



STATE OF TENNESSEE BOARD OF JUDICIAL CONDUCT

August 1, 2023

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MEMBERS OF THE TENNESSEE
BOARD OF JUDICIAL CONDUCT

FOR PUBLIC RELEASE

Dee David Gay
Board Chair

Judge James Jones, Jr.
201 Poplar Ave
5th Floor
Memphis, TN 38103

G. Andrew Brigham
Vice-Chair

Joy Scribner,
Legal Assistant/Paralegal
615-685-6156

Marshall L. Davidson, III
Disciplinary Counsel

RE: Public Reprimand
File No. B23-9328

Shane A. Hutton
Assistant Disciplinary Counsel

Dear Judge Jones:

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.
Dan Springer
Terica N. Smith
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).

I.

On March 13, 2023, you wrote letters on behalf of two defendants convicted of conspiracy to commit wire fraud in the United States District Court for the Southern District of Florida. In the letters, you vouched for the defendants' character and asked the court to "show mercy in its sentencing" for persons whom you and your spouse "had the privilege to call friend." The letters were written on official court stationery, you identified yourself in the body of the letters as a "Criminal Court Judge in Memphis, Tennessee," and you signed the letters as "Hon. James Jones, Jr." You allowed your spouse to sign the letters as well. The letters did not disclose to the court that your spouse had been a named party with the defendants in a civil case stemming from the defendants' criminal activities.

In a response submitted on June 28, 2023, you admitted to writing the letters and apologized for doing so, noting that it was not your intent to violate the Code of Judicial Conduct. In a follow-up response dated July 11, 2023, you explained that you had been asked by the defendants' lawyers to write the letters and that you were unfamiliar with "the full extent of" their cases.

II.

Although the Board of Judicial Conduct recognizes that you are relatively new to the bench and may not have intended to violate ethical standards, these circumstances are problematic in several respects. First, by writing the letters on official court stationery, identifying yourself as a judge, and signing the letters as “Hon. James Jones, Jr.,” you linked the communications to your official office and to the judiciary, creating the appearance that you were using your position as a judge to further the interests of persons with active cases under consideration. Doing so is at odds with Tenn. Sup. Ct. R. 10, RJC 3.1(E) (prohibiting the inappropriate use of court stationery).

Second, in requesting favorable treatment of parties with pending cases, you lent the prestige of judicial office for the personal benefit of others. The ethics rules are clear that “[a] judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so.” Tenn. Sup. Ct. R. 10, RJC 1.3.

Third, the letters extolled the defendants’ personal attributes and virtues in requesting leniency in imposing their respective sentences. As such, the letters were a prohibited character reference. *See* Tenn. Sup. Ct. R. 10, RJC 3.3 (“A judge shall not . . . vouch for the character of a person in a legal proceeding” absent limited circumstances not applicable here.).

Fourth, by permitting your spouse to sign the letters, you allowed a family member to leverage the prestige of judicial office to promote the personal interests of others with whom she had ties. This, too, violated Tenn. Sup. Ct. R. 10, RJC 1.3 and 3.1(E).

Finally, the letters to the court failed to disclose that your spouse had been a co-defendant with the subjects of the letters in legal proceedings collateral to their criminal cases. Although the civil suit was ultimately nonsuited as to your spouse, a lack of full disclosure under these circumstances can, and did, reasonably create an appearance of impropriety. *See* 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, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.”).

The investigative panel decided to impose a public reprimand for the conduct described above, 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 proper administration of justice.

Sincerely,

A handwritten signature in blue ink, appearing to read "G. Andrew Brigham". The signature is fluid and cursive, with a large initial "G" and a long, sweeping underline.

G. Andrew Brigham
Board Chair