

James M. Hivner, Clerk

401 Seventh Avenue, North

Nashville, TN 37219-1407

615-253-1470

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 April 16, 2021

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

Dear Senator Bell:

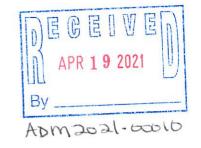
Please find enclosed the statistical report of the Board of Judicial Conduct covering filings and dispositions for the month of March, 2021, as mandated by Tenn. Code Ann. § 17-5-202.

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

Dee Gay Board Chair

DDG/sp Enclosure





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

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

Dee Gay

DDG/sp Enclosure

FILED

APR 19 2021

Clerk of the Appellate Courts

ADM2021-00010

BOARD OF JUDICIAL CONDUCT MONTHLY REPORT FOR MARCH 2021

The number and category of complaints OPENED¹:

<u> 1</u>	<u> HIS</u>	
<u>M</u> C	<u>HTNC</u>	YEAR-TO-DATE
A) Failure to comply with law:	19	45
B) Bias, prejudice and unfairness:	8	13
C) Discourtesy:	0	1
D) Abuse of office:	2	13
E) Delay:	0	6
F) Ex parte communications:	0	0
G) Disability:	0	0
H) Political violation:	0	0
I) Recusal:	3	3
J) Miscellaneous:	0	_1
TOTAL ² :	32	82

The number and category of complaints CLOSED:

	<u>THIS</u>	
<u>N</u>	<u>IONTH</u>	YEAR-TO-DATE
A) Failure to comply with law:	17	59
B) Bias, prejudice and unfairness:	7	12
C) Discourtesy:	0	4
D) Abuse of office:	1	13
E) Delay:	1	7
F) Ex parte communications:	0	0
G) Disability:	0	0
H) Political violation:	0	0
I) Recusal:	1	1
J) Miscellaneous:	0	0
TOTAL	27	96

^{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 32 total complaints filed, 44% were filed by inmates. Similarly, out of the 32 complaints, 84% were filed by the party that lost in the underlying proceeding.

DISPOSITION of the complaints closed by CATEGORY:

THIS	
MONTH	YEAR-TO-DATE
A) Failure to comply with law	
Dismissed, complaint about court ruling 13	46
Dismissed, no jurisdiction 0	0
Dismissed, inadequate factual basis 4	12
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	0
Retired complaint, no longer a judge 0	0
Suspension 0	0
Recommendation of removal from office 0	0
TOTAL 17	59
<u>THIS</u>	
MONTH	YEAR-TO-DATE
B) Bias, prejudice and unfairness:	
B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling 2	<u>YEAR-TO-DATE</u> 6
MONTH B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling 2 Dismissed, no jurisdiction 0	6
MONTH B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling 2 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 3	6
MONTH B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling 2 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 3 Dismissal with warning 0	6
MONTH B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling 2 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 3	6 0 3
MONTH B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling 2 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 3 Dismissal with warning 0 Dismissal after full investigation 0 Deferred discipline agreement 0	6 0 3 0
MONTH B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling 2 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	6 0 3 0 0
MONTH B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling 2 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 3 Dismissal with warning 0 Dismissal after full investigation 0 Deferred discipline agreement 0	6 0 3 0 0
MONTH B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling 2 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 3 Dismissal with warning 0 Dismissal after full investigation 0 Private reprimand 0 Public reprimand 0 Other 2	6 0 3 0 0 0
MONTH B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling 2 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 0 Dismissal with warning 0 Dismissal after full investigation 0 Private reprimand 0 Private reprimand 0 Public reprimand 0 Other 2 Retired complaint, no longer a judge 0	6 0 3 0 0 0 0
MONTH B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling 2 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 3 Dismissal with warning 0 Dismissal after full investigation 0 Private reprimand 0 Public reprimand 0 Other 2 Retired complaint, no longer a judge 0 Suspension 0	6 0 3 0 0 0 0 0
MONTH B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling 2 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 0 Dismissal with warning 0 Dismissal after full investigation 0 Private reprimand 0 Private reprimand 0 Public reprimand 0 Other 2 Retired complaint, no longer a judge 0	6 0 3 0 0 0 0 0 0 3

<u>M</u>	<u>THIS</u> IONTH	YEAR-TO-DATE
C) Discourtesy:		
Dismissed, complaint about court ruling	- 0	1
Dismissed, no jurisdiction	- 0	0
Dismissed, inadequate factual basis		1
Dismissal with warning	- 0	2
Dismissal after full investigation	- 0	0
Deferred discipline agreement	- 0	0
Private reprimand	·- 0	0
Public reprimand	- 0	0
Other	0	0
Retired complaint, no longer a judge	- 0	0
Suspension		0
Recommendation of removal from office -	0	_0
TOTAL	0	4
	<u>THIS</u> IONTH	YEAR-TO-DATE
D) Abuse of office:	IONTH	YEAR-TO-DATE
D) Abuse of office: Dismissed, complaint about court ruling	<u>IONTH</u> 0	YEAR-TO-DATE
D) Abuse of office: Dismissed, complaint about court ruling Dismissed, no jurisdiction	<u>IONTH</u> 0 0	1 0
D) Abuse of office: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis	<u>IONTH</u> 0 0 1	1
D) Abuse of office: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning	<u>IONTH</u> 0 0 1 0	1 0
D) Abuse of office: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation	ONTH 0 0 1 0 0	1 0 9
D) Abuse of office: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Deferred discipline agreement	ONTH 0 0 1 0 0 0 0	1 0 9
D) Abuse of office: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Deferred discipline agreement Private reprimand	- 0 - 0 - 1 - 0 - 0 - 0 - 0	1 0 9
D) Abuse of office: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Private reprimand	ONTH 0 0 1 0 0 0 0 0	1 0 9 1 0
D) Abuse of office: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Deferred discipline agreement Private reprimand Other	ONTH 0 0 1 0 0 0 0 0	1 0 9 1 0 1
D) Abuse of office: 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	0 0 1 0 0 0 0 0	1 0 9 1 0 1 0 0
D) Abuse of office: 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	- 0 0 1 0 0 0 0 0	1 0 9 1 0 1 0 0
D) Abuse of office: 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	- 0 0 1 0 0 0 0 0	1 0 9 1 0 1 0 0

TH	I IS	
MOI	NTH YEA	R-TO-DATE
E) Delay:		
Dismissed, complaint about court ruling	1 1	
Dismissed, no jurisdiction	0 0	
Dismissed, inadequate factual basis		
Dismissal with warning		
	0 0	
Deferred discipline agreement	0 0	
Private reprimand		
Public reprimand		
Other	0 1	
Retired complaint, no longer a judge	0 0	
Suspension		
Recommendation of removal from office	0 _0	
TOTAL	$\frac{1}{1}$ $\frac{7}{7}$	
<u>TI-</u>	<u>IIS</u>	
		AR-TO-DATE
		<u> </u>
MOI	NTH YEA	AR-TO-DATE
F) Ex parte communications:	NTH YEA 0 0	AR-TO-DATE
F) Ex parte communications: Dismissed, complaint about court ruling	NTH YEA 0 0 0 0	AR-TO-DATE
F) Ex parte communications: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning	NTH YEA 0 0 0 0 0 0 0 0 0 0 0 0	AR-TO-DATE
F) Ex parte communications: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning	NTH YEA 0 0 0 0 0 0 0 0 0 0 0 0	AR-TO-DATE
F) Ex parte communications: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis	NTH YEA 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	AR-TO-DATE
F) Ex parte communications: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation	NTH YEA 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	AR-TO-DATE
F) Ex parte communications: 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	NTH YEA 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	AR-TO-DATE
F) Ex parte communications: 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 YEA 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	AR-TO-DATE
F) Ex parte communications: 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	NTH YEA 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	AR-TO-DATE
F) Ex parte communications: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Private reprimand Public reprimand Public reprimand Retired complaint, no longer a judge Suspension	NTH YEA 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	AR-TO-DATE
F) Ex parte communications: 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 Other Retired complaint, no longer a judge	NTH YEA 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	AR-TO-DATE

	<u>THIS</u>		
	MONTH	YEAR-TO-DATE	2
G) Disability:			
Dismissed, complaint about court ruling	g 0	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	
Retired complaint, no longer a judge	0	0	
Suspension		0	
Recommendation of removal from office	ce <u>0</u>	_0	
TOTAL	0	0	
	THIS		
	<u>THIS</u> <u>MONTH</u>	YEAR-TO-DATE	<u>;</u>
H) Political violation:	<u>MONTH</u>	_	<u>;</u>
Dismissed, complaint about court ruling	<u>MONTH</u> g 0	0	<u>.</u>
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH g 0	_	
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH g 0 0	0	
Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning	MONTH g 0 0 0 0	0	1
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH g 0 0 0 0	0 0 0 0 0	
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH g 0 0 0 0 0	0 0 0 0 0	
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH g 0 0 0 0 0 0	0 0 0 0 0	
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH g 0 0 0 0 0 0 0	0 0 0 0 0	
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH g 0 0 0 0 0 0 0 0	0 0 0 0 0	
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH g 0 0 0 0 0 0 0 0	0 0 0 0 0 0	
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	
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	
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>THIS</u> <u>MONTH</u>	YEAR-TO-DATE
I) Recusal:	
Dismissed, complaint about court ruling 0	0
Dismissed, no jurisdiction 0	0
Dismissed, inadequate factual basis 1	1
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	0
Retired complaint, no longer a judge 0	0
Suspension 0	0
Recommendation of removal from office 0	_0
TOTAL 1	1
<u>THIS</u>	
MONTH	<u>YEAR-TO-DATE</u>
J) Miscellaneous:	
Dismissed, complaint about court ruling 0	0
Dismissed, no jurisdiction 0	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	0
Other 0	0
Retired complaint, no longer a judge 0	0
Suspension 0	0
	U
Recommendation of removal from office 0	_0