



STATE OF TENNESSEE BOARD OF JUDICIAL CONDUCT

September 19, 2023

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MEMBERS OF THE TENNESSEE
BOARD OF JUDICIAL CONDUCT

FOR PUBLIC RELEASE

Dee David Gay
Board Chair

Judge R. Steven Randolph
421 East Spring Street
Suite 1C07
Cookeville, TN 38501

G. Andrew Brigham
Vice-Chair

Marshall L. Davidson, III
Disciplinary Counsel

RE: Public Reprimand
File No. B23-9389

Shane A. Hutton
Assistant Disciplinary Counsel

Dear Judge Randolph:

Jeffrey M. Atherton
H. Allen Bray
Rodney Brown
Edwena L. Crowe
C. Ashley Johnson
William C. Koch, Jr.
Camille R. McMullen
Benjamin S. Purser, Jr.
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Valerie L. Smith
Bishop Edward Stephens, Jr.
John W. Whitworth
Robert W. Wilkinson

This letter shall serve as a public reprimand pursuant to Tennessee Code Annotated section 17-5-303(e)(2)(B)(i)(c).

On or about August 3, 2023, a video was posted to the Putnam County School's Instagram page depicting you wearing your judicial robe seated on the bench in a courtroom. After introducing yourself as a general sessions and juvenile court judge, you publicly declared your intent to "really crack down on truancy problems" in your county. In addition, you announced that you "have determined" the sentence to be imposed in truancy cases and explained the details of how such cases would be resolved in your court. Specifically, you announced your decision that "every unexcused absence that a kid has in school they are going to do seven hours of community service at our local recycling center." You then explained that the sentence would entail spending Friday nights from 4:00 until 9:00 at the local recycling center and that it would be a highly unpleasant experience. Furthermore, you indicated that parents could possibly "be incarcerated up to ten days at a time for these unexcused absences."

A judge's public comments about pending or impending matters, such as those involved here, can have unintended consequences for the public, the parties, and the judge. First, such comments can undermine public perception and confidence that the judge will approach his or her cases fairly and

impartially by taking into account the unique facts and circumstances of each case. If the public is to maintain confidence in our system of justice, litigants must be afforded the “cold neutrality of an impartial court,” not one that has or appears to have predetermined matters likely to come before the court. *State v. Cannon*, 254 S.W.3d 287, 307 (Tenn. 2008).

Second, extrajudicial comments regarding pending or impending cases can give rise to a reasonable concern by those whose legal rights and freedoms are at risk about the fairness of their particular outcome.

Third, making extrajudicial comments about pending or impending cases can lead to disqualification issues for the judge.

Accordingly, public comments such as those involved here implicate Tenn. Sup. Ct. R. 10, RJC 1.2 (a judge shall act at all times in a manner that promotes public confidence in the independence and impartiality of the judiciary); Tenn. Sup. Ct. R. 10, RJC 2.10(A) (a judge shall not make any public statement that might interfere with the fairness of a matter pending or impending in any court); and Tenn. Sup. Ct. R. 10, RJC 2.10(B) (a judge shall not make any promises or pledges in connection with cases that are likely to become before the court).

The investigative panel decided to impose a public reprimand, which you have accepted. In imposing this sanction, the panel considered in mitigation that you have taken full responsibility and have offered no excuses for your actions. In addition, you have fully cooperated with disciplinary counsel and have no prior record of disciplinary action.

The Board trusts that the reprimand imposed today will result in an elevated consciousness about how to approach similar situations going forward and avoid any future conduct that undermines public confidence in the impartiality of the judiciary.

Sincerely,

A handwritten signature in blue ink, appearing to read "G. Andrew Brigham".

G. Andrew Brigham
Board Chair