



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 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 September 15, 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 August, 2020, as mandated by Tenn. Code Ann. § 17-5-202.

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

Sincerely

Board Chair

DDG/sp Enclosure





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SEP 15 2020

By ________

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

September 15, 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 August, 2020, as mandated by Tenn. Code Ann. § 17-5-202.

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

- 0

Dee Gay

Board Chair

DDG/sp Enclosure

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Robert W. Wilkinson

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SEP 15 2020

Clerk of the Appellate Courts
Rec'd By

BOARD OF JUDICIAL CONDUCT MONTHLY REPORT FOR AUGUST 2020

40m 2020-0001D

The number and category of complaints OPENED¹:

]	<u>rhis</u>	
<u>M</u> (<u>ONTH</u>	YEAR-TO-DATE
A) Failure to comply with law:	22	159
B) Bias, prejudice and unfairness:	7	47
C) Discourtesy:	1	10
D) Abuse of office:	0	7
E) Delay:	1	18
F) Ex parte communications:	2	5
G) Disability:	0	2
H) Political violation:	0	1
I) Recusal:	1	4
J) Miscellaneous:	0	<u>2</u>
TOTAL ² :	34	<u>2</u> 55

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:	24	156
B) Bias, prejudice and unfairness:	3	46
C) Discourtesy:	2	8
D) Abuse of office:	1	6
E) Delay:	4	19
F) Ex parte communications:	2	4
G) Disability:	0	2
H) Political violation:	0	1
I) Recusal:	1	4
J) Miscellaneous:	_0	_2
TOTAL	37	248

^{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 34 total complaints filed, 38% were filed by inmates. Similarly, out of the 34 complaints, 94% were filed by the party that lost in the underlying proceeding.

DISPOSITION of the complaints closed by CATEGORY:

THIS MONT A) Failure to comply with law	H YEAR-TO-DATE
Dismissed, complaint about court ruling 12	96
Dismissed, no jurisdiction 0	6
Dismissed, inadequate factual basis 6	39
Dismissal with warning 0	2
Dismissal after full investigation 0	0
Deferred discipline agreement 0	Ö
Private reprimand 2	2
Public reprimand 0	0
Other 4	11
Retired complaint, no longer a judge 0	0
Suspension 0	ő
Recommendation of removal from office 0	Ö
TOTAL 24	156
THIS MONT	<u> YEAR-TO-DATE</u>
B) Bias, prejudice and unfairness:	
Dismissed, complaint about court ruling 2	24
Dismissed, no jurisdiction 0	0
Dismissed, inadequate factual basis 1	16
Dismissal with warning 0	2
Dismissal after full investigation 0	0
Deferred discipline agreement 0	0
Private reprimand 0	1
Public reprimand 0	0
Other 0	3
Retired complaint, no longer a judge 0	0
Suspension 0	0

TOTAL $\overline{3}$

Recommendation of removal from office -- 0

_	<u>HIS</u> DNTH	YEAR-TO-DATE
C) Discourtesy:		
Dismissed, complaint about court ruling	0	0
Dismissed, no jurisdiction	0	0
Dismissed, inadequate factual basis	1	5
Dismissal with warning	1	2
Dismissal after full investigation	0	0
Deferred discipline agreement		0
Private reprimand		0
Public reprimand		0
Other		1
Retired complaint, no longer a judge	0	0
Suspension	0	0
Recommendation of removal from office		_0
TOTAL	2	8
<u>M</u>	<u>'HIS</u> ONTH	YEAR-TO-DATE
D) Abuse of office:	<u>HTMC</u>	YEAR-TO-DATE
D) Abuse of office: Dismissed, complaint about court ruling	<u>ONTH</u> 0	_
D) Abuse of office: Dismissed, complaint about court ruling Dismissed, no jurisdiction	0 0 0	0
D) Abuse of office: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis	0 0 0 1	0
D) Abuse of office: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning	0 0 0 1 0	0 0 6
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	0 0 6 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	0 0 0 1 0 0 0	0 0 6 0
Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Deferred discipline agreement Private reprimand	ONTH 0 0 1 0 0 0 0 0 0 0 0	0 0 6 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	ONTH 0 0 1 0 0 0 0 0 0 0 0	0 0 6 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 Other	ONTH 0 0 1 0 0 0 0 0 0 0 0 0 0	0 0 6 0 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	ONTH 0 0 1 0 0 0 0 0 0 0 0 0 0 0 0	0 0 6 0 0 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 Other	ONTH 0 0 1 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 6 0 0 0 0 0

E) Delay:	<u>THIS</u> MONTH	YEAR-TO-DATE
Dismissed, complaint about court ruling	να O	2
Dismissed, no jurisdiction	_	0
•		13
Dismissed, inadequate factual basis		•
Dismissal with warning		l O
Dismissal after full investigation		0
Deferred discipline agreement		0
Private reprimand		0
Public reprimand		0
Other	•	3
Retired complaint, no longer a judge -		0
Suspension		0
Recommendation of removal from off		_0
TOTAL	. 4	19
F) Ex parte communications:	THIS MONTH	YEAR-TO-DATE
F) Ex parte communications: Dismissed, complaint about court rulin	MONTH	YEAR-TO-DATE
Dismissed, complaint about court rulin	MONTH ng 0	
Dismissed, complaint about court rulin Dismissed, no jurisdiction	MONTH ng 0 0	1
Dismissed, complaint about court rulin Dismissed, no jurisdiction	MONTH ng 0 2	1 0
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH ng 0 0 2 0	1 0 3
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH ng 0 2 0 0	1 0 3 0
Dismissed, complaint about court rulin Dismissed, no jurisdiction	MONTH ng 0 2 0 0 0	1 0 3 0
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH ng 0 2 0 0 0	1 0 3 0 0
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH ng 0 0 0 0 0 0	1 0 3 0 0 0
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH ng 0 0 0 0 0 0 0	1 0 3 0 0 0
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH ng 0 0 0 0 0 0 0 0	1 0 3 0 0 0 0 0
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH ng 0 0 0 0 0 0 0 0	1 0 3 0 0 0 0

G) Disability:	<u>THIS</u> <u>MONTH</u>	YEAR-TO-DATE
Dismissed, complaint about court ruling	g ()	0
Dismissed, no jurisdiction		0
Dismissed, inadequate factual basis		0
Dismissal with warning		0
Dismissal after full investigation		0
Deferred discipline agreement		2
Private reprimand		0
Public reprimand		0
Other		0
Retired complaint, no longer a judge	=	0
Suspension		0
Recommendation of removal from office		0
TOTAL	0	<u>0</u> 2
IOIAL	U	2
	THIS	
	<u>THIS</u> MONTH	YEAR-TO-DATE
H) Political violation:	MONTH	
Dismissed, complaint about court ruling	<u>MONTH</u> g 0	YEAR-TO-DATE 0
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH g 0 0	
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH g 0 0	0
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH g 0 0 0	0
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH g 0 0 0 0	0 0 0
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH g 0 0 0 0	0 0 0 1
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH g 0 0 0 0 0	0 0 0 1 0
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH g 0 0 0 0 0 0	0 0 0 1 0
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH g 0 0 0 0 0 0 0 0	0 0 0 1 0 0
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH g 0 0 0 0 0 0 0 0	0 0 0 1 0 0 0
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH g 0 0 0 0 0 0 0 0	0 0 0 1 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 1 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 1 0 0 0 0 0

<u>Ti</u>	HIS	
MO	NTH	YEAR-TO-DATE
I) Recusal:		
Dismissed, complaint about court ruling	1	1
Dismissed, no jurisdiction	0	0
Dismissed, inadequate factual basis		3
Dismissal with warning	0	0
Dismissal after full investigation		0
Deferred discipline agreement		0
Private reprimand		0
Public reprimand		0
Other		0
Retired complaint, no longer a judge	0	0
Suspension	0	0
Recommendation of removal from office		0
TOTAL	1	4
Т	HIS	
-	<u>HIS</u> NTH	YEAR-TO-DATE
MO		YEAR-TO-DATE
J) Miscellaneous:	NTH	<u>YEAR-TO-DATE</u> 0
J) Miscellaneous: Dismissed, complaint about court ruling	<u>NTH</u> 0	
J) Miscellaneous: Dismissed, complaint about court ruling Dismissed, no jurisdiction	<u>NTH</u> 0 0	0
J) Miscellaneous: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis	<u>NTH</u> 0 0 0	0
J) Miscellaneous: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning	NTH 0 0 0 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	NTH 0 0 0 0 0 0	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 Deferred discipline agreement	NTH 0 0 0 0 0 0	0 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 Deferred discipline agreement Private reprimand	NTH 0 0 0 0 0 0 0	0 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 Deferred discipline agreement	NTH 0 0 0 0 0 0 0 0 0 0 0	0 0 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 Deferred discipline agreement Private reprimand Public reprimand Other	NTH 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 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 Private reprimand Private reprimand Public reprimand Retired complaint, no longer a judge	NTH 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 1 0
J) Miscellaneous: 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	NTH 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 1 0