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MAY 23 2016

Clerk of the Courts
Rec'd By _____

Adm2016-00039

THE TENNESSEE BOARD OF JUDICIAL CONDUCT

511 Union Street
Suite 600
Nashville, TN 37219

May 18, 2016

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

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The Honorable Donna S. Davenport
Juvenile Court Judge
Juvenile Court of Rutherford County
1710 South Church Street, Suite 1
Murfreesboro, Tennessee 37130

RE: Board of Judicial Conduct Complaint
Board of Judicial Conduct File No. B15-6170

Dear Judge Davenport:

This letter shall serve as a public letter of reprimand pursuant to your agreement with an investigative panel of this Board.

This matter involves the case of and a hearing held April 28, 2015, in the Juvenile Court of Rutherford County, Tennessee, a hearing over which you presided as Judge of the Juvenile Court.

- A. Prior to the aforementioned hearing, one of the parties (hereinafter, "father") had through counsel filed a Notice of Transfer pursuant to the provisions of Tennessee Code Annotated § 36-5-3003 "Transfer of support or custody cases," from Rutherford County to Williamson County, Tennessee, which statute provides in pertinent part that such a request requires that the case "must" be transferred "without order of the court."
- B. During the hearing, you acknowledged that the transfer was proper under the applicable law.

- C. Also during the hearing, you announced that while the transfer under the above-referenced statute was valid, the father and/or his attorneys were characterized by you as a “sneaky snake,” and further described variably the father and/or his attorneys as “conniving” having engaged in a “ploy,” and “manipulating the court schedule.”
- D. Following your comments as described herein, you directed that a transcript of the April 28 hearing be prepared and forwarded to the Williamson County Juvenile Court. The directive that a transcript be prepared and provided to the Williamson County Juvenile Court could reasonably be construed to be an action on your part designed to inform a subsequent Judge in the case of your views and attitudes of a party and his attorneys, including but not limited to your demonstrated anger with and animus toward that party and his counsel.

The Canon or Rules violated by the above-described intemperate conduct and statements are therefore the following, as they were in effect at the time of the conduct:

CANON 1 — A JUDGE SHALL UPHOLD AND PROMOTE THE INDEPENDENCE, INTEGRITY, AND IMPARTIALITY OF THE JUDICIARY, AND SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY.

RULE 1.1 Compliance with the Law

A judge shall comply with the law, including the Code of Judicial Conduct.

RULE 1.2 Promoting Confidence in the Judiciary

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.

CANON 2 — A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY, COMPETENTLY, AND DILIGENTLY.

Rule 2.8 Decorum, Demeanor, and Communication with Jurors

(A) A judge shall require order and decorum in proceedings before the court.

(B) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, court staff, court officials, and others subject to the judge’s direction and control.

Rule 2.10 Judicial Statements on Pending and Impending Cases

(A) A judge shall not make any public statement that might reasonably be expected to affect the outcome or impair the fairness of a matter pending or impending in any court, or make any nonpublic statement that might substantially interfere with a fair trial or hearing.

Upon receiving notice from Disciplinary Counsel in this matter, through counsel, you responded and have fully cooperated with the Board of Judicial Conduct. You have, through counsel, fully and without hesitation or reservation complied with and assisted the Board of Judicial Conduct in addressing and resolving this matter.

Further, you have agreed, as a condition of and part of this Reprimand to prepare a letter of apology to the father (in care of his attorney), counsel for the father, and associate counsel present for the father at the aforementioned hearing.

Accordingly, this letter constitutes a Public Reprimand for your actions in the above matter, pursuant to Tenn. Code Ann. § 17-5-301.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Craft". The signature is fluid and cursive, with the first name "Chris" and last name "Craft" clearly distinguishable.

Chris Craft
Presiding Judge

CC/bep

cc: Disciplinary Counsel
Investigative Panel

cc: Hon. Joe Riley
Attorney at Law
Attorney for Judge Davenport
P.O. Box 40
115 Lake Street
Ridgely, TN 38080