



STATE OF TENNESSEE BOARD OF JUDICIAL CONDUCT

October 5, 2020

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FOR PUBLIC RELEASE

Judge Jonathan Lee Young
C/O Brian Faughnan, Esq.
Lewis Thomason
40 South Main Street, 29th Floor
Memphis, TN 38103

Re: Public Reprimand
File No. B20-8220

Dear Judge Young:

This letter shall serve as a public reprimand pursuant to Tennessee Code Annotated section 17-5-303(e)(2)(B)(i)(c).

This reprimand concerns your actions relating to inappropriate messages you sent to multiple women on various social media platforms from 2015 to 2020. Recipients of the messages include, among other persons, a legal professional employed by a law firm that conducts business in your court and a litigant who formerly had a child custody matter before you. The messages include content ranging from flirtatious to overtly sexual. Most of these communications depict you in your judicial robe.

On August 6, 2020, an investigative panel of this Board authorized a full investigation into this matter pursuant to Tennessee Code Annotated section 17-5-303(c)(3). In a letter dated August 7, 2020, you were given notice of the panel's decision to authorize the investigation as required by Tennessee Code Annotated section 17-5-303(d)(1).

In a written response dated August 31, 2020, you acknowledged that you sent the inappropriate messages and that doing so was beneath the dignity of judicial office. You took full responsibility for your actions.

Judges are expected to maintain the highest standards of conduct and dignity of judicial office at all times. Preamble, Tenn. Sup. Ct. R. 10. Thus, the Code of Judicial Conduct applies to both the professional and personal conduct of a judge. Tenn. Sup. Ct. R. 10, RJC 1.2, cmt. 1. There is no exception to this principle for the use of social media.

Your social media activities described above run afoul of a number of ethical standards designed to maintain public trust and confidence in the judiciary. First, judges are prohibited from engaging in personal activities that would appear to a reasonable person to be coercive. Tenn. Sup. Ct. R. 10, RJC 3.1(D). Engaging in sexual conversations and soliciting pictures while in your judicial robe would appear to a reasonable person to be coercive, particularly when the recipients of those communications include former litigants and persons whose job responsibilities intersect with the court system.

Second, judges are prohibited from engaging in personal activities that would appear to a reasonable person to undermine the judge's integrity and impartiality. Tenn. Sup. Ct. R. 10, RJC 3.1(C). Here, your inappropriate use of social media has created ethical dilemmas for attorneys who litigate before you, especially in domestic relations matters. Some of these attorneys have had to seek advice from the Board of Professional Responsibility regarding their own ethical obligations to disclose to clients what they know about your activities. Also, in at least one instance, a party used this knowledge to their strategic advantage in a case. Thus, although you may have thought that your social media communications were private, your activities have adversely affected the administration of justice.

Third, a participant in a legal proceeding, especially in a domestic relations matter, who learns that the judge sent inappropriate messages to women on social media may reasonably perceive that the judge is biased or prejudiced, regardless of whether bias or prejudice actually exists. See Tenn. Sup. Ct. R. 10, RJC 2.3(B) (a judge must avoid words or conduct that manifest bias or prejudice). While there is nothing to suggest that you were biased or prejudiced in any case, such litigants may reasonably question whether they received impartial and unbiased treatment. It is imperative that judges conduct themselves on social media in a way that ensures litigants have no reason to believe their case was not fairly judged.

Fourth, judges are prohibited from engaging in personal activities that interfere with the proper performance of their duties. Tenn. Sup. Ct. R. 10, RJC 3.1(A). Sending inappropriate messages on social media may well interfere with a judge's ability to preside over future litigation. These circumstances are a prime example, as you have had to recuse yourself in a case after a party learned of your social media activities and asked you to step aside. As this situation illustrates, it is essential that judges interact with others in a way that will not interfere with their work as judges. While judges may utilize social media, they must "at all times remain conscious of the solemn duties they may later be called upon to perform." *State v. Madden*, No. M2012-02473-CCA-R3-CD, 2014 WL 931031, at *8 (Tenn. Crim. App. March 11, 2014).

Fifth, judges are required to act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. Tenn. Sup. Ct. R. 10, RJC 1.2. Inappropriate messages sent by a sitting judge to anyone, much less to those who have ties to the court system like former litigants and legal professionals, do not inspire such confidence. To the contrary, such ethical lapses erode the confidence we ask the public to place in our

judges. Indeed, “every time a judicial officer engages in misconduct, he or she spends the goodwill of the judiciary as a whole.” *In re Kwan*, 443 P.3d 1228, 1238 (Utah 2019).

The investigative panel decided to impose a public reprimand, which you have accepted. In imposing this particular sanction, the panel considered in mitigation that you acknowledged the problems created by your actions, that you fully cooperated with Disciplinary Counsel, and that you have no prior record of discipline since becoming a judge.

Finally, as part of this public reprimand, you have agreed to the following: (1) a suspension of thirty days, which will be held in abeyance provided there are no meritorious complaints involving prospective ethical misconduct of any type for the remainder of your current term; (2) you will refrain from using a picture of yourself in your judicial robe as a profile picture on any social media platform unless conducting court business; (3) you will complete at your own expense, either in person or online, a judicial ethics program addressing ethical issues in the context of social media on or before December 31, 2020, and provide Disciplinary Counsel with a certificate of completion; (4) you will recuse yourself as a matter of course from all cases involving attorneys who will be identified separately from this letter; and (5) you will refrain from engaging in any similar misconduct while a judge.

In short, as you have acknowledged, your use of social media has reflected poorly on you as a jurist. The sanctions imposed today are among the most severe that can be imposed short of removal from office, and the Board trusts that it will be unnecessary to revisit these issues in the future.

Sincerely,

Dee David Gay
Board Chair

A handwritten signature in blue ink, appearing to read "Dee David Gay", is written over the typed name. The signature is stylized and somewhat illegible due to its cursive nature.