

# **BEYOND THE BENCH**

THE TENNESSEE COURT OF THE  
JUDICIARY

Presented to the Tennessee Municipal Judges Conference  
August 5<sup>th</sup>, 2011 by Tim Discenza, Disciplinary Counsel



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**Purpose of the Court**  
Tenn. Code Ann. 17-5-101

- Provide an orderly and efficient method for making inquiry into:
  - 1. The physical, mental and/or moral fitness of any Tennessee judge.
  - 2. The manner of performance of duty.
  - 3. The judge's commission of any act calculated to reflect unfavorably upon the judiciary of the state or bring the judiciary into disrepute or which may adversely affect the administration of justice in the state;  
or
  - 4. The conduct of candidates for judicial office

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**Composition of the Court**  
Tenn. Code Ann. 17-5-201

- Three judges form the Appellate Courts.
- One trial judge from each grand division of the state.(3)
- One practicing attorney from each grand division.(3)
- Three public members who are not judges or attorneys.
- One General Sessions or Juvenile Judge from each grand division.
- One Municipal Judge

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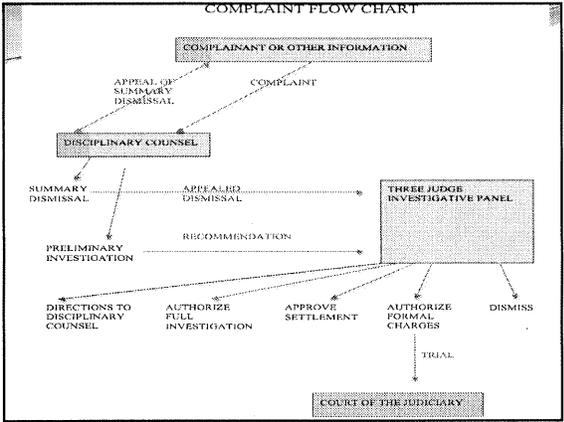
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**NATURE OF COMPLAINTS FILED**

Failure to comply with the Law	202	56%
Bias, prejudice, unfairness	42	11%
Discourtesy	13	4%
Abuse of Office	34	9%
Conflict of interest	25	8%
Delay	8	2%
<i>Ex parte</i> communication	2	.01%
Disability	3	.01%
Political violation	13	4%
Miscellaneous	17	5%
<b>TOTAL</b>	<b>359</b>	

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**July 1<sup>st</sup>, 2010 – June 30<sup>th</sup>, 2011**

Complaints filed	<b>359</b>	
Summary Dismissals (not appealed)	181	50%
Dismissed by Panel after Appeal	84	23%
Total Summary Dismissals	265	74%
<b>AVERAGE COMPLAINTS PER MONTH</b>	<b>31</b>	

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## Types of Summary Dismissals

• Complaint about Decision	115
• No facts to justify a complaint	140
• No jurisdiction over the person who is complained about	10
Total	265

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## ACCUSED JUDGE

Criminal	84	23%
Circuit	92	26%
Chancery	24	7%
General Sessions	96	27%
Juvenile	26	7%
Municipal	4	1%
Referee	8	2%
Commissioner (Magistrate)	7	2%
Probate	7	2%
Supreme Court	1	.001%
Appellate	0	0
Sr. & retired Judge	2	.002%
Other	8	2%

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## DISPOSITIONS 7/1/2010 THROUGH 06/30/2011

Dismissal by Disciplinary Counsel	181	55%
Dismissal after preliminary investigation	35	10%
Dismissal with warning after preliminary investigation	6	2%
Dismissal after appeal of summary dismissal	84	25%
Dismissal after full investigation	3	.21%
Dismissal with warning after full investigation	5	1%
Deferred Discipline Agreement	9	3%
Private Letter Reprimand	2	.01%
Private Censure	0	0%
Public Reprimand	6	2%
Public Censure	0	0%
Retired based on termination of Judge Status	2	.01%
Other	1	.01%

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**Types of Action Where Judge Received a  
Warning or Discipline**

- Failure to Comply with law  
9
- Bias, prejudice, unfairness  
7
- Conflict of Interest  
5
- Delay  
2
- Political Violation  
1
- Miscellaneous  
1

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