

lames M. Hivner, Clerk

615-253-1470

401 Seventh Avenue, North Nashville, TN 37219-1407

# STATE OF TENNESSEE BOARD OF JUDICIAL CONDUCT

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

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 May 18, 2021

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

Dear Senator Bell:

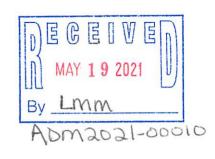
Please find enclosed the statistical report of the Board of Judicial Conduct covering filings and dispositions for the month of April, 2021, as mandated by Tenn. Code Ann. § 17-5-202.

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

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 April, 2021, 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

MAY 1 9 2021

Clerk of the Appellate Courts Rec'd By

### ADM 2021-00010

#### BOARD OF JUDICIAL CONDUCT MONTHLY REPORT FOR APRIL 2021

The number and category of complaints OPENED<sup>1</sup>:

<u>1</u>	<u>CHIS</u>	
<u>M</u> C	HTMC	YEAR-TO-DATE
A) Failure to comply with law:	21	66
B) Bias, prejudice and unfairness:	2	15
C) Discourtesy:	0	1
D) Abuse of office:	0	13
E) Delay:	0	6
F) Ex parte communications:	0	0
G) Disability:	0	0
H) Political violation:	1	1
I) Recusal:	1	4
J) Miscellaneous:	0	<u>1</u>
TOTAL <sup>2</sup> :	25	107

The number and category of complaints CLOSED:

	<u>THIS</u>	
<u>M</u>	<u>IONTH</u>	YEAR-TO-DATE
A) Failure to comply with law:	19	78
B) Bias, prejudice and unfairness:	0	12
C) Discourtesy:	0	4
D) Abuse of office:	2	15
E) Delay:	0	7
F) Ex parte communications:	0	0
G) Disability:	0	0
H) Political violation:	0	0
I) Recusal:	3	4
J) Miscellaneous:	0	0
TOTAL	24	120

<sup>1.</sup> 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).

<sup>2.</sup> Out of the 25 total complaints filed, 12% were filed by inmates. Similarly, out of the 25 complaints, 96% were filed by the party that lost in the underlying proceeding.

#### DISPOSITION of the complaints closed by CATEGORY:

<u>TI</u>	<u> SIH</u>	
<u>MO</u>	<u>NTH</u>	YEAR-TO-DATE
A) Failure to comply with law		
Dismissed, complaint about court ruling	10	56
Dismissed, no jurisdiction	0	0
Dismissed, inadequate factual basis	4	16
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	5	5
Retired complaint, no longer a judge	0	0
Suspension	0	0
Recommendation of removal from office	<u>0</u>	0
TOTAL	19	78

<u>THIS</u> <u>MONTH</u>	YEAR-TO-DATE
B) Bias, prejudice and unfairness:	
Dismissed, complaint about court ruling 0	6
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	3
Retired complaint, no longer a judge 0	0
Suspension 0	0
Recommendation of removal from office 0	_0
TOTAL   7	12

Dismissed, complaint about court ruling	C) Discourtesy:	<u>THIS</u> <u>MONTH</u>	YEAR-TO-DATE
Dismissed, no jurisdiction	•	σ O	1
Dismissed, inadequate factual basis			<u> </u>
Dismissal with warning         0         2           Dismissal after full investigation         0         0           Deferred discipline agreement         0         0           Private reprimand         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         4    THIS  MONTH  YEAR-TO-DATE  D) Abuse of office:  Dismissed, complaint about court ruling         0         1           Dismissed, no jurisdiction         0         0         0           Dismissed, inadequate factual basis         1         10         0           Dismissal with warning         0         1         0         0           Deferred discipline agreement         0         0         0         0           Private reprimand         0         0         0         0           Public reprimand         0         0         0         0           Other         1         2         0         0           Retired complaint, no longer a judge         0         0         0			
Dismissal after full investigation	•		=
Deferred discipline agreement			
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         0         0           TOTAL         0         4    THIS  MONTH  YEAR-TO-DATE  D) Abuse of office:  Dismissed, complaint about court ruling         0         1           Dismissed, no jurisdiction         0         0         0           Dismissed, inadequate factual basis         1         10         10           Dismissal with warning         0         1         1           Dismissal after full investigation         0         0         0           Deferred discipline agreement         0         0         0           Public reprimand         0         0         0           Other         1         2           Retired complaint, no longer a judge         0         0           Suspension         0         0           Recommendation of removal from office         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         0         0           TOTAL         0         4    THIS  MONTH  YEAR-TO-DATE  Dismissed, complaint about court ruling         0         1           Dismissed, no jurisdiction         0         0           Dismissed, inadequate factual basis         1         10           Dismissal with warning         0         1           Dismissal after full investigation         0         0           Deferred discipline agreement         0         0           Public reprimand         0         0           Public reprimand         0         0           Other         1         2           Retired complaint, no longer a judge         0         0           Suspension         0         0           Recommendation of removal from office         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         4    THIS  MONTH  YEAR-TO-DATE  Dismissed, complaint about court ruling			
Retired complaint, no longer a judge 0			-
Suspension			<u> </u>
THIS   MONTH   YEAR-TO-DATE			•
TOTAL   0   4			_
THIS MONTH         YEAR-TO-DATE           D) Abuse of office:           Dismissed, complaint about court ruling 0         1           Dismissed, no jurisdiction 0         0           Dismissed, inadequate factual basis 1         10           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 1         2           Retired complaint, no longer a judge 0         0           Suspension 0         0           Recommendation of removal from office 0         0			
MONTH         YEAR-TO-DATE           D) Abuse of office:         0           Dismissed, complaint about court ruling 0         1           Dismissed, no jurisdiction 0         0           Dismissed, inadequate factual basis 1         10           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 1         2           Retired complaint, no longer a judge 0         0           Suspension 0         0           Recommendation of removal from office 0         0	IOIAL	·	4
Dismissed, complaint about court ruling       0       1         Dismissed, no jurisdiction       0       0         Dismissed, inadequate factual basis       1       10         Dismissal with warning       0       1         Dismissal after full investigation       0       0         Deferred discipline agreement       0       1         Private reprimand       0       0         Public reprimand       0       0         Other       1       2         Retired complaint, no longer a judge       0       0         Suspension	D) Abuse of office:		YEAR-TO-DATE
Dismissed, no jurisdiction	•	ıg 0	1
Dismissal with warning       0       1         Dismissal after full investigation       0       0         Deferred discipline agreement       0       1         Private reprimand       0       0         Public reprimand       0       0         Other			0
Dismissal with warning       0       1         Dismissal after full investigation       0       0         Deferred discipline agreement       0       1         Private reprimand       0       0         Public reprimand       0       0         Other			10
Deferred discipline agreement       0       1         Private reprimand       0       0         Public reprimand       0       0         Other			1
Deferred discipline agreement       0       1         Private reprimand       0       0         Public reprimand       0       0         Other	Dismissal after full investigation	O	0
Private reprimand       0         Public reprimand       0         Other       1         Retired complaint, no longer a judge       0         Suspension       0         Recommendation of removal from office 0       0		0	v
Public reprimand       0         Other       1         Retired complaint, no longer a judge       0         Suspension       0         Recommendation of removal from office 0       0	Deferred discipline agreement		_
Other		0	1
Suspension 0 0 Recommendation of removal from office $\underline{0}$ $\underline{0}$	Private reprimand	0 0	1 0
Suspension 0 0 Recommendation of removal from office $\underline{0}$ $\underline{0}$	Private reprimand Public reprimand	0 0 0	1 0 0
Recommendation of removal from office $\underline{0}$ $\underline{0}$	Private reprimand  Public reprimand  Other	0 0 1	1 0 0 2
——————————————————————————————————————	Private reprimand  Public reprimand  Other  Retired complaint, no longer a judge	0 0 1	1 0 0 2 0
	Private reprimand  Public reprimand  Other  Retired complaint, no longer a judge  Suspension	0 0 1 0	1 0 0 2 0

<u>THIS</u>	
MONTI	<u> YEAR-TO-DATE</u>
E) Delay:	
Dismissed, complaint about court ruling 1	1
Dismissed, no jurisdiction 0	0
Dismissed, inadequate factual basis 0	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	1
Retired complaint, no longer a judge 0	0
Suspension 0	0
Recommendation of removal from office 0	_0
TOTAL $0$	7
THIS	
<u>THIS</u> <u>MONT</u>	<u> YEAR-TO-DATE</u>
	H YEAR-TO-DATE
MONT	<u>H</u> <u>YEAR-TO-DATE</u> 0
F) Ex parte communications:	
F) Ex parte communications: Dismissed, complaint about court ruling 0	0
F) Ex parte communications: Dismissed, complaint about court ruling 0 Dismissed, no jurisdiction 0	0 0
MONT  F) Ex parte communications:  Dismissed, complaint about court ruling 0  Dismissed, no jurisdiction 0  Dismissed, inadequate factual basis 0	0 0 0
MONT  F) Ex parte communications:  Dismissed, complaint about court ruling 0  Dismissed, no jurisdiction 0  Dismissed, inadequate factual basis 0  Dismissal with warning 0	0 0 0 0
MONT  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	0 0 0 0
MONT  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 0
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 Public reprimand 0 Other 0	0 0 0 0 0 0
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 Public reprimand 0 Other 0	0 0 0 0 0 0 0
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 0 0 0
MONT	0 0 0 0 0 0 0 0
MONT	0 0 0 0 0 0 0 0 0

	<u>THIS</u>		
	<b>MONTH</b>	YEAR-TO-DA	TE
G) Disability:			
Dismissed, complaint about court ruling	g O	0	
Dismissed, no jurisdiction		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	
Public reprimand		0	
Other	0	0	
Retired complaint, no longer a judge	0	0	
Suspension	0	0	
Recommendation of removal from offic	e <u>0</u>	_0	
TOTAL	0	0	
	<u>THIS</u>		
	<u>THIS</u> MONTH	YEAR-TO-DA	<u>TE</u>
H) Political violation:		YEAR-TO-DA	<u>TE</u>
H) Political violation: Dismissed, complaint about court ruling	MONTH	<u>YEAR-TO-DA</u> 0	<u>TE</u>
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH g 0		<u>TE</u>
Dismissed, complaint about court ruling	MONTH g 0	0	<u>TE</u>
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH g 0 0	0	<u>TE</u>
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH g 0 0 0	0 0 0	<u>TE</u>
Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning	MONTH g 0 0 0 0	0 0 0	<u>TE</u>
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH  g 0 0 0 0 0	0 0 0 0	<u>TE</u>
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH g 0 0 0 0 0 0	0 0 0 0 0	ATE
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH  g 0 0 0 0 0 0 0	0 0 0 0 0	<u>TE</u>
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH  g 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0	<u>TE</u>
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH  g 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0	<u>TE</u>
Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Private reprimand Public reprimand Retired complaint, no longer a judge Suspension Recommendation of removal from office	MONTH  g 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0	<u>ATE</u>
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH  g 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0	ATE

	<u>THIS</u> MONTH	YEAR-TO-DATE
I) Recusal:		
Dismissed, complaint about court rulir		2
Dismissed, no jurisdiction	0	0
Dismissed, inadequate factual basis	1	2
Dismissal with warning	0	0
Dismissal after full investigation	0	0
Deferred discipline agreement	0	0
Private reprimand	0	0
Public reprimand	<b></b> 0	0
Other	· 0	0
Retired complaint, no longer a judge	0	0
Suspension	<b>-</b> 0	0
Recommendation of removal from off	ice <u>0</u>	_0
TOTAL	, 3	4
	<u>THIS</u>	
	<u>THIS</u> MONTH	YEAR-TO-DATE
J) Miscellaneous:		YEAR-TO-DATE
Dismissed, complaint about court rulir	<u>MONTH</u> ng 0	YEAR-TO-DATE
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH  ng 0 0	
Dismissed, complaint about court rulir	MONTH  ng 0 0	0
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH  ng 0  0  0	0
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH  ng 0  0  0	0 0 0
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH  ng 0 0 0 0	0 0 0 0
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH  ng 0 0 0 0 0	0 0 0 0
Dismissed, complaint about court rulir Dismissed, no jurisdiction	MONTH  ng 0 0 0 0 0	0 0 0 0 0
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH  ng 0 0 0 0 0 0 0	0 0 0 0 0
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH  ng 0 0 0 0 0 0 0	0 0 0 0 0 0
Dismissed, complaint about court rulir Dismissed, no jurisdiction	MONTH  ng 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH  ng 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH  ng 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0