



STATE OF TENNESSEE BOARD OF JUDICIAL CONDUCT

May 8, 2023

Mailing Address:
403 Seventh Avenue North, Room 202
Nashville, TN 37243

MEMBERS OF THE TENNESSEE
BOARD OF JUDICIAL CONDUCT

Dee David Gay
Board Chair

G. Andrew Brigham
Vice-Chair

Marshall L. Davidson, III
Disciplinary Counsel

Shane A. Hutton
Assistant Disciplinary Counsel

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

James M. Hivner, Clerk
401 Seventh Avenue, North
Nashville, TN 37219-1407

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

FOR PUBLIC RELEASE

Judge A. Melissa Boyd
Shelby County Criminal Justice Center
210 Poplar Avenue, Suite 3034
Memphis, TN 38103

RE: Public Reprimand
File No. B22-9105

Dear Judge Boyd:

This letter shall serve as a public reprimand pursuant to Tennessee Code Annotated section 17-5-303(e)(2)(B)(i)(c). This reprimand does not preclude, conclude, nor resolve any matters that may be pending or impending other than the issues identified below.

Since assuming office as a Shelby County Criminal Court Judge on September 1, 2022, you solicited resources and cash donations on Facebook to benefit a school. Your posts seeking these contributions from the public show you wearing your judicial robe.

In a letter dated December 21, 2022, you were notified that an investigative panel of the Board had authorized a full investigation into your social media posts pursuant to Tennessee Code Annotated section 17-5-303(c)(3). The notice informed you of your statutory obligation to respond and that your response was due within fourteen days of receiving the notice. You failed to submit any such response until February 23, 2023, beyond the deadline of January 11, 2023. On March 22, 2023, you were sent a notice that the investigation had been expanded to include the failure to timely respond to the Board's inquiry.

In a letter dated April 10, 2023, you provided your reasoning for the late response. Even under this scenario, however, you did not file the response until after the statutory deadline.

Judges are expected to maintain the highest standards of conduct at all times. Preamble, Tenn. Sup. Ct. R. 10(2). This obligation includes a prohibition against abusing “the prestige of judicial office to advance the personal or economic interests of . . . others[.]” Tenn. Sup. Ct. R. 10, RJC 1.3. Thus, conflating judicial office with promoting the private interests of others is prohibited. Here, you lent the prestige of judicial office to advance the private interests of others by soliciting money and resources on social media. As noted above, you made these solicitations from the public with images of you wearing your judicial robe.

In addition, you failed to timely respond to the Board’s inquiry into the issue. The ethical standards are clear that judges are required to cooperate with judicial disciplinary agencies, Tenn. Sup. Ct. R. 10, Rule 2.16, and the statutory duty to respond within fourteen days after service of a notice of a full investigation is not discretionary. *See* Tenn. Code. Ann. §§ 17-5-303(d)(1)(B) and (d)(3). Failing to respond to an investigation is inconsistent with a judge’s proper performance of the judge’s duties and undermines public confidence in the judiciary. *See* Tenn. Sup. Ct. R. 10, Rule 2.16, cmt 1 (cooperation with judicial disciplinary agencies “instills confidence in judges’ commitment to the integrity of the judicial system and the protection of the public”). Simply stated, failing to respond is unacceptable.

The investigative panel decided to impose a public reprimand for the conduct described above, which you have accepted. The Board trusts that the reprimand imposed today will result in an elevated consciousness about how to approach similar situations going forward, as neglecting ethical responsibilities not only reflects poorly upon the individual judge but undermines the integrity of the judicial system and the administration of justice.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dee Davis Gay", is written over the typed name. The signature is stylized and somewhat illegible due to overlapping loops and lines.

Dee Davis Gay
Board Chair