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STATE OF TENNESSEE
BOARD OF JUDICIAL CONDUCT

Mailing Address:
P.O. Box 92276
Nashville, TN 37209

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

November 16, 2020

Andrew G. Brigham
Vice Chair

Marshall L. Davidson, III
Disciplinary Counsel

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

Shane Hutton
Assistant Disciplinary Counsel

Dear Senator Bell:

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

Please find enclosed the statistical report of the Board of
Judicial Conduct covering filings and dispositions for the month of
October, 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



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ADM 2020-00010

**STATE OF TENNESSEE
 BOARD OF JUDICIAL CONDUCT**

Mailing Address:
 P.O. Box 92576
 Nashville, TN 37209

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

November 16, 2020

Andrew C. Brigham
 Vice Chair

Marshall E. Davidson III
 Disciplinary Counsel

Shane Hutson
 Assistant Disciplinary Counsel

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

Jeffrey M. Altherton
 H. Allen Bray
 Robert Carter, Jr.
 Elyse L. Crowe
 Rita Ellison
 William C. Koch, Jr.
 Cassidy K. McMullen
 Albert Mosder
 Benjamin Palmer, Jr.
 Richard Rogers
 Dan Springer
 Terica Smith
 John Whitworth
 Robert W. Wilkinson

Dear Representative Curcio:

Please find enclosed the statistical report of the Board of
 Judicial Conduct covering filings and dispositions for the month of
 October, 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

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BOARD OF JUDICIAL CONDUCT
MONTHLY REPORT FOR OCTOBER 2020

The number and category of complaints OPENED¹:

	<u>THIS MONTH</u>	<u>YEAR-TO-DATE</u>
A) Failure to comply with law: -----	20	194
B) Bias, prejudice and unfairness: -----	3	52
C) Discourtesy: -----	4	16
D) Abuse of office: -----	0	7
E) Delay: -----	1	19
F) Ex parte communications: -----	0	6
G) Disability: -----	0	2
H) Political violation: -----	0	1
I) Recusal: -----	0	4
J) Miscellaneous: -----	0	2
TOTAL ² :	28	303

The number and category of complaints CLOSED:

	<u>THIS MONTH</u>	<u>YEAR-TO-DATE</u>
A) Failure to comply with law: -----	9	179
B) Bias, prejudice and unfairness: -----	2	51
C) Discourtesy: -----	0	9
D) Abuse of office: -----	1	7
E) Delay: -----	0	19
F) Ex parte communications: -----	0	6
G) Disability: -----	0	2
H) Political violation: -----	0	1
I) Recusal: -----	0	4
J) Miscellaneous: -----	0	2
TOTAL	12	280

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.* On April 24, 2020, the Tennessee Supreme Court modified the prior suspension of in-person proceedings. See *In re: Covid-19 Pandemic*, No. ADM2020-00428 (Tenn. April 24, 2020).

2. Out of the 28 total complaints filed, 36% were filed by inmates. Similarly, out of the 28 complaints, 93% were filed by the party that lost in the underlying proceeding.

DISPOSITION of the complaints closed by CATEGORY:

	<u>THIS</u> <u>MONTH</u>	<u>YEAR-TO-DATE</u>
A) Failure to comply with law		
Dismissed, complaint about court ruling----	4	112
Dismissed, no jurisdiction -----	0	6
Dismissed, inadequate factual basis -----	2	43
Dismissal with warning -----	0	2
Dismissal after full investigation -----	0	0
Deferred discipline agreement -----	0	0
Private reprimand -----	0	2
Public reprimand -----	0	0
Other -----	3	14
Retired complaint, no longer a judge -----	0	0
Suspension -----	0	0
Recommendation of removal from office --	<u>0</u>	<u>0</u>
TOTAL	9	179

	<u>THIS</u> <u>MONTH</u>	<u>YEAR-TO-DATE</u>
B) Bias, prejudice and unfairness:		
Dismissed, complaint about court ruling----	0	24
Dismissed, no jurisdiction -----	0	0
Dismissed, inadequate factual basis -----	1	19
Dismissal with warning -----	0	2
Dismissal after full investigation -----	0	0
Deferred discipline agreement -----	0	0
Private reprimand -----	0	1
Public reprimand -----	0	1
Other -----	1	4
Retired complaint, no longer a judge -----	0	0
Suspension -----	0	0
Recommendation of removal from office --	<u>0</u>	<u>0</u>
TOTAL	2	51

	<u>THIS 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	6
Dismissal with warning -----	0	2
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	0	9

	<u>THIS 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 -----	0	6
Dismissal with warning -----	0	0
Dismissal after full investigation -----	0	0
Deferred discipline agreement -----	0	0
Private reprimand -----	0	0
Public reprimand -----	1	1
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	7

	<u>THIS MONTH</u>	<u>YEAR-TO-DATE</u>
E) Delay:		
Dismissed, complaint about court ruling----	0	2
Dismissed, no jurisdiction -----	0	0
Dismissed, inadequate factual basis -----	0	13
Dismissal with warning -----	0	1
Dismissal after full investigation -----	0	0
Deferred discipline agreement -----	0	0
Private reprimand -----	0	0
Public reprimand -----	0	3
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	19

	<u>THIS MONTH</u>	<u>YEAR-TO-DATE</u>
F) Ex parte communications:		
Dismissed, complaint about court ruling----	0	2
Dismissed, no jurisdiction -----	0	0
Dismissed, inadequate factual basis -----	0	3
Dismissal with warning -----	0	0
Dismissal after full investigation -----	0	0
Deferred discipline agreement -----	0	0
Private reprimand -----	0	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	0	6

	<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	2
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	2

	<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	1
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	1

	<u>THIS MONTH</u>	<u>YEAR-TO-DATE</u>
I) Recusal:		
Dismissed, complaint about court ruling----	0	1
Dismissed, no jurisdiction -----	0	0
Dismissed, inadequate factual basis -----	0	3
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	4

	<u>THIS 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 -----	0	1
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	0	2