

STATE OF TENNESSEE BOARD OF JUDICIAL CONDUCT



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

February 12th, 2020

Judiciary Committee of the Senate Senator Mike Bell 716 Cordell Hull Building

Nashville, TN 37243

Dear Senator Bell:

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

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

Singerely

Board Chair

DDG/sp Enclosure

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

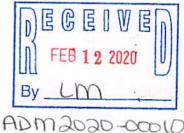
Marshall L. Davidson, III Disciplinary Counsel

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





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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 January, 2020, as mandated by Tenn. Code Ann. § 17-5-202.

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

Board Chair

DDG/sp Enclosure

FILED

FEB 1 2 2020

Clerk of the Appellate Courts Rec'd By _____

BOARD OF JUDICIAL CONDUCT MONTHLY REPORT FOR JANUARY 2020

ADM2020-00010

The number and category of complaints OPENED¹:

	<u>THIS</u>	
<u>M</u>	ONTH	YEAR-TO-DATE
A) Failure to comply with law:	- 38	38
B) Bias, prejudice and unfairness:	10	10
C) Discourtesy:	3	3
D) Abuse of office:	1	1
E) Delay:	1	1
F) Ex parte communications:	0	0
G) Disability:	1	1
H) Political violation:	0	0
I) Recusal:	1	1
J) Miscellaneous:	1	<u>1</u>
TOTAL	56	56

The number and category of complaints CLOSED:

	<u>THIS</u>	
]	MONTH	YEAR-TO-DATE
A) Failure to comply with law:	33	33
B) Bias, prejudice and unfairness:	9	9
C) Discourtesy:	1	1
D) Abuse of office:	0	0
E) Delay:	2	2
F) Ex parte communications:	. 0	0
G) Disability:	0	0
H) Political violation:	- 0	0
I) Recusal:	- 0	0
J) Miscellaneous:	· <u>0</u>	_0
TOTAL	45	45

^{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.

DISPOSITION of the complaints closed by CATEGORY:

<u>THIS</u> <u>MONTH</u>	YEAR-TO-DATE
A) Failure to comply with law	
Dismissed, complaint about court ruling 12	12
Dismissed, no jurisdiction 6	6
Dismissed, inadequate factual basis 13	13
Dismissal with warning 0	0
Dismissal after full investigation 0	Ö
Deferred discipline agreement 0	0
Private reprimand 0	0
Private censure 0	Ö
Public reprimand 0	0
Public censure 0	0
Other 2	2
Retired complaint, no longer a judge 0	0
Suspension 0	0
Recommendation of removal from office 0	0
TOTAL $\overline{33}$	33
<u>THIS</u>	
<u>THIS</u> <u>MONTH</u>	YEAR-TO-DATE
	YEAR-TO-DATE
MONTH	YEAR-TO-DATE 5
B) Bias, prejudice and unfairness:	
MONTH B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling 5 Dismissed, no jurisdiction 0	5
MONTH B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling 5	5 0
MONTH B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling 5 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 4 Dismissal with warning 0	5 0 4
MONTH B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling 5 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 4	5 0 4 0
MONTH B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling 5 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 4 Dismissal with warning 0 Dismissal after full investigation 0	5 0 4 0
MONTH B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling 5 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 4 Dismissal with warning 0 Dismissal after full investigation 0 Deferred discipline agreement 0	5 0 4 0 0
MONTH B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling 5 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 4 Dismissal with warning 0 Dismissal after full investigation 0 Deferred discipline agreement 0 Private reprimand 0	5 0 4 0 0 0
MONTH B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling 5 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 4 Dismissal with warning 0 Dismissal after full investigation 0 Private reprimand 0 Private censure 0	5 0 4 0 0 0 0
MONTH B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling 5 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 4 Dismissal with warning 0 Dismissal after full investigation 0 Private reprimand 0 Private censure 0 Public reprimand 0	5 0 4 0 0 0 0 0
B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling 5 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 4 Dismissal with warning 0 Dismissal after full investigation 0 Private reprimand 0 Private censure 0 Public reprimand 0 Public censure 0	5 0 4 0 0 0 0 0 0
MONTH B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling	5 0 4 0 0 0 0 0 0 0
MONTH B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling 5 5 Dismissed, no jurisdiction 0 0 Dismissed, inadequate factual basis 4 4 Dismissal with warning 0 0 Dismissal after full investigation 0 0 Private reprimand 0 0 Private censure 0 0 Public reprimand 0 0 Public censure 0 0 Other 0 0 Retired complaint, no longer a judge 0	5 0 4 0 0 0 0 0 0 0 0

	<u>THIS</u>	
<u>M</u>	<u>IONTH</u>	YEAR-TO-DATE
C) Discourtesy:		
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
Private censure	0	0
Public reprimand	· - 0	0
Public censure	0	0
Other	1	1
Retired complaint, no longer a judge	- 0	0
Suspension	0	0
Recommendation of removal from office -	<u>0</u>	_0
TOTAL	1	1

<u>T</u>	<u>HIS</u>	
<u>MO</u>	<u>NTH</u>	YEAR-TO-DATE
D) Abuse of office:		
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
Private reprimand		0
Private censure		0
Public reprimand	0	0
Public censure	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>	YEAR-TO-DATE
E) Delay:	
Dismissed, complaint about court ruling 0	0
Dismissed, no jurisdiction 0	0
Dismissed, inadequate factual basis 1	1
Dismissal with warning 1	1
Dismissal after full investigation 0	0
Deferred discipline agreement 0	0
Private reprimand 0	0
Private censure 0	0
Public reprimand 0	0
Public censure 0	0
Other 0	0
Retired complaint, no longer a judge 0	0
Suspension 0	0
Recommendation of removal from office 0	_0
$\overline{1}$	
<u>THIS</u>	
<u>THIS</u> <u>MONTH</u>	YEAR-TO-DATE
	YEAR-TO-DATE
MONTH	YEAR-TO-DATE
MONTH F) Ex parte communications: Dismissed, complaint about court ruling 0 Dismissed, no jurisdiction 0	_
MONTH F) Ex parte communications: Dismissed, complaint about court ruling 0	0
MONTH F) Ex parte communications: Dismissed, complaint about court ruling 0 Dismissed, no jurisdiction 0	0 0
MONTH F) Ex parte communications: Dismissed, complaint about court ruling 0 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 0	0 0 0
MONTH F) Ex parte communications: Dismissed, complaint about court ruling 0 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 0 Dismissal with warning 0 Dismissal after full investigation 0 Deferred discipline agreement 0	0 0 0 0
MONTH F) Ex parte communications: Dismissed, complaint about court ruling 0 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 0 Dismissal with warning 0 Dismissal after full investigation 0 Deferred discipline agreement 0 Private reprimand 0	0 0 0 0
MONTH F) Ex parte communications: Dismissed, complaint about court ruling 0 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 0 Dismissal with warning 0 Dismissal after full investigation 0 Private reprimand 0 Private censure 0	0 0 0 0 0
MONTH F) Ex parte communications: Dismissed, complaint about court ruling 0 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 0 Dismissal with warning 0 Dismissal after full investigation 0 Private reprimand 0 Private censure 0 Public reprimand 0	0 0 0 0 0 0
MONTH F) Ex parte communications: Dismissed, complaint about court ruling 0 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 0 Dismissal with warning 0 Dismissal after full investigation 0 Private reprimand 0 Private censure 0	0 0 0 0 0 0
MONTH F) Ex parte communications: Dismissed, complaint about court ruling 0 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 0 Dismissal with warning 0 Dismissal after full investigation 0 Private reprimand 0 Private censure 0 Public reprimand 0	0 0 0 0 0 0 0
MONTH F) Ex parte communications: Dismissed, complaint about court ruling 0 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 0 Dismissal with warning 0 Dismissal after full investigation 0 Private reprimand 0 Private censure 0 Public reprimand 0 Public censure 0 Other 0 Retired complaint, no longer a judge 0	0 0 0 0 0 0 0 0
MONTH F) Ex parte communications: Dismissed, complaint about court ruling 0 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 0 Dismissal with warning 0 Dismissal after full investigation 0 Private reprimand 0 Private censure 0 Public reprimand 0 Public censure 0 Other 0	0 0 0 0 0 0 0 0
MONTH F) Ex parte communications: Dismissed, complaint about court ruling 0 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 0 Dismissal with warning 0 Dismissal after full investigation 0 Private reprimand 0 Private censure 0 Public reprimand 0 Public censure 0 Other 0 Retired complaint, no longer a judge 0	0 0 0 0 0 0 0 0 0

<u>T</u>	<u>HIS</u>	
MC	NTH	YEAR-TO-DATE
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
Private censure	0	0
Public reprimand	0	0
Public censure	0	0
Other	0	0
Retired complaint, no longer a judge	0	0
Suspension	0	0
Recommendation of removal from office	0	_0
TOTAL	0	0

<u>T</u>	<u>HIS</u>	
<u>M</u> C	<u>NTH</u>	YEAR-TO-DATE
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
Private censure	0	0
Public reprimand	0	0
Public censure	0	0
Other	0	0
Retired complaint, no longer a judge	· 0	0
Suspension	0	0
Recommendation of removal from office	<u>0</u>	_0
TOTAL	0	0

_ 77	HIS	VEAD TO DATE
	<u>NTH</u>	YEAR-TO-DATE
I) Recusal: Dismissed, complaint about court ruling	0	0
Dismissed, complaint about court ranng Dismissed, no jurisdiction		0
Dismissed, no jurisdiction Dismissed, inadequate factual basis		0
Dismissal with warning		0
Dismissal after full investigation		0
Deferred discipline agreement		0
Private reprimand		0
Private censure		0
Public reprimand		0
Public censure		0
Other		Ö
Retired complaint, no longer a judge	-	0
Suspension		0
Recommendation of removal from office		Ŏ
TOTAL	0	<u></u>
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т	HIS	
	<u>HIS</u> ONTH	YEAR-TO-DATE
		YEAR-TO-DATE
<u>M</u> C	<u>NTH</u>	<u>YEAR-TO-DATE</u> 0
J) Miscellaneous:	<u>0</u>	
J) Miscellaneous: Dismissed, complaint about court ruling	0 0 0	0
J) Miscellaneous: Dismissed, complaint about court ruling Dismissed, no jurisdiction	0 0 0 0	0
J) Miscellaneous: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis	0 0 0 0 0	0 0 0
J) Miscellaneous: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning	0 0 0 0 0 0	0 0 0 0
J) Miscellaneous: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation	0 0 0 0 0 0 0	0 0 0 0
J) Miscellaneous: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Deferred discipline agreement Private reprimand Private censure	0 0 0 0 0 0 0 0	0 0 0 0 0
J) Miscellaneous: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Deferred discipline agreement Private reprimand Private censure	0 0 0 0 0 0 0 0	0 0 0 0 0 0
J) Miscellaneous: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Deferred discipline agreement Private reprimand	0 0 0 0 0 0 0 0 0	0 0 0 0 0 0
J) Miscellaneous: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Private reprimand Private censure Public reprimand Public censure Other	0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0
J) Miscellaneous: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Private reprimand Private censure Public reprimand Public censure	0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0
J) Miscellaneous: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Private reprimand Private censure Public reprimand Public censure Other Retired complaint, no longer a judge Suspension	ONTH 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0
J) Miscellaneous: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Private reprimand Private censure Public reprimand Public censure Other Retired complaint, no longer a judge	ONTH 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0