



FILED

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Clerk of the Appellate Courts
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Adm 2020-00010

**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

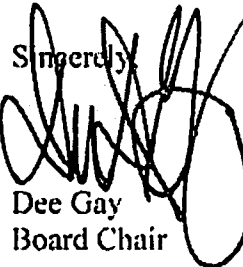
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Rita Ellison
William C. Koch, Jr.
Camille R. McMullen
Albert Mosley
Benjamin Purser, Jr.
Richard Rogers
Dan Springer
Terica Smith
John Whitworth
Robert W. Wilkinson

April 17, 2020

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

Dear Senator Bell:

Please find enclosed the Quarterly Report of the Board of Judicial Conduct covering the period of January 1, 2020 through March 31, 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. Hyner, Clerk
401 Seventh Avenue, North
Nashville, TN 37219-1407
615-253-1470



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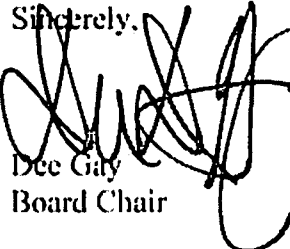
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Judiciary Committee of the House
Representative Michael Curcio
630 Cordell Hull Building
Nashville, TN 37243

Dear Representative Curcio:

Please find enclosed the Quarterly Report of the Board of Judicial Conduct covering the period of January 1, 2020 through March 31, 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 1/1/2020 through 3/31/2020)
 Due 4/20/2020

FILED
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Clerk of the Appellate Courts Rec'd By <u>LM</u>

ADM2020-0000

The number of complaints OPENED¹ this quarter is 125. Year to date the number is 125.

The number of complaints CLOSED this quarter is 119. Year to date the number is 119².

The DISPOSITION of the complaints closed this quarter is:

		YTD (Year to Date)
Dismissed, complaint about court ruling----	59	59
Dismissed, no jurisdiction -----	6	6
Dismissed, inadequate factual basis -----	39	39
Dismissal with warning -----	3	3
Dismissal after full investigation -----	0	0
Deferred discipline agreement -----	0	0
Private reprimand -----	1	1
Public reprimand -----	0	0
Other -----	11	11
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	119	119

The number of complaints PENDING on the last day of this quarter is 13.

The number of complaints for which PROBABLE CAUSE WAS FOUND³ this quarter is 2.

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:

A) Failure to comply with the law:		<u>YTD</u>
Criminal -----	26	26
Circuit -----	19	19
Chancery -----	3	3
General Sessions -----	16	16
Juvenile -----	4	4
Magistrate and Referee-----	2	2
Municipal -----	0	0
Commissioner -----	1	1
Probate -----	2	2
Appellate Court -----	0	0
Senior and Retired -----	3	3
Other -----	4	4
TOTAL	80	80 (Non-judge, deceased judge, judge from another state, etc.)

B) Bias, prejudice and unfairness:		<u>YTD</u>
Criminal -----	11	11
Circuit -----	7	7
Chancery -----	0	0
General Sessions -----	4	4
Juvenile -----	1	1
Magistrate and Referee-----	0	0
Municipal -----	0	0
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	1	1
Other -----	2	2
TOTAL	26	26

C) Discourtesy:		<u>YTD</u>
Criminal -----	0	0
Circuit -----	1	1
Chancery -----	0	0
General Sessions -----	2	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 -----	1	1
TOTAL	4	5

D) Abuse of office:		<u>YTD</u>
Criminal -----	0	0
Circuit -----	2	2
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 -----	0	0
TOTAL	3	3

E) Delay:		<u>YTD</u>
Criminal -----	3	3
Circuit -----	0	0
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 -----	2	2
TOTAL	6	6

F) Ex parte communications:		<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 -----	0	0
TOTAL	0	0

G) Disability:		<u>YTD</u>
Criminal -----	0	0
Circuit -----	0	0
Chancery -----	2	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 -----	0	0
TOTAL	2	2

H) Political violation:		<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 -----	0	0
TOTAL	0	0

I) Recusal:		<u>YTD</u>
Criminal -----	1	1
Circuit -----	1	1
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 -----	0	0
TOTAL	<u>2</u>	<u>2</u>

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

Member Voting

	D	FI	D(YTD)	FI(YTD)
Hon. Jeffrey Atherton	26	0	26	0
Hon. H. Allen Bray	24	1	24	1
Hon. Andrew Brigham	21	0	21	0
Hon. Robert Carter Jr	24	1	24	1
Edwena Crowe	24	1	24	1
Rita Ellison	26	0	26	0
William Koch Jr	15	0	15	0
Hon. Camille McMullen	24	1	24	1
Dr. Albert Mosley	21	0	21	0
Benjamin Purser Jr	15	0	15	0
Richard Rogers	21	0	21	0
Dan Springer	15	0	15	0
Terica Smith	24	1	24	1
Hon. John Whitworth	24	1	24	1
Robert Wilkinson	26	0	26	0

D= Dismissals

FI= Full Investigations

Respectfully submitted,

**Dee David Gay, Board Chair
BOARD OF JUDICIAL CONDUCT**



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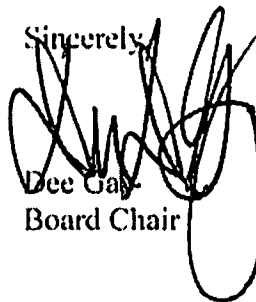
Judiciary Committee of the House
Representative Michael Curcio
630 Cordell Hull Building
Nashville, TN 37243

Dear Representative Curcio:

Please find enclosed the statistical report of the Board of
Judicial Conduct covering filings and dispositions for the month of
March, 2020, as mandated by Tenn. Code Ann. § 17-5-202.

If you have any questions or concerns, please contact me.

Sincerely,



Dee Gay
Board Chair

DDG/sp
Enclosure