sup> coordinator's report, I will have had several site visits; numerous conferences with scores of staff; many meetings with detainees and officers; and adequate preparation for the site visit and meetings in October 2017.**

**Mayor Luttrell asked me to engage in this venture because of, as he put it, my "reputation, experience and skill sets." I appreciate his kind words and shall strive in earnest to facilitate termination of the MOA within a reasonable time frame. That is my mission. I have been in the decision making business for over forty years. I can objectively analyze a situation, and I will tell it like it is. I told the Mayor and Judge Michael that I shall advise the County and Justice about the facts, interject realism, and not hesitate to give my opinion based on my experience in the justice system.**

**I am a native Tennessean, born and raised in West Tennessee, about 50 miles from Memphis. I graduated from high school in Shelby County; I was inducted in the Shelby County Schools Hall of Fame when I was Attorney General. I know Memphis, my favorite city; and I understand Shelby County and Tennessee. I also am experienced in the political, legal, and judicial systems in the county.**

**After law school, I entered the Air Force JAG Corps for four years active duty, serving two years as a prosecutor and two as a public defender. For the next 26 years, served as a JAG officer in the TN Army National Guard, retiring as Command Staff Judge Advocate. After the Air Force, I returned to my hometown and opened up a general practice of law on court square. In the 1980s there was no public defender system in rural Tennessee; local lawyers were appointed by the court from a rotating list. The maximum fee for a jury trial was \$500, except a little higher in a capital case. I represented indigent adults and juveniles along with my civil practice. There were no state fees for court appointed lawyers unless the defendant was charged with a felony. There were no indigent fees for Juvenile Court or General Sessions. Usually the youngest, newest lawyer in the county got the bulk of the indigent cases. Unless a juvenile was transferred, there were not attorneys' fees or reimbursement. You just**

did your job, like you were taught to ethically do in law school. You represented the poor.

On several occasions I represented indigent criminal defendants in murder, rape, robbery, burglary, larceny and other felony charges. I vividly recall representing a 15 year old juvenile on a first degree murder petition filed in Juvenile Court; transferred to the Circuit Court; and indicted by the Grand Jury. Jeopardy included life imprisonment upon conviction. After many motions and a change of venue, we tried the case before a jury in Jackson, Tennessee, about 60 miles away from Somerville. The defendant, 16 years old at the time of trial, was acquitted by the jury. He had been detained or jailed for several months because he could not afford bail. After his aunt, our sole family representative, took him from Jackson back to Fayette County, I never saw him again. That was 36 years ago. The rural justice system, although underfunded and imperfect, worked.

Elected District Attorney in 1982, I prosecuted criminal cases in five rural counties of West Tennessee, with two counties contiguous to Shelby County. I had absolute control and authority over every criminal prosecution in the 25<sup>th</sup> Judicial District, including juvenile transfer motions to Circuit Court. My decisions were final, just as were the decisions of my 30 other elected DA colleagues in Tennessee. In Tennessee, the authority of an elected prosecutor is virtually unbridled and subject only to the voters every eight years and the Supreme Court's Rules of Professional Responsibility.

While DA, I was appointed by the President to be a Special Assistant U. S. Attorney, prosecuting drug cases in the U. S. District Court, Western District of Tennessee. This appointment was pursuant to OCDEF – Organized Crime & Drug Enforcement Task Force.

While DA, I was active and later President of the District Attorneys General Conference. I worked with all 95 counties in our state. I had many dealings with the Shelby County justice system. Even at that time, when the rural areas were languishing in their juvenile justice system, Shelby County was known as a gold standard. We even detained our juveniles in the Shelby County Detention Center; we had no juvenile facilities in the 25<sup>th</sup> Judicial District.

In 1990, I was appointed by the Governor, then elected statewide, as an appellate judge on the Court of Criminal Appeals. As appellate judge I wrote over 800

**lead opinions in criminal cases and participated in about 2,400 cases. I served as an appellate judge until 1999 when the Supreme Court appointed me Attorney General of Tennessee.**

**As the chief law enforcement officer and lawyer for the State, I represented every agency, department, official, and branch of State government. I supervised 350 people, 170 of whom were lawyers. I participated in scores of cases where either the State as plaintiff initiated oversight or, others, where the State as defendant participated in oversight. These were both state and federal cases. Most were consent orders. I understand about substantial compliance.**

**In 2002, as Tennessee's Attorney General, I had the privilege of successfully arguing before the U. S. Supreme Court in a death penalty/habeas corpus case on behalf of my State. I have been an advocate, either as prosecutor or defense lawyer or both, at every level of federal court in the United States. I am honored to have had those opportunities. I am blessed.**

**In 2006, I retired from state government and became a partner in a large law firm, Waller, headquartered in Nashville. I had over six years of opportunities, primarily as a criminal defense lawyer and plaintiffs' advocate, with that prestigious firm. In 2012, the Chief Justice of the Tennessee Supreme Court made me an offer I could not refuse. He asked me to return to the bench as a Senior Judge, that is, a retired judge brought back on active duty to handle complex cases statewide when other judges had conflicts.**

**On January 1, 2013, I began my tour as Senior Judge. For the next 4.5 years I traveled the state and tried cases, criminal and civil, trial and appellate, at every level of court in Tennessee. I was designated in General Sessions, Juvenile Court, Circuit Court, Criminal Court, Chancery Court, Court of Criminal Appeals, Court of Appeals, and the Supreme Court. I traveled about 100,000 judicial miles; tried cases in 46 counties; and disposed of cases and dockets in 66 different courtrooms. My term expired June 30, 2017.**

**I do not propose to be an expert in the MOA entered into by the parties in December 2012. I continue to study the documents, reports and letters. What I do understand is the criminal justice system and the juvenile justice system in Tennessee. I not only have studied it but have practiced in it at just about every position in the system. Mainly, I know who has the authority for what decisions; who has the**

**responsibility; who has control over whom; and the limitations over each branch of government. Most importantly, I know the difference between right and wrong. And I have a pretty good grasp of the judicial definition of substantial performance and compliance.**

**I shall work with the DOJ, the monitors, the consultant, the Court, the County, the Sheriff, and most importantly, the staffs - to effectuate substantial compliance in all major areas. Termination of the MOA within a reasonable time is my goal. My mission is to work hard to work myself out of a job.**

**Sincerely,**

A handwritten signature in black ink, appearing to read "Paul G. Summers", written over a large, stylized, scribbled-out area.

**Judge Paul G. Summers**

**Senior Judge (Ret.)**

**State of Tennessee**

Enclosures:

10<sup>th</sup> Compliance Report

Appendixes