

STATE OF TENNESSEE BOARD OF JUDICIAL CONDUCT

FILED

AUG 1 8 2020

Clerk of the Appellate Courts

ADM 2020-00010

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

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

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

Board

DDG/sp Enclosure



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

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

DDG/sp Enclosure

BOARD OF JUDICIAL CONDUCT MONTHLY REPORT FOR JULY 2020

The number and category of complaints OPENED¹:

·	<u>rhis</u>	
<u>M</u>	ONTH	YEAR-TO-DATE
A) Failure to comply with law:	15	137
B) Bias, prejudice and unfairness:	1	40
C) Discourtesy:	3	9
D) Abuse of office:	2	7
E) Delay:	7	17
F) Ex parte communications:	2	3
G) Disability:	0	2
H) Political violation:	0	1
I) Recusal:	0	3
J) Miscellaneous:	0	<u>2</u>
TOTAL ² :	30	221

The number and category of complaints CLOSED:

	THIS	
	MONTH	YEAR-TO-DATE
A) Failure to comply with law:	16	132
B) Bias, prejudice and unfairness:	. 2	43
C) Discourtesy:	- 1	6
D) Abuse of office:	. 0	5
E) Delay:	. 7	15
F) Ex parte communications:	- 1	2
G) Disability:	. 2	2
H) Political violation:	- 1	1
I) Recusal:	- 0	3
J) Miscellaneous:	- <u>0</u>	<u>_2</u>
TOTAL	30	211

^{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 30 total complaints filed, 50% were filed by inmates. Similarly, out of the 30 complaints, 93% were filed by the party that lost in the underlying proceeding.

DISPOSITION of the complaints closed by CATEGORY:

A) Failure to comply with law	<u>THIS</u> MONTH	YEAR-TO-DATE
Dismissed, complaint about court ruling-	14	84
Dismissed, no jurisdiction		6
Dismissed, inadequate factual basis		33
Dismissal with warning		2
Dismissal after full investigation		0
Deferred discipline agreement		0
Private reprimand		0
Public reprimand		0
Other		7
Retired complaint, no longer a judge	•	Ó
		0
Suspension Recommendation of removal from office		0
	; <u>- 0</u> 16	132
IOIAL	10	132
	THIS	VEAD TO DATE
•	<u>THIS</u> MONTH	YEAR-TO-DATE
B) Bias, prejudice and unfairness:	MONTH	
B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling-	<u>MONTH</u> 0	22
B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling- Dismissed, no jurisdiction	MONTH 0 0	22 0
B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling- Dismissed, no jurisdiction Dismissed, inadequate factual basis	MONTH 0 1	22 0 15
B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling- Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning	MONTH 0 1 1	22 0 15 2
B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling- Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation	MONTH 0 1 1	22 0 15 2
B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling- Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Deferred discipline agreement	MONTH 0 1 1 0	22 0 15 2 0
B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling- Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Deferred discipline agreement Private reprimand	MONTH 0 1 1 0 0 0	22 0 15 2 0 0
B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling- Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Private reprimand Public reprimand	MONTH 0 1 1 0 0 0	22 0 15 2 0 0 1
B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling- Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Private reprimand Public reprimand Other	MONTH 0 1 1 0 0 0	22 0 15 2 0 0 1 0 3
B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling- Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Private reprimand Private reprimand Public reprimand Retired complaint, no longer a judge	MONTH 0 1 1 0 0 0 0 0	22 0 15 2 0 0 1 0 3
B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling- Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Private reprimand Public reprimand Other Retired complaint, no longer a judge Suspension	MONTH 0 1 1 0 0 0 0 0 0	22 0 15 2 0 0 1 0 3
B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling- Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Private reprimand Private reprimand Public reprimand Retired complaint, no longer a judge	MONTH 0 1 1 0 0 0 0 0 0	22 0 15 2 0 0 1 0 3

MONTH	
10101111	YEAR-TO-DATE
C) Discourtesy:	
Dismissed, complaint about court ruling 0	0
Dismissed, no jurisdiction 0	Ö
Dismissed, inadequate factual basis1	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	Ĭ
Retired complaint, no longer a judge 0	0
Suspension 0	Ō
Recommendation of removal from office 0	Ō
TOTAL 1	<u></u> 6
	•
THIS	
<u>THIS</u> MONTH	YEAR-TO-DATE
<u>MONTH</u>	YEAR-TO-DATE
D) Abuse of office:	
MONTH D) Abuse of office: Dismissed, complaint about court ruling 0	0
MONTH D) Abuse of office: Dismissed, complaint about court ruling 0 Dismissed, no jurisdiction 0	0
MONTH D) Abuse of office: Dismissed, complaint about court ruling 0 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 0	0 0 5
MONTH D) Abuse of office: Dismissed, complaint about court ruling 0 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 0 Dismissal with warning 0	0 0 5 0
MONTH D) Abuse of office: Dismissed, complaint about court ruling 0 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 0 Dismissal with warning 0 Dismissal after full investigation 0	0 0 5 0
MONTH D) Abuse of office: 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 5 0 0
MONTH D) Abuse of office: 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 5 0 0 0
MONTH D) Abuse of office: 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 5 0 0 0
MONTH D) Abuse of office: 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 Public reprimand 0 Other 0	0 0 5 0 0 0 0
MONTH D) Abuse of office: 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 Public reprimand 0 Other 0 Retired complaint, no longer a judge 0	0 0 5 0 0 0 0 0
MONTH D) Abuse of office: Dismissed, complaint about court ruling	0 0 5 0 0 0 0
MONTH D) Abuse of office: 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 Public reprimand 0 Other 0 Retired complaint, no longer a judge 0	0 0 5 0 0 0 0 0

E) Delay:	<u>THIS</u> <u>MONTH</u>	YEAR-TO-DATE
Dismissed, complaint about court rulin	a 1	2
Dismissed, complaint about court runn Dismissed, no jurisdiction	_	0
Dismissed, indequate factual basis		9
Dismissed, inadequate factual basis Dismissal with warning		7 1
Dismissal after full investigation		0
Deferred discipline agreement		0
		0
Private reprimand Public reprimand		_
Other		0 3
	-	
Retired complaint, no longer a judge		0
Suspension		0
Recommendation of removal from offi		<u>0</u> 15
TOTAL	/	15
	<u>THIS</u> MONTH	YEAR-TO-DATE
F) Exparte communications:	<u>THIS</u> MONTH	YEAR-TO-DATE
F) Ex parte communications: Dismissed, complaint about court rulin	MONTH	
Dismissed, complaint about court rulin	<u>MONTH</u> g 0	1
Dismissed, complaint about court rulin Dismissed, no jurisdiction	MONTH g 0	
Dismissed, complaint about court rulin Dismissed, no jurisdiction	MONTH g 0 1	1 0 1
Dismissed, complaint about court rulin Dismissed, no jurisdiction ————————————————————————————————————	MONTH g 0 1 0	1 0 1 0
Dismissed, complaint about court rulin Dismissed, no jurisdiction ————————————————————————————————————	MONTH g 0 1 0	1 0 1 0 0
Dismissed, complaint about court rulin Dismissed, no jurisdiction	MONTH g 0 1 0 0	1 0 1 0 0
Dismissed, complaint about court rulin Dismissed, no jurisdiction ————————————————————————————————————	MONTH g 0 1 0 0 0	1 0 1 0 0 0
Dismissed, complaint about court rulin Dismissed, no jurisdiction ————————————————————————————————————	MONTH g 0 0 0 0 0	1 0 1 0 0 0
Dismissed, complaint about court rulin Dismissed, no jurisdiction ————————————————————————————————————	MONTH g 0 0 0 0 0 0	1 0 1 0 0 0 0
Dismissed, complaint about court rulin Dismissed, no jurisdiction ————————————————————————————————————	MONTH g 0 0 0 0 0 0 0	1 0 1 0 0 0 0 0
Dismissed, complaint about court rulin Dismissed, no jurisdiction ————————————————————————————————————	MONTH g 0 0 0 0 0 0 0 0	1 0 1 0 0 0 0
Dismissed, complaint about court rulin Dismissed, no jurisdiction ————————————————————————————————————	MONTH g 0 0 0 0 0 0 0 0	1 0 1 0 0 0 0 0

G) Disability:	<u>THIS</u> MONTH	YEAR-TO-DATE
Dismissed, complaint about court ruli	ng 0	0
Dismissed, no jurisdiction		0
Dismissed, inadequate factual basis		0
Dismissal with warning		0
Dismissal after full investigation		0
Deferred discipline agreement		2
Private reprimand		0
Public reprimand		0
Other		0
Retired complaint, no longer a judge -	0	0
Suspension		0
Recommendation of removal from off	ice 0	0
TOTAL		<u>0</u> 2
	<u>THIS</u> MONTH	YEAR-TO-DATE
H) Political violation:	•	_
Dismissed, complaint about court ruli	_	0
Dismissed, no jurisdiction		_
		0
Dismissed, inadequate factual basis	0	0
Dismissed, inadequate factual basis Dismissal with warning	0 1	0
Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation	0 1 0	0 1 0
Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Deferred discipline agreement	0 1 0	0 1 0 0
Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Deferred discipline agreement Private reprimand	0 1 0 0	0 1 0 0
Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Deferred discipline agreement Private reprimand Public reprimand	0 1 0 0	0 1 0 0 0
Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Deferred discipline agreement Private reprimand Public reprimand Other	0 1 0 0 0	0 1 0 0 0
Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Deferred discipline agreement Private reprimand Public reprimand	0 0 0 0 0	0 1 0 0 0

Recommendation of removal from office -- 0
TOTAL 1

I) Pagest	<u>THIS</u> MONTH	YEAR-TO-DATE	<u> </u>
I) Recusal:	_	_	
Dismissed, complaint about court ruling		0	
Dismissed, no jurisdiction		0	
Dismissed, inadequate factual basis		3	
Dismissal with warning		0	
Dismissal after full investigation		0	
Deferred discipline agreement		0	
Private reprimand		0	
Public reprimand		0	
Other	_	0	
Retired complaint, no longer a judge	0	0	
Suspension	0	0	
Recommendation of removal from offic	e0	_0	
TOTAL	<u></u>	_0_3	
	<u>THIS</u>		
	<u>THIS</u> MONTH	YEAR-TO-DATE	3
J) Miscellaneous:		YEAR-TO-DATE	3
J) Miscellaneous: Dismissed, complaint about court ruling	MONTH	<u>YEAR-TO-DATE</u> 0	3
Dismissed, complaint about court ruling	<u>MONTH</u> 0	_	
Dismissed, complaint about court ruling Dismissed, no jurisdiction	<u>MONTH</u> 0	0	
Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis	MONTH 0 0	0	
Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning	MONTH 0 0 0	0 0 0	1.1
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH 0 0 0 0	0 0 0 0	lt.
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH 0 0 0 0 0	0 0 0 0 0	f*1
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH 0 0 0 0 0 0	0 0 0 0 0 0	(*)
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH 0 0 0 0 0 0	0 0 0 0 0 0	
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH 0 0 0 0 0 0 0	0 0 0 0 0 0 1	
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH 0 0 0 0 0 0 0 0	0 0 0 0 0 0 1 0	<u>6</u>
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH 0 0 0 0 0 0 0 0	0 0 0 0 0 0 1	
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH 0 0 0 0 0 0 0 0	0 0 0 0 0 0 1 0	