

STATE OF TENNESSEE BOARD OF JUDICIAL CONDUCT

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

October 19, 2020

Dee David Gay Board Chair

Mailing Address:

Nashville, TN 37209

MEMBERS OF THE TENNESSEE BOARD OF JUDICIAL CONDUCT

P.O.Box 92276

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 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 September, 2020, 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

OCT 1 9 2020

Clerk of the Appellate Courts
Rec'd By

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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 September, 2020, 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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Clerk of the Appeilate Courts

BOARD OF JUDICIAL CONDUCT MONTHLY REPORT FOR September 2020

A0m2020-00010

The number and category of complaints OPENED¹:

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<u>M</u> (HTMC	YEAR-TO-DATE
A) Failure to comply with law:	15	174
B) Bias, prejudice and unfairness:	2	49
C) Discourtesy:	2	12
D) Abuse of office:	0	7
E) Delay:	0	18
F) Ex parte communications:	1	6
G) Disability:	0	2
H) Political violation:	0	1
I) Recusal:	0	4
J) Miscellaneous:	0	<u>2</u>
TOTAL ² :	20	275

The number and category of complaints CLOSED:

	THIS	
<u>N</u>	ONTH	YEAR-TO-DATE
A) Failure to comply with law:	14	170
B) Bias, prejudice and unfairness:	3	49
C) Discourtesy:	1	9
D) Abuse of office:	0	6
E) Delay:	0	19
F) Ex parte communications:	2	6
G) Disability:	0	2
H) Political violation:	0	I
I) Recusal:	0	4
J) Miscellaneous:	_0	2
TOTAL	20	268

^{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 20 total complaints filed, 50% were filed by inmates. Similarly, out of the 20 complaints, 100% 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 12	108
Dismissed, no jurisdiction 0	6
Dismissed, inadequate factual basis 2	41
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 0	11
Retired complaint, no longer a judge 0	0
Suspension 0	0
Recommendation of removal from office 0	<u> </u>
TOTAL $\overline{14}$	170

THIS	<u>8</u>
MON	TH YEAR-TO-DATE
B) Bias, prejudice and unfairness:	
Dismissed, complaint about court ruling 0	24
Dismissed, no jurisdiction 0	0
Dismissed, inadequate factual basis 2	18
Dismissal with warning 0	2
Dismissal after full investigation 0	0
Deferred discipline agreement 0	0
Private reprimand 0	1
Public reprimand1	1
Other 0	3
Retired complaint, no longer a judge 0	0
Suspension 0	0
Recommendation of removal from office 0	0
TOTAL $\frac{3}{3}$	49

	HIS NTH	YEAR-TO-DATE
C) Discourtesy:		
Dismissed, complaint about court ruling	0	0
Dismissed, no jurisdiction		0
Dismissed, inadequate factual basis	1	6
Dismissal with warning	0	2
Dismissal after full investigation		0
Deferred discipline agreement		0
Private reprimand		0
Public reprimand		0
Other		1
Retired complaint, no longer a judge	0	0
Suspension		0
Recommendation of removal from office		0
TOTAL	ī	9
D) Abuse of office:		YEAR-TO-DATE
D) Abuse of office: Dismissed, complaint about court ruling	<u>NTH</u> 0	<u>YEAR-TO-DATE</u> 0
D) Abuse of office: Dismissed, complaint about court ruling Dismissed, no jurisdiction	0 0	_
D) Abuse of office: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis	0 0 0 0	0
D) Abuse of office: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning	0 0 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	0 0 0 0 0 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 Deferred discipline agreement	0 0 0 0 0 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 Private reprimand	0 0 0 0 0 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 Private reprimand Public reprimand	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	0 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 Private reprimand Private reprimand Public reprimand Retired complaint, no longer a judge	0 0 0 0 0 0 0 0 0 0	0 0 6 0 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 Private reprimand Private reprimand Retired complaint, no longer a judge Suspension	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 Private reprimand Private reprimand Public reprimand Retired complaint, no longer a judge	0 0 0 0 0 0 0 0 0 0	0 0 6 0 0 0 0 0

THI MON'	
E) Delay: Dismissed, complaint about court ruling 0	2
Dismissed, no jurisdiction 0	0
Dismissed, inadequate factual basis 0	13
Dismissal with warning 0	1
Dismissal after full investigation 0	Ó
Deferred discipline agreement 0	0
Private reprimand 0	0
Public reprimand 0	<u> </u>
Other 0	0
	3
Retired complaint, no longer a judge 0	
Suspension 0 Recommendation of removal from office 0	0
TOTAL 4	<u>. U</u> 19
IOIAL 4	19
THI MON	
MON F) Ex parte communications:	
F) Ex parte communications: Dismissed, complaint about court ruling 1	TH YEAR-TO-DATE 2
MON F) Ex parte communications: Dismissed, complaint about court ruling 1 Dismissed, no jurisdiction 0	TH YEAR-TO-DATE
MON F) Ex parte communications: Dismissed, complaint about court ruling 1 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 0	TH YEAR-TO-DATE 2
MON F) Ex parte communications: Dismissed, complaint about court ruling 1 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 0 Dismissal with warning 0	TH YEAR-TO-DATE 2 0
MON F) Ex parte communications: Dismissed, complaint about court ruling 1 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 0 Dismissal with warning 0 Dismissal after full investigation 0	<u>TH</u> <u>YEAR-TO-DATE</u> 2 0 3
MON F) Ex parte communications: Dismissed, complaint about court ruling 1 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 0 Dismissal with warning 0 Dismissal after full investigation 0 Deferred discipline agreement 0	TH YEAR-TO-DATE 2 0 3 0
MON F) Ex parte communications: Dismissed, complaint about court ruling 1 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 0 Dismissal with warning 0 Dismissal after full investigation 0 Deferred discipline agreement 0 Private reprimand 1	TH YEAR-TO-DATE 2 0 3 0 0
MON F) Ex parte communications: Dismissed, complaint about court ruling	TH YEAR-TO-DATE 2 0 3 0 0 0
MON F) Ex parte communications: Dismissed, complaint about court ruling	TH YEAR-TO-DATE 2 0 3 0 0 0 1
MON F) Ex parte communications: Dismissed, complaint about court ruling	TH YEAR-TO-DATE 2 0 3 0 0 1 0
MON F) Ex parte communications: Dismissed, complaint about court ruling	TH YEAR-TO-DATE 2 0 3 0 0 1 0 0
MON F) Ex parte communications: Dismissed, complaint about court ruling	TH YEAR-TO-DATE 2 0 3 0 0 0 1 0 0 0

	<u>THIS</u> 10NTH	YEAR-TO-DATE
-	<u>IONITI</u>	ILAK-IU-DAIL
G) Disability:	•	
Dismissed, complaint about court ruling		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	2
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	_0
TOTAL	0	2
	THIS	
N.	MONTH	YEAR-TO-DATE
H) Political violation:		
Dismissed complaint about court ruling-	O	Λ

THIS	VEAD TO DATE
MONTE N. Bassack	YEAR-TO-DATE
I) Recusal:	•
Dismissed, complaint about court ruling 0	1
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	0
Retired complaint, no longer a judge 0	0
Suspension 0	0
Recommendation of removal from office0	<u> </u>
TOTAL 0	4
TUIO	
THIS	VEAR TO DATE
MONTH	YEAR-TO-DATE
J) Miscellaneous:	
J) Miscellaneous: Dismissed, complaint about court ruling 0	0
J) Miscellaneous: Dismissed, complaint about court ruling 0 Dismissed, no jurisdiction 0	0 0
J) Miscellaneous: Dismissed, complaint about court ruling 0 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 0	0 0 0
MONTH J) Miscellaneous: Dismissed, complaint about court ruling 0 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 0 Dismissal with warning 0	0 0 0 0
MONTH J) Miscellaneous: 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 0
MONTH J) Miscellaneous: 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
MONTH J) Miscellaneous: 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
MONTH J) Miscellaneous: 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
MONTH J) Miscellaneous: 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
MONTH J) Miscellaneous: 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 Retired complaint, no longer a judge 0	0 0 0 0 0 0 0
MONTH J) Miscellaneous: 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 Retired complaint, no longer a judge 0 Suspension 0	0 0 0 0 0 0 0 1
MONTH J) Miscellaneous: 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 Retired complaint, no longer a judge 0	0 0 0 0 0 0 0 1 0