

FILED NOV 1 7 2020

Clerk of the Appellate Courts Rec'd By \_Lm

ADM2020-00010

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, Iff 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

November 16, 2020

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 October, 2020, as mandated by Tenn. Code Ann. § 17-5-202.

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

Board Chai

Enclosure

DDG/sp



FILED

NOV 1 7 2020

Clerk of the Appellate Courts Rec'd By

ADm 2020-00010

James M. Hivner, Clerk

615-253-1470

401 Seventh Avenue, North

Nashville, TN 37219-1407

## STATE OF TENNESSEE BOARD OF JUDICIAL CONDUCT

Aluding Address FO No. 92276 Noshville FN 0208

MICHIGAN OF THE TEXNESSEE PLANTON BURNCHAL CONDUCT

Dec David Gac Board Chair

Andrew G. Brigham Vice Chair

Murshalt L. Davidson, III Disciplinary Counsel

Share Philton Assistant Disciplinary Counsel

lettiev M. Atherten Et. Allen Bray Robert Carter. Ir. Echoena E. Crowe Rita Elfoon William C. Koch. Ir. Canullo R. McMullon Albert Moder Penjamin Pumer. Ir. Rochard Rogers Fun springer Torica Smith John Whitworth Robert W. Wilkinson November 16, 2020

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 October, 2020, as mandated by Tenn. Code Ann. § 17-5-202.

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

DDG/sp Enclosure

2/en

NOV 1 7 2020
Clerk of the Appellate Courts
Rec'd By Cry

## BOARD OF JUDICIAL CONDUCT MONTHLY REPORT FOR OCTOBER 2020

The number and category of complaints OPENED1:

	THIS		
Δ	HTMON	YEAR-TO	-DATE
A) Failure to comply with law:	20	194	
B) Bias, prejudice and unfairness:	3	52	
C) Discourtesy:		16	
D) Abuse of office:	0	7	
E) Delay:	- 1	19	
F) Ex parte communications:		6	
G) Disability:	0	2	
H) Political violation:	. 0	1	
I) Recusal:		4	
J) Miscellaneous:	0	2	
TOTAL <sup>2</sup> :	28	303	

The number and category of complaints CLOSED:

	THIS	
N	HTMON	YEAR-TO-DATE
A) Failure to comply with law:	9	179
B) Bias, prejudice and unfairness:	2	51
C) Discourtesy:	0	9
D) Abuse of office:	1	7
E) Delay:	0	19
F) Ex parte communications:	0	6
G) Disability:	0	2
H) Political violation:	0	1
I) Recusal:	0	4
J) Miscellaneous:	_0	2
TOTAL	12	280

<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, 36% were filed by inmates. Similarly, out of the 28 complaints, 93% 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 4	112
Dismissed, no jurisdiction 0	6
Dismissed, inadequate factual basis 2	43
Dismissal with warning 0	2
Dismissal after full investigation 0	0
Deferred discipline agreement 0	0
Private reprimand 0	2
Public reprimand 0	0
Other 3	14
Retired complaint, no longer a judge 0	0
Suspension 0	0
Recommendation of removal from office 0	_0
TOTAL 9	179
THIS MONTH	YEAR-TO-DATE
B) Bias, prejudice and unfairness:	
Dismissed, complaint about court ruling 0	24
Dismissed, no jurisdiction 0	0
Dismissed, inadequate factual basis 1	19
Dismissal with warning 0	2
Dismissal after full investigation 0	0
Deferred discipline agreement 0	0
Private reprimand 0	1
Public reprimand 0	1
Other 1	4
Retired complaint, no longer a judge 0	0
Suspension 0	0
Recommendation of removal from office 0	_0
TOTAL 2	51

<u>THIS</u> MONTH	YEAR-TO-DATE
Discourtesy:	0
Discourtesy: ismissed, complaint about court ruling 0	0
	6
ismissed, no jurisdiction 0 ismissed, inadequate factual basis 0	2
ismissed, inadequate factual basis of smissal with warning	0
	0
dismissal after full investigation 0 deferred discipline agreement 0	0
rivate reprimand 0	0
rivate reprimand 0 ublic reprimand 0	1
	0
	0
Retired complaint, no longer a judge 0 Suspension 0 Recommendation of removal from office 0	0
Desammendation of removal from our	9
IOIAL	
TOTAL 0  THIS  MONTH	YEAR-TO-DATE
THIS MONTH	
THIS MONTH  D) Abuse of office:  Divide complaint about court ruling 0	YEAR-TO-DATE
THIS MONTH  D) Abuse of office:  Dismissed, complaint about court ruling 0	YEAR-TO-DATE
THIS MONTH  D) Abuse of office: Dismissed, complaint about court ruling 0 Dismissed, no jurisdiction 0	YEAR-TO-DATE 0 0
THIS MONTH  D) Abuse of office:  Dismissed, complaint about court ruling 0  Dismissed, no jurisdiction 0  Dismissed, inadequate factual basis 0	YEAR-TO-DATE  0 0 6
THIS MONTH  D) Abuse of office:  Dismissed, complaint about court ruling 0  Dismissed, no jurisdiction 0  Dismissed, inadequate factual basis 0  Dismissal with warning 0	YEAR-TO-DATE  0 0 6 0
THIS MONTH  D) Abuse of office:  Dismissed, complaint about court ruling 0  Dismissed, no jurisdiction 0  Dismissed, inadequate factual basis 0  Dismissal with warning 0  Dismissal after full investigation 0	YEAR-TO-DATE  0 0 6 0 0
THIS MONTH  D) Abuse of office:  Dismissed, complaint about court ruling	YEAR-TO-DATE  0 0 6 0 0 0
THIS MONTH  D) Abuse of office:  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	YEAR-TO-DATE  0 0 6 0 0 0 0
THIS MONTH  D) Abuse of office:  Dismissed, complaint about court ruling 0  Dismissed, inadequate factual basis 0  Dismissal with warning 0  Dismissal after full investigation 0  Deferred discipline agreement 0  Private reprimand 0  Public reprimand 1  Other 0	YEAR-TO-DATE  0 0 0 6 0 0 0 1
THIS MONTH  D) Abuse of office:  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  Public reprimand 1  Other 0	YEAR-TO-DATE  0 0 6 0 0 0 1 0
THIS MONTH  D) Abuse of office:  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  Public reprimand 0	YEAR-TO-DATE  0 0 0 6 0 0 0 1 0 0

THIS MONTH	YEAR-TO-DATE
m Polem	2
E) Delay: Dismissed, complaint about court ruling 0	0
Dismissed, complaint about court runing  O Dismissed, no jurisdiction	13
Dismissed, no jurisdiction ————————————————————————————————————	1
Dismissed, inadequate factual basis 0 Dismissal with warning 0 Dismissal after full investigation 0	0
Dismissal with visiting the property of the pr	0
Dismissal after full investigation of Deferred discipline agreement 0	0
Deferred discipline agreement 0 Private reprimand 0	0
Private reprimand 0 Public reprimand 0	3
Public reprimand 0 Other 0	0
Other 0 Retired complaint, no longer a judge 0	0
Retired complaint, no longer a judge 0 Suspension 0 Suspension of removal from office 0	0
Suspension	19
THIS MONTH	YEAR-TO-DATE
F) Ex parte communications:	2
F) Ex parte communications:  Dismissed, complaint about court ruling 0	0
Dismissed, complaint about court runing  Dismissed, no jurisdiction0  Dismissed, no jurisdiction0	3
Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 0	0
Dismissed, inadequate factual custs  O Dismissal with warning  O Dismissal with warning	0
Dismissal with warning 0 Dismissal after full investigation 0	0
Dismissal after full investigation of Deferred discipline agreement 0	1
Private reprimand 0	0
Private reprimand 0 Public reprimand 0	0
Public reprimand 0 Other 0	0
Other 0 Retired complaint, no longer a judge 0	0
Retired complaint, no longer a judge 0 Suspension 0 Suspension 0	0
Suspension Recommendation of removal from office - 0 TOTAL 0	6

THIS MONTH	YEAR-TO-DATE
G) Disability:	0
Dismissed complaint about court ruling V	0
Dismissed no jurisdiction	0
Dismissed inadequate factual basis	
Dismissal with warning	0
Dismissal after full investigation 0	0
Deferred discipline agreement 0	2
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	2
THIS MONTH	YEAR-TO-DATE
H) Political violation:	
Dismissed, complaint about court ruling 0	0
Dismissed, no jurisdiction 0	0
Dismissed, inadequate factual basis 0	0
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 0	1

<u>THIS</u> <u>MONTH</u>	YEAR-TO-DATE
D Dacussi:	1
Recusal:     Dismissed, complaint about court ruling 0	0
Dismissed, complaint about court runing  Dismissed, no jurisdiction	3
Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 0	0
Dismissed, inadequate factual basis  0 Dismissal with warning0	0
Dismissal with warning 0 Dismissal after full investigation 0	0
Dismissal after full investigation  Deferred discipline agreement 0	0
Deferred discipline agreement 0 Private reprimand 0	0
Private reprimand 0 Public reprimand 0	0
	0
Retired complaint, no longer a judge 0	0
C	0
Recommendation of removal from office 0 TOTAL 0	4
THIS MONTH	TO DATE
	YEAR-TO-DATE
.D Miscellaneous:	
J) Miscellaneous: Dismissed, complaint about court ruling 0	0
J) Miscellaneous: Dismissed, complaint about court ruling 0 Dismissed, no jurisdiction 0	0
J) Miscellaneous: Dismissed, complaint about court ruling 0 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 0	0 0 0
J) Miscellaneous:  Dismissed, complaint about court ruling  Dismissed, no jurisdiction  Dismissed, inadequate factual basis  Dismissal with warning	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	0 0 0 0
J) Miscellaneous:  Dismissed, complaint about court ruling	0 0 0 0 0
J) Miscellaneous:  Dismissed, complaint about court ruling	0 0 0 0
J) Miscellaneous:  Dismissed, complaint about court ruling	0 0 0 0 0
J) Miscellaneous: Dismissed, complaint about court ruling	0 0 0 0 0 0
J) Miscellaneous:  Dismissed, complaint about court ruling	0 0 0 0 0 0
J) Miscellaneous: Dismissed, complaint about court ruling	0 0 0 0 0 0 1
J) Miscellaneous:  Dismissed, complaint about court ruling	0 0 0 0 0 0 1 0