

THE TENNESSEE BOARD OF JUDICIAL CONDUCT

DEGETVED

DEC 13 2019

By LM

ADM 2019-00010

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

511 Union Street Suite 600 Nashville, TN 37219

MEMBERS OF THE TENNESSEE BOARD OF JUDICIAL CONDUCT

Dee David Gay Board Chair

Andrew G. Brigham Vice Chair

Shane Hutton Interim Disciplinary Counsel

Jeffrey M. Atherton H. Allen Bray Andrew G. Brigham 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 December 12, 2019

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

Dear Representative Curcio:

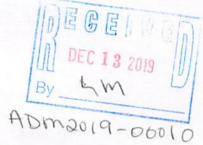
Please find enclosed the statistical report of the Board of Judicial Conduct covering filings and dispositions for the month of November, 2019, as mandated by Tenn. Code Ann. § 17-5-202.

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

Dee Gay Board Chair

DDG/sp Enclosure





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Nashville, TN 37219-1407

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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 November, 2019, as mandated by Tenn. Code Ann. § 17-5-202.

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

Board Chair

DDG/sp Enclosure

BOARD OF JUDICIAL CONDUCT MONTHLY REPORT FOR NOVEMBER 2019

DEC 13 2019
Clerk of the Appellate Courts
Rec'd By

ADM 2019-00010

The number and category of complaints OPENED¹:

	<u>THIS</u>	
	MONTH	YEAR-TO-DATE
A) Failure to comply with law:	18	120
B) Bias, prejudice and unfairness:	- 12	41
C) Discourtesy:	- 1	4
D) Abuse of office:	. 0	2
E) Delay:	1	6
F) Ex parte communications:	- 0	1
G) Disability:	. 0	1
H) Political violation:	- 1	2
I) Recusal:	- 0	2
J) Miscellaneous:	0	9
TOTAL	33	188

The number and category of complaints CLOSED:

	<u>THIS</u>	
<u>N</u>	<u> 10nth</u>	YEAR-TO-DATE
A) Failure to comply with law:	19	120
B) Bias, prejudice and unfairness:	12	40
C) Discourtesy:	1	4
D) Abuse of office:	0	2
E) Delay:	1	7
F) Ex parte communications:	1	1
G) Disability:	1	1
H) Political violation:	1	2
I) Recusal:	1	7
J) Miscellaneous:	_0	_5
TOTAL	37	189

^{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>N</u>	THIS MONTH	YEAR-TO-DATE
A) Failure to comply with law		
Dismissed, complaint about court ruling	15	77
Dismissed, no jurisdiction		6
Dismissed, inadequate factual basis	2	35
Dismissal with warning	1	1
Dismissal after full investigation	0	0
Deferred discipline agreement	0	0
Private reprimand	0	0
Private censure		0
Public reprimand	0	0
Public censure		0
Other	0	1
Retired complaint, no longer a judge	0	0
Suspension		0
Recommendation of removal from office	0	_0
TOTAL		120
B) Bias, prejudice and unfairness:	<u>THIS</u> IONTH	YEAR-TO-DATE
B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling	<u>10NTH</u> 7	<u>YEAR-TO-DATE</u> 18
B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling Dismissed, no jurisdiction	<u>10NTH</u> 7 0	_
B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis	7 0 3	18
B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning	7 0 3 0	18 5
B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation	7 0 3 0	18 5 15
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	7 0 3 0 0	18 5 15 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	7 0 3 0 0 0	18 5 15 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 Private censure	7 0 3 0 0 0 2	18 5 15 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 Deferred discipline agreement Private reprimand	7 0 3 0 0 0 2	18 5 15 0 0 0 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 Private reprimand Private censure	7 0 3 0 0 0 2 0	18 5 15 0 0 0 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 Private reprimand Private censure Public reprimand Public censure Other	7 0 3 0 0 0 2 0 0 0 0	18 5 15 0 0 0 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 Private reprimand Private censure Public reprimand Public censure Public censure Cother Retired complaint, no longer a judge	7 0 3 0 0 0 0 0 0 0 0 0	18 5 15 0 0 0 0 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 Private censure Public reprimand Public censure Other Cother	7 0 3 0 0 0 0 0 0	18 5 15 0 0 0 0 2 0 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 Private censure Public reprimand Public censure Public censure Cother Retired complaint, no longer a judge	7 0 3 0 0 0 0 0 0	18 5 15 0 0 0 2 0 0 0 0

<u>T</u>	<u>HIS</u>	
<u>MC</u>	<u>NTH</u>	YEAR-TO-DATE
C) Discourtesy:		
Dismissed, complaint about court ruling	0	0
Dismissed, no jurisdiction	0	0
Dismissed, inadequate factual basis	1	3
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	0	_0
TOTAL	1	3

<u>T</u>	<u>HIS</u>	
<u>MC</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	1
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	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

	<u>THIS</u> MONTH	YEAR-TO-DATE
E) Delay:		
Dismissed, complaint about court ruling	; O	1
Dismissed, no jurisdiction	0	0
Dismissed, inadequate factual basis	1	6
Dismissal with warning	0	0
Dismissal after full investigation	0	0
Deferred discipline agreement	0	0
Private reprimand		0
Private censure		0
Public reprimand	0	0
Public censure		0
Other		0
Retired complaint, no longer a judge		0
Suspension		0
Recommendation of removal from offic	e <u>0</u>	<u>0</u>
TOTAL	1	7
F) Ex parte communications: Dismissed, complaint about court ruling		YEAR-TO-DATE
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH 1 0	1 0
Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis	MONTH 1 0 0	1 0 0
Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning	MONTH 1 0 0	1 0 0 0
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH 1 0 0 0	1 0 0 0 0
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH 0 0 0 0 0	1 0 0 0 0
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH 0 0 0 0 0	1 0 0 0 0 0
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH 1 0 0 0 0 0 0	1 0 0 0 0
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH 1 0 0 0 0 0 0	1 0 0 0 0 0 0 0
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH 1 0 0 0 0 0 0 0 0	1 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	1 0 0 0 0 0 0 0 0
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH 1 0 0 0 0 0 0 0 0 0	1 0 0 0 0 0 0 0 0 0
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH 1 0 0 0 0 0 0 0 0 0 0	1 0 0 0 0 0 0 0 0
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH 1 0 0 0 0 0 0 0 0 0 0	1 0 0 0 0 0 0 0 0 0

<u>T</u>	<u>HIS</u>	
<u>MC</u>	<u>NTH</u>	YEAR-TO-DATE
G) Disability:		
Dismissed, complaint about court ruling	0	0
Dismissed, no jurisdiction	0	0
Dismissed, inadequate factual basis	1	1
Dismissal with warning		0
Dismissal after full investigation		0
Deferred discipline agreement		0
Private reprimand		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
Recommendation of removal from office	0	Õ
TOTAL	1	1

<u>T</u>	<u>`HIS</u>	
MC	NTH	YEAR-TO-DATE
H) Political violation:		
Dismissed, complaint about court ruling	0	0
Dismissed, no jurisdiction		0
Dismissed, inadequate factual basis		2
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	1	2

T	<u>HIS</u>	
MO	NTH	YEAR-TO-DATE
I) Recusal:		
Dismissed, complaint about court ruling	0	4
Dismissed, no jurisdiction		0
	1	3
Dismissal with warning	0	0
Dismissal after full investigation		0
Deferred discipline agreement	0	0
Private reprimand		0
Private censure		0
Public reprimand	0	0
Public censure		0
Other	0	0
Retired complaint, no longer a judge	0	0
Suspension		0
Recommendation of removal from office	0	_0
TOTAL	1	7
T	<u>HIS</u>	
		YEAR-TO-DATE
		YEAR-TO-DATE
MO	<u>NTH</u>	<u>YEAR-TO-DATE</u> 0
J) Miscellaneous:	<u>NTH</u> 0	_
J) Miscellaneous: Dismissed, complaint about court ruling	<u>NTH</u> 0 0	0
J) Miscellaneous: Dismissed, complaint about court ruling Dismissed, no jurisdiction	NTH 0 0 0	0 5
J) Miscellaneous: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis	NTH 0 0 0	0 5 0
J) Miscellaneous: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning	NTH 0 0 0 0 0	0 5 0
J) Miscellaneous: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation	NTH 0 0 0 0 0 0	0 5 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	NTH 0 0 0 0 0 0 0	0 5 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	NTH 0 0 0 0 0 0 0 0 0 0 0	0 5 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	NTH 0 0 0 0 0 0 0 0 0	0 5 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	NTH 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 5 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	NTH 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 5 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	NTH 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 5 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	NTH 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 5 0 0 0 0 0 0 0