



FILED
APR 17 2020
Clerk of the Appellate Courts
Rec'd By LM

Adm 2020-0000

**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

April 17, 2020

Dee David Gay
Board Chair

Andrew G. Brigham
Vice Chair

Marshall L. Davidson, III
Disciplinary Counsel

Shane Hutton
Assistant Disciplinary Counsel

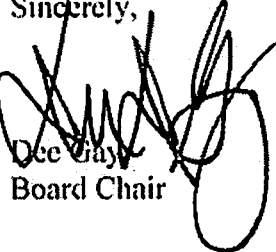
Judiciary Committee of the Senate
Senator Mike Bell
716 Cordell Hull Building
Nashville, TN 37243

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

Dear Senator Bell:

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 David Gay
Board Chair

DDG/sp
Enclosure

**BOARD OF JUDICIAL CONDUCT
MONTHLY REPORT FOR MARCH 2020**

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| <p>FILED</p> <p>APR 17 2020</p> <p>Clerk of the Appellate Courts Rec'd By <u>LM</u></p> |
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ADM2020-00010

The number and category of complaints OPENED¹:

| | <u>THIS MONTH</u> | <u>YEAR-TO-DATE</u> |
|--|-----------------------|---------------------|
| A) Failure to comply with law: ----- | 19 | 80 |
| B) Bias, prejudice and unfairness: ----- | 6 | 26 |
| C) Discourtesy: ----- | 2 | 5 |
| D) Abuse of office: ----- | 1 | 3 |
| E) Delay: ----- | 3 | 6 |
| F) Ex parte communications: ----- | 0 | 0 |
| G) Disability: ----- | 0 | 2 |
| H) Political violation: ----- | 0 | 0 |
| I) Recusal: ----- | 1 | 2 |
| J) Miscellaneous: ----- | 0 | <u>1</u> |
| TOTAL | 32 | 125 |

The number and category of complaints CLOSED:

| | <u>THIS MONTH</u> | <u>YEAR-TO-DATE</u> |
|--|-----------------------|---------------------|
| A) Failure to comply with law: ----- | 15 | 75 |
| B) Bias, prejudice and unfairness: ----- | 28 | 28 |
| C) Discourtesy: ----- | 1 | 2 |
| D) Abuse of office: ----- | 3 | 4 |
| E) Delay: ----- | 3 | 7 |
| F) Ex parte communications: ----- | 0 | 0 |
| G) Disability: ----- | 0 | 0 |
| H) Political violation: ----- | 0 | 0 |
| I) Recusal: ----- | 1 | 2 |
| J) Miscellaneous: ----- | <u>1</u> | <u>1</u> |
| TOTAL | 32 | 119 |

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. 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.*

DISPOSITION of the complaints closed by CATEGORY:

| | <u>THIS MONTH</u> | <u>YEAR-TO-DATE</u> |
|---|-----------------------|---------------------|
| A) Failure to comply with law | | |
| Dismissed, complaint about court ruling---- | 12 | 45 |
| Dismissed, no jurisdiction ----- | 0 | 6 |
| Dismissed, inadequate factual basis ----- | 2 | 19 |
| Dismissal with warning ----- | 0 | 0 |
| Dismissal after full investigation ----- | 0 | 0 |
| Deferred discipline agreement ----- | 0 | 0 |
| Private reprimand ----- | 0 | 0 |
| Public reprimand ----- | 0 | 0 |
| Other ----- | 1 | 5 |
| Retired complaint, no longer a judge ----- | 0 | 0 |
| Suspension ----- | 0 | 0 |
| Recommendation of removal from office -- | <u>0</u> | <u>0</u> |
| TOTAL | 15 | 75 |

| | <u>THIS MONTH</u> | <u>YEAR-TO-DATE</u> |
|---|-----------------------|---------------------|
| B) Bias, prejudice and unfairness: | | |
| Dismissed, complaint about court ruling---- | 2 | 14 |
| Dismissed, no jurisdiction ----- | 0 | 0 |
| Dismissed, inadequate factual basis ----- | 3 | 10 |
| Dismissal with warning ----- | 1 | 1 |
| Dismissal after full investigation ----- | 0 | 0 |
| Deferred discipline agreement ----- | 0 | 0 |
| Private reprimand ----- | 0 | 0 |
| Public reprimand ----- | 0 | 0 |
| Other ----- | 2 | 3 |
| Retired complaint, no longer a judge ----- | 0 | 0 |
| Suspension ----- | 0 | 0 |
| Recommendation of removal from office -- | <u>0</u> | <u>0</u> |
| TOTAL | 8 | 28 |

| | <u>THIS</u> <u>MONTH</u> | <u>YEAR-TO-DATE</u> |
|---|-----------------------------|---------------------|
| C) Discourtesy: | | |
| Dismissed, complaint about court ruling---- | 0 | 0 |
| Dismissed, no jurisdiction ----- | 0 | 0 |
| Dismissed, inadequate factual basis ----- | 0 | 0 |
| Dismissal with warning ----- | 1 | 1 |
| Dismissal after full investigation ----- | 0 | 0 |
| Deferred discipline agreement ----- | 0 | 0 |
| Private reprimand ----- | 0 | 0 |
| Public reprimand ----- | 0 | 0 |
| Other ----- | 0 | 1 |
| Retired complaint, no longer a judge ----- | 0 | 0 |
| Suspension ----- | 0 | 0 |
| Recommendation of removal from office -- | <u>0</u> | <u>0</u> |
| TOTAL | 1 | 2 |

| | <u>THIS</u> <u>MONTH</u> | <u>YEAR-TO-DATE</u> |
|---|-----------------------------|---------------------|
| D) Abuse of office: | | |
| Dismissed, complaint about court ruling---- | 0 | 0 |
| Dismissed, no jurisdiction ----- | 0 | 0 |
| Dismissed, inadequate factual basis ----- | 3 | 4 |
| Dismissal with warning ----- | 0 | 0 |
| Dismissal after full investigation ----- | 0 | 0 |
| Deferred discipline agreement ----- | 0 | 0 |
| Private reprimand ----- | 0 | 0 |
| Public reprimand ----- | 0 | 0 |
| Other ----- | 0 | 0 |
| Retired complaint, no longer a judge ----- | 0 | 0 |
| Suspension ----- | 0 | 0 |
| Recommendation of removal from office --- | <u>0</u> | <u>0</u> |
| TOTAL | 3 | 4 |

| | <u>THIS</u> <u>MONTH</u> | <u>YEAR-TO-DATE</u> |
|---|-----------------------------|---------------------|
| E) Delay: | | |
| Dismissed, complaint about court ruling---- | 0 | 0 |
| Dismissed, no jurisdiction ----- | 0 | 0 |
| Dismissed, inadequate factual basis ----- | 3 | 4 |
| Dismissal with warning ----- | 0 | 1 |
| Dismissal after full investigation ----- | 0 | 0 |
| Deferred discipline agreement ----- | 0 | 0 |
| Private reprimand ----- | 0 | 0 |
| Public reprimand ----- | 0 | 0 |
| Other ----- | 0 | 2 |
| Retired complaint, no longer a judge ----- | 0 | 0 |
| Suspension ----- | 0 | 0 |
| Recommendation of removal from office -- | <u>0</u> | <u>0</u> |
| TOTAL | 3 | 7 |

| | <u>THIS</u> <u>MONTH</u> | <u>YEAR-TO-DATE</u> |
|---|-----------------------------|---------------------|
| F) Ex parte communications: | | |
| Dismissed, complaint about court ruling---- | 0 | 0 |
| Dismissed, no jurisdiction ----- | 0 | 0 |
| Dismissed, inadequate factual basis ----- | 0 | 0 |
| Dismissal with warning ----- | 0 | 0 |
| Dismissal after full investigation ----- | 0 | 0 |
| Deferred discipline agreement ----- | 0 | 0 |
| Private reprimand ----- | 0 | 0 |
| Public reprimand ----- | 0 | 0 |
| Other ----- | 0 | 0 |
| Retired complaint, no longer a judge ----- | 0 | 0 |
| Suspension ----- | 0 | 0 |
| Recommendation of removal from office -- | <u>0</u> | <u>0</u> |
| TOTAL | 0 | 0 |

| | <u>THIS</u> <u>MONTH</u> | <u>YEAR-TO-DATE</u> |
|---|-----------------------------|---------------------|
| G) Disability: | | |
| Dismissed, complaint about court ruling---- | 0 | 0 |
| Dismissed, no jurisdiction ----- | 0 | 0 |
| Dismissed, inadequate factual basis ----- | 0 | 0 |
| Dismissal with warning ----- | 0 | 0 |
| Dismissal after full investigation ----- | 0 | 0 |
| Deferred discipline agreement ----- | 0 | 0 |
| Private reprimand ----- | 0 | 0 |
| Public reprimand ----- | 0 | 0 |
| Other ----- | 0 | 0 |
| Retired complaint, no longer a judge ----- | 0 | 0 |
| Suspension ----- | 0 | 0 |
| Recommendation of removal from office -- | <u>0</u> | <u>0</u> |
| TOTAL | 0 | 0 |

| | <u>THIS</u> <u>MONTH</u> | <u>YEAR-TO-DATE</u> |
|---|-----------------------------|---------------------|
| H) Political violation: | | |
| Dismissed, complaint about court ruling---- | 0 | 0 |
| Dismissed, no jurisdiction ----- | 0 | 0 |
| Dismissed, inadequate factual basis ----- | 0 | 0 |
| Dismissal with warning ----- | 0 | 0 |
| Dismissal after full investigation ----- | 0 | 0 |
| Deferred discipline agreement ----- | 0 | 0 |
| Private reprimand ----- | 0 | 0 |
| Public reprimand ----- | 0 | 0 |
| Other ----- | 0 | 0 |
| Retired complaint, no longer a judge ----- | 0 | 0 |
| Suspension ----- | 0 | 0 |
| Recommendation of removal from office -- | <u>0</u> | <u>0</u> |
| TOTAL | 0 | 0 |

| | <u>THIS</u> <u>MONTH</u> | <u>YEAR-TO-DATE</u> |
|---|-----------------------------|---------------------|
| I) Recusal: | | |
| Dismissed, complaint about court ruling---- | 0 | 0 |
| Dismissed, no jurisdiction ----- | 0 | 0 |
| Dismissed, inadequate factual basis ----- | 1 | 2 |
| Dismissal with warning ----- | 0 | 0 |
| Dismissal after full investigation ----- | 0 | 0 |
| Deferred discipline agreement ----- | 0 | 0 |
| Private reprimand ----- | 0 | 0 |
| Public reprimand ----- | 0 | 0 |
| Other ----- | 0 | 0 |
| Retired complaint, no longer a judge ----- | 0 | 0 |
| Suspension ----- | 0 | 0 |
| Recommendation of removal from office -- | <u>0</u> | <u>0</u> |
| TOTAL | 1 | 2 |

| | <u>THIS</u> <u>MONTH</u> | <u>YEAR-TO-DATE</u> |
|---|-----------------------------|---------------------|
| J) Miscellaneous: | | |
| Dismissed, complaint about court ruling---- | 0 | 0 |
| Dismissed, no jurisdiction ----- | 0 | 0 |
| Dismissed, inadequate factual basis ----- | 0 | 0 |
| Dismissal with warning ----- | 0 | 0 |
| Dismissal after full investigation ----- | 0 | 0 |
| Deferred discipline agreement ----- | 0 | 0 |
| Private reprimand ----- | 1 | 1 |
| Public reprimand ----- | 0 | 0 |
| Other ----- | 0 | 0 |
| Retired complaint, no longer a judge ----- | 0 | 0 |
| Suspension ----- | 0 | 0 |
| Recommendation of removal from office -- | <u>0</u> | <u>0</u> |
| TOTAL | 1 | 1 |