



James M. Hivner, Clerk

401 Seventh Avenue, North

Nashville, TN 37219-1407

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## 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 11. 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 June 17, 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 May, 2021, as mandated by Tenn. Code Ann. § 17-5-202.

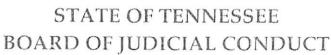
If you have any questions or concerns, please contact me.

Sincerely.

Dee Gay
Board Chair

DDG/sp Enclosure







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

June 17, 2021

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 May, 2021, as mandated by Tenn. Code Ann. § 17-5-202.

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

Sincerely,

Dee Say by direction-Dee Gay Board Chair

DDG/sp Enclosure

Board Chair Andrew G. Brigham Vice Chair

Dee David Gay

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## FILED

JUN 1 7 2021

Clerk of the Appellate Courts
Rec'd By

## BOARD OF JUDICIAL CONDUCT MONTHLY REPORT FOR MAY 2021

Almabal-00010

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

	<u>THIS</u>	
<u>N</u>	<u>IONTH</u>	YEAR-TO-DATE
A) Failure to comply with law:	11	77
B) Bias, prejudice and unfairness:	9	24
C) Discourtesy:	0	1
D) Abuse of office:	2	15
E) Delay:	- 1	7
F) Ex parte communications:	2	2
G) Disability:	0	0
H) Political violation:	0	1
I) Recusal:	2	6
J) Miscellaneous:	1	_2
TOTAL <sup>2</sup> :	28	<del>13</del> 5

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:	7	85
B) Bias, prejudice and unfairness:	7	19
C) Discourtesy:	0	4
D) Abuse of office:	1	16
E) Delay:	0	7
F) Ex parte communications:	1	1
G) Disability:	0	0
H) Political violation:	1	1
I) Recusal:	1	5
J) Miscellaneous:	_1	1
TOTAL	19	139

<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 28 total complaints filed, 39% were filed by inmates. Similarly, out of the 28 complaints, 86% were filed by the party that lost in the underlying proceeding.

## DISPOSITION of the complaints closed by CATEGORY:

	<u>THIS</u> MONTH	YEAR-TO-DATE
A) Failure to comply with law		
Dismissed, complaint about court rulin		62
Dismissed, no jurisdiction	0	0
Dismissed, inadequate factual basis	0	16
Dismissal with warning		1
Dismissal after full investigation	0	0
Deferred discipline agreement	···· 0	0
Private reprimand		1
Public reprimand		0
Other		5
Retired complaint, no longer a judge	0	0
Suspension		0
Recommendation of removal from offi		0
TOTAL		85
	<u>THIS</u>	
	<u>THIS</u> MONTH	YEAR-TO-DATE
B) Bias, prejudice and unfairness:		YEAR-TO-DATE
B) Bias, prejudice and unfairness: Dismissed, complaint about court rulin	MONTH	<u>YEAR-TO-DATE</u> 7
,	<u>MONTH</u> g 1	
Dismissed, complaint about court rulin	<u>MONTH</u> g 1 0	7
Dismissed, complaint about court rulin Dismissed, no jurisdiction	MONTH g 1 0 5	7 0
Dismissed, complaint about court rulin Dismissed, no jurisdiction	MONTH g 1 0 5	7 0 8
Dismissed, complaint about court rulin Dismissed, no jurisdiction	MONTH g 1 5 1 0	7 0 8 1
Dismissed, complaint about court rulin Dismissed, no jurisdiction	MONTH  g 1 5 1 0	7 0 8 1
Dismissed, complaint about court rulin Dismissed, no jurisdiction	MONTH  g 1 0 5 1 0 0	7 0 8 1 0
Dismissed, complaint about court rulin Dismissed, no jurisdiction	MONTH  g 1 5 1 0 0 0	7 0 8 1 0 0 0
Dismissed, complaint about court rulin Dismissed, no jurisdiction	MONTH  g 1 5 1 0 0 0 0	7 0 8 1 0 0
Dismissed, complaint about court rulin Dismissed, no jurisdiction	MONTH  g 1 0 5 1 0 0 0 0 0	7 0 8 1 0 0 0 0 0
Dismissed, complaint about court rulin Dismissed, no jurisdiction	MONTH  g 1 0 5 1 0 0 0 0 0 0	7 0 8 1 0 0 0 0 0 3
Dismissed, complaint about court rulin Dismissed, no jurisdiction	MONTH  g 1 0 1 0 0 0 0 0 0 0 0 0	7 0 8 1 0 0 0 0 0 3

7	<u>`HIS</u>	
M	NTH	YEAR-TO-DATE
C) Discourtesy:	<del>.</del>	
Dismissed, complaint about court ruling	0	1
Dismissed, no jurisdiction		0
Dismissed, inadequate factual basis	0	1
Dismissal with warning	0	2
Dismissal after full investigation	0	0
Deferred discipline agreement		0
Private reprimand	0	0
Public reprimand	0	0
Other		0
Retired complaint, no longer a judge	0	0
Suspension		0
Recommendation of removal from office		0
TOTAL	<u></u>	4
2	<u> THIS</u>	
<del>-</del>	<u>CHIS</u> ONTH	YEAR-TO-DATE
<del>-</del>		YEAR-TO-DATE
D) Abuse of office:	ONTH	YEAR-TO-DATE
D) Abuse of office: Dismissed, complaint about court ruling	ONTH 1	
D) Abuse of office:	<u>0</u> 1 0	2
D) Abuse of office: Dismissed, complaint about court ruling Dismissed, no jurisdiction	1 0 0	2 0
Dismissed, no jurisdiction	1 0 0 0	2 0 10
D) Abuse of office:  Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation	1 0 0 0 0 0	2 0 10
Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Deferred discipline agreement	1 0 0 0 0 0	2 0 10 1
Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Deferred discipline agreement Private reprimand	1 0 0 0 0 0 0	2 0 10 1 0
Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Deferred discipline agreement	1 0 0 0 0 0 0 0	2 0 10 1 0 1
Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Private reprimand Public reprimand Other	1 0 0 0 0 0 0 0 0	2 0 10 1 0 1 0
Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Deferred discipline agreement Private reprimand Public reprimand Retired complaint, no longer a judge	1 0 0 0 0 0 0 0 0 0	2 0 10 1 0 1 0 0 2
Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Private reprimand Public reprimand Other	1 0 0 0 0 0 0 0 0 0	2 0 10 1 0 1 0 0 0 2

	<u>THIS</u> MONTH	YEAR-TO-DATE
E) Delay:	WONTH	TEAN TO DATE
Dismissed, complaint about court ruling		1
Dismissed, no jurisdiction		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
Recommendation of removal from office		_0
TOTAL	0	7
	<u>THIS</u>	
	<u>MONTH</u>	YEAR-TO-DATE
F) Ex parte communications:		
Dismissed, complaint about court ruling	g 0	0
Dismissed, no jurisdiction	0	0

<u>'</u>	<u>THIS</u>	
<u>M</u>	ONTH	YEAR-TO-DATE
G) Disability:		
Dismissed, complaint about court ruling	- 0	0
Dismissed, no jurisdiction	- 0	0
Dismissed, inadequate factual basis	· <b>-</b> 0	0
Dismissal with warning	- 0	0
Dismissal after full investigation	- 0	0
Deferred discipline agreement	- 0	0
Private reprimand	· <b>-</b> 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 -	- <u>0</u>	_0
TOTAL	0	0

	<u>THIS</u> MONTH	YEAR-TO-DATE	3
H) Political violation:			
Dismissed, complaint about court ruling	0	0	
Dismissed, no jurisdiction	0	0	
Dismissed, inadequate factual basis	0	0	
Dismissal with warning	1	1	
Dismissal after full investigation	0	0	
Deferred discipline agreement		0	
Private reprimand		0	
Public reprimand		0	
Other		0	
Retired complaint, no longer a judge	0	0	
Suspension		0	
Recommendation of removal from office		_0	
TOTAL	1	1	

	<b>THIS</b>	
	MONTH	YEAR-TO-DATE
I) Recusal:		
Dismissed, complaint about court ruling-	1	3
Dismissed, no jurisdiction		0
Dismissed, inadequate factual basis		2
Dismissal with warning		0
Dismissal after full investigation		0
Deferred discipline agreement		0
Private reprimand		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
TOTAL	1	5
	<u>THIS</u>	
	<u>THIS</u> MONTH	YEAR-TO-DATE
J) Miscellaneous:		YEAR-TO-DATE
J) Miscellaneous: Dismissed, complaint about court ruling	MONTH	YEAR-TO-DATE
Dismissed, complaint about court ruling	<u>MONTH</u> 0	_
Dismissed, complaint about court ruling Dismissed, no jurisdiction	<u>MONTH</u> 0 0	0
Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis	<u>MONTH</u> 0 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
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH 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
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH 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
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH 0 0 0 0 0 0 0 1	0 0 0 0 0 0
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH 0 0 0 0 0 0 0 1	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 0 0 0 0 0