

ADM2020-00060

STATE OF TENNESSEE  
BOARD OF JUDICIAL CONDUCT

Mailing Address:  
P.O.Box 159036  
Nashville, TN 37215

MEMBERS OF THE TENNESSEE  
BOARD OF JUDICIAL CONDUCT

Dee David Gay  
Board Chair

Andrew G. Brigham  
Vice Chair

Marshall L. Davidson, III  
Disciplinary Counsel

Shane Hutton  
Assistant Disciplinary Counsel

Jeffrey M. Atherton  
H. Allen Bray  
Robert Carter, Jr.  
Edwena L. Crowe  
Rita Ellison  
William C. Koch, Jr.  
Camille R. McMullen  
Albert Mosley  
Benjamin Purser, Jr.  
Richard Rogers  
Dan Springer  
Terica Smith  
John Whitworth  
Robert W. Wilkinson

July 15, 2020

Judiciary Committee of the Senate  
Senator Mike Beil  
716 Cordell Hull Building  
Nashville, TN 37243

Dear Senator Beil:

Please find enclosed the Quarterly Report of the Board of Judicial Conduct covering the period of April 1, 2020 through June 30, 2020 for the Fiscal Year 2019-2020, as mandated by Tenn. Code Ann. § 17-5-207.

Sincerely,  
  
Dee Gay  
Board Chair

DDG/sp  
Enclosure

James M. Hivner, Clerk  
401 Seventh Avenue, North  
Nashville, TN 37219-1407  
615-253-1470



Adm2020-00010

STATE OF TENNESSEE  
BOARD OF JUDICIAL CONDUCT

Mailing Address:  
P.O.Box 159036  
Nashville, TN 37215

James M. Hivner, Clerk  
401 Seventh Avenue, North  
Nashville, TN 37219-1407  
615-253-1470

MEMBERS OF THE TENNESSEE  
BOARD OF JUDICIAL CONDUCT

Dee David Gay  
Board Chair

July 15, 2020

Andrew G. Brigham  
Vice Chair

Marshall L. Davidson, III  
Disciplinary Counsel

Shane Hutton  
Assistant Disciplinary Counsel

Jeffrey M. Atherton  
H. Allen Bray  
Robert Carter, Jr.  
Edwena L. Crowe  
Rita Ellison  
William C. Koch, Jr.  
Camille R. McMullen  
Albert Mosley  
Benjamin Purser, Jr.  
Richard Rogers  
Dan Springer  
Terica Smith  
John Whitworth  
Robert W. Wilkinson

Judiciary Committee of the House  
Representative Michael Curcio  
630 Cordell Hull Building  
Nashville, TN 37243

Dear Representative Curcio:

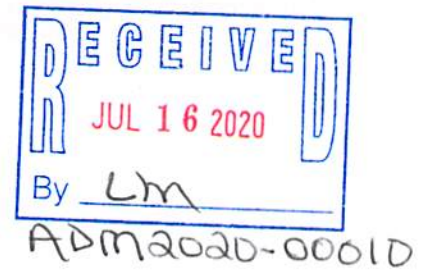
Please find enclosed the Quarterly Report of the Board of  
Judicial Conduct covering the period of April 1, 2020 through June  
30, 2020 for the Fiscal Year 2019-2020, as mandated by Tenn.  
Code Ann. § 17-5-207.

Sincerely,

  
Dee Gay  
Board Chair

DDG/sp  
Enclosure

**BOARD OF JUDICIAL CONDUCT**  
**QUARTERLY REPORT**  
 (For the period 4/1/2020 through 6/30/2020)  
 Due 7/20/2020



The number of complaints OPENED<sup>1</sup> this quarter is 66. Year to date the number is 191.

The number of complaints CLOSED this quarter is 62. Year to date the number is 181<sup>2</sup>.

The DISPOSITION of the complaints closed this quarter is:

	YTD (Year to Date)
Dismissed, complaint about court ruling----	35      94
Dismissed, no jurisdiction -----	0      6
Dismissed, inadequate factual basis -----	22      61
Dismissal with warning -----	2      5
Dismissal after full investigation -----	0      0
Deferred discipline agreement -----	0      0
Private reprimand -----	1      2
Public reprimand -----	0      0
Other -----	2      13
Retired complaint, no longer a judge -----	0      0
Cease and Desist Order-----	0      0
Suspension -----	0      0
Recommendation of removal from office --	0      0
TOTAL	62      181

The number of complaints PENDING on the last day of this quarter is 11.

The number of complaints for which PROBABLE CAUSE WAS FOUND<sup>3</sup> this quarter is 6.

1. A single complaint naming several judges is counted as a separate complaint against each judge. A complaint whose allegations encompass more than one category is listed under the most serious category alleged. This Board came into existence on July 1, 2019. Therefore, there is no five-year statistical data to compare. On March 13, 2020, the Tennessee Supreme Court declared a state of Emergency for the Judicial Branch of Tennessee government and suspended in-person court proceedings, with certain exceptions through March 31, 2020. *See In re: Covid-19 Pandemic*, No. ADM2020-00428 (Tenn. 2020). On March 25, 2020, the Tennessee Supreme Court continued the suspension of in-court proceedings through April 30, 2020. *Id.*

2. This category represents complaints were closed after July 1, 2019, but were at various stages of investigation by the previous Board of Judicial Conduct.

3. "Probable cause was found" means that Disciplinary Counsel and the investigative panel believe that there is evidence supporting the allegations against a judge and the investigative panel has authorized a full investigation pursuant to Tenn. Code Ann. § 17-5-303 (c)(2).

The number year to date is 2.

The number of complaints for which FORMAL CHARGES WERE FILED this quarter is 0.  
The number year to date is 0.

The NATURE of the complaints filed and the TYPE OF JUDGE according to the following categories is:

<b>A) Failure to comply with the law:</b>		<u>YTD</u>
Criminal -----	12	38
Circuit -----	10	29
Chancery -----	4	7
General Sessions -----	10	26
Juvenile -----	4	8
Magistrate and Referee-----	0	2
Municipal -----	1	1
Commissioner -----	1	2
Probate -----	0	2
Appellate Court -----	0	0
Senior and Retired -----	0	3
Other -----	<u>0</u>	<u>4</u> (Non-judge, deceased judge, judge from another state, etc.)
<b>TOTAL</b>	<b>80</b>	<b>122</b>

<b>B) Bias, prejudice and unfairness:</b>		<u>YTD</u>
Criminal -----	5	16
Circuit -----	4	11
Chancery -----	1	1
General Sessions -----	2	6
Juvenile -----	1	2
Magistrate and Referee-----	0	0
Municipal -----	0	0
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	0	1
Other -----	<u>1</u>	<u>3</u>
<b>TOTAL</b>	<b>14</b>	<b>40</b>

<b>C) Discourtesy:</b>		<u>YTD</u>
Criminal -----	0	0
Circuit -----	1	2
Chancery -----	0	0
General Sessions -----	0	2
Juvenile -----	0	0
Magistrate and Referee-----	0	0
Municipal -----	0	0
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	0	0
Other -----	<u>0</u>	<u>1</u>
TOTAL	1	5

<b>D) Abuse of office:</b>		<u>YTD</u>
Criminal -----	1	1
Circuit -----	0	2
Chancery -----	0	0
General Sessions -----	1	2
Juvenile -----	0	0
Magistrate and Referee-----	0	0
Municipal -----	0	0
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	0	0
Other -----	<u>0</u>	<u>0</u>
TOTAL	2	5

<b>E) Delay:</b>		<u>YTD</u>
Criminal -----	2	5
Circuit -----	1	1
Chancery -----	1	1
General Sessions -----	0	1
Juvenile -----	0	0
Magistrate and Referee-----	0	0
Municipal -----	0	0
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	0	0
Other -----	<u>0</u>	<u>2</u>
TOTAL	4	10

<b>F) Ex parte communications:</b>		<u>YTD</u>
Criminal -----	0	0
Circuit -----	0	0
Chancery -----	0	0
General Sessions -----	0	0
Juvenile -----	0	0
Magistrate and Referee----	0	0
Municipal -----	0	0
Commissioner -----	1	1
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	0	0
Other -----	<u>0</u>	<u>0</u>
TOTAL	1	1

<b>G) Disability:</b>		<u>YTD</u>
Criminal -----	0	0
Circuit -----	0	0
Chancery -----	0	2
General Sessions -----	0	0
Juvenile -----	0	0
Magistrate and Referee----	0	0
Municipal -----	0	0
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	0	0
Other -----	<u>0</u>	<u>0</u>
TOTAL	0	2

<b>H) Political violation:</b>		<u>YTD</u>
Criminal -----	0	0
Circuit -----	0	0
Chancery -----	0	0
General Sessions -----	0	0
Juvenile -----	0	0
Magistrate and Referee----	0	0
Municipal -----	0	0
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	0	0
Other -----	<u>1</u>	<u>1</u>
TOTAL	1	1

<b>I) Recusal:</b>		<u>YTD</u>
Criminal -----	0	1
Circuit -----	0	1
Chancery -----	0	0
General Sessions -----	1	1
Juvenile -----	0	0
Magistrate and Referee-----	0	0
Municipal -----	0	0
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	0	0
Other -----	<u>0</u>	<u>0</u>
<b>TOTAL</b>	<b>1</b>	<b>2</b>

<b>J) Miscellaneous:</b>		<u>YTD</u>
Criminal -----	0	0
Circuit -----	0	1
Chancery -----	0	0
General Sessions -----	0	0
Juvenile -----	0	0
Magistrate and Referee-----	0	1
Municipal -----	0	0
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	0	0
Other -----	<u>0</u>	<u>0</u>
<b>TOTAL</b>	<b>0</b>	<b>2</b>

## Member Voting

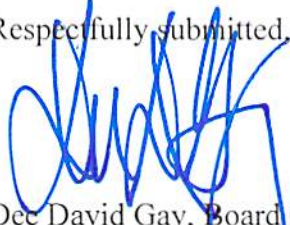
	D	FI	D(YTD)	FI(YTD)
Hon. Jeffrey Atherton	9	2	35	2
Hon. H. Allen Bray	15	1	39	1
Hon. Andrew Brigham	9	0	30	0
Hon. Robert Carter Jr	15	1	39	1
Edwena Crowe	15	1	39	1
Rita Ellison	9	2	35	2
William Koch Jr	15	0	30	0
Hon. Camille McMullen	14	1	38	1
Dr. Albert Mosley	9	0	30	0
Benjamin Purser Jr	15	0	30	0
Richard Rogers	9	0	30	0
Dan Springer	15	0	30	0
Terica Smith	14	1	38	1
Hon. John Whitworth	14	1	38	1
Robert Wilkinson	9	2	35	2

D= Dismissals

FI= Full Investigations



Respectfully submitted,

A handwritten signature in blue ink, appearing to be 'David Gay', written over the text 'Respectfully submitted,'.

Dec David Gay, Board Chair  
BOARD OF JUDICIAL CONDUCT