



STATE OF TENNESSEE **BOARD OF JUDICIAL CONDUCT**

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Clerk of the Arthur Gourts Rec'd B

ADM2020-00010

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

December 16, 2020

Dee David Gay **Board Chair**

> 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 November, 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

Robert Carter, Jr. Edwena L. Crowe Rita Ellison William C. Koch, Jr.

Jeffrey M. Atherton H. Allen Bray

Mailing Address:

Nashville, TN 37209

Andrew G. Brigham

Disciplinary Counsel

Marshall L. Davidson, III

Assistant Disciplinary Counsel

Vice Chair

Shane Hutton

MEMBERS OF THE TENNESSEE BOARD OF JUDICIAL CONDUCT

P.O.Box 92276

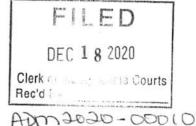
Camille R. McMullen Albert Mosley Benjamin Purser, Jr. Richard Rogers

Terica Smith John Whitworth

Dan Springer

Robert W. Wilkinson





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 December 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 November, 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

BOARD OF JUDICIAL CONDUCT MONTHLY REPORT FOR NOVEMBER 2020

The number and category of complaints OPENED¹:

| _ | <u>THIS</u> | |
|------------------------------------|-------------|--------------|
| <u>M</u> | ONTH | YEAR-TO-DATE |
| A) Failure to comply with law: | - 21 | 215 |
| B) Bias, prejudice and unfairness: | 4 | 56 |
| C) Discourtesy: | 2 | 18 |
| D) Abuse of office: | 2 | 9 |
| E) Delay: | 2 | 22 |
| F) Ex parte communications: | 1 | 7 |
| G) Disability: | 0 | 2 |
| H) Political violation: | 1 | 2 |
| I) Recusal: | 1 | 5 |
| J) Miscellaneous: | 1 | <u>3</u> |
| TOTAL ² : | 36 | 339 |

The number and category of complaints CLOSED:

| | <u>THIS</u> | |
|------------------------------------|-------------|--------------|
| <u>M</u> | IONTH | YEAR-TO-DATE |
| A) Failure to comply with law: | 30 | 209 |
| B) Bias, prejudice and unfairness: | 6 | 57 |
| C) Discourtesy: | 7 | 16 |
| D) Abuse of office: | 1 | 8 |
| E) Delay: | 3 | 22 |
| F) Ex parte communications: | 0 | 6 |
| G) Disability: | 0 | 2 |
| H) Political violation: | 1 | 2 |
| I) Recusal: | 1 | 5 |
| J) Miscellaneous: | _0 | <u>2</u> |
| TOTAL | 49 | 329 |

^{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 36 total complaints filed, 33% were filed by inmates. Similarly, out of the 36 complaints, 92% 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 ruling | g 19 | 131 |
| Dismissed, no jurisdiction | 0 | 6 |
| Dismissed, inadequate factual basis | - 9 | 52 |
| 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 | 2 | 16 |
| Retired complaint, no longer a judge | 0 | 0 |
| Suspension | | 0 |
| Recommendation of removal from office | ce 0 | 0 |
| TOTAL | 30 | 209 |
| | | |
| | <u>THIS</u> MONTH | YEAR-TO-DATE |
| B) Bias, prejudice and unfairness: | | YEAR-TO-DATE |
| B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling | <u>MONTH</u> | YEAR-TO-DATE 27 |
| • | <u>MONTH</u> g 3 | |
| Dismissed, complaint about court ruling | <u>MONTH</u> g 3 0 | 27 |
| Dismissed, complaint about court ruling Dismissed, no jurisdiction | MONTH g 3 0 3 | 27 0 |
| Dismissed, complaint about court ruling Dismissed, no jurisdiction | MONTH 3 3 0 3 0 | 27 0 22 |
| Dismissed, complaint about court ruling Dismissed, no jurisdiction | MONTH g 3 0 3 0 | 27 0 22 2 |
| Dismissed, complaint about court ruling Dismissed, no jurisdiction | MONTH 3 3 0 0 0 | 27 0 22 2 0 |
| Dismissed, complaint about court ruling Dismissed, no jurisdiction | MONTH 3 3 0 0 0 0 | 27 0 22 2 0 0 |
| Dismissed, complaint about court ruling Dismissed, no jurisdiction | MONTH 3 3 0 0 0 0 0 | 27 0 22 2 0 0 |
| Dismissed, complaint about court ruling Dismissed, no jurisdiction | MONTH 3 3 0 0 0 0 0 0 | 27 0 22 2 0 0 1 |
| Dismissed, complaint about court ruling Dismissed, no jurisdiction | MONTH 3 3 0 0 0 0 0 0 0 0 | 27 0 22 2 0 0 1 1 1 |
| Dismissed, complaint about court ruling Dismissed, no jurisdiction | MONTH 3 3 0 0 0 0 0 0 0 0 | 27 0 22 2 0 0 1 1 1 4 |
| Dismissed, complaint about court ruling Dismissed, no jurisdiction | MONTH 3 3 0 0 0 0 0 0 0 0 | 27 0 22 2 0 0 0 1 1 1 4 0 |

| | HIS DNTH | YEAR-TO-DATE |
|---|-------------|--------------|
| C) Discourtesy: | | |
| Dismissed, complaint about court ruling | 2 | 2 |
| Dismissed, no jurisdiction | 0 | 0 |
| Dismissed, inadequate factual basis | | 11 |
| Dismissal with warning | | 2 |
| Dismissal after full investigation | | 0 |
| Deferred discipline agreement | | 0 |
| Private reprimand | 0 | 0 |
| Public reprimand | | 0 |
| Other | 0 | 1 |
| Retired complaint, no longer a judge | 0 | 0 |
| Suspension | 0 | 0 |
| Recommendation of removal from office | 0 | 0 |
| TOTAL | 7 | 16 |
| | | |
| T | <u>HIS</u> | |

| <u>.1</u> | <u>1112</u> | |
|---|-------------|--------------|
| MC | NTH | YEAR-TO-DATE |
| D) Abuse of office: | | |
| Dismissed, complaint about court ruling | 1 | 1 |
| Dismissed, no jurisdiction | 0 | 0 |
| Dismissed, inadequate factual basis | | 6 |
| Dismissal with warning | 0 | 0 |
| Dismissal after full investigation | | 0 |
| Deferred discipline agreement | 0 | 0 |
| Private reprimand | | 0 |
| Public reprimand | 0 | 1 |
| Other | 0 | 0 |
| Retired complaint, no longer a judge | 0 | 0 |
| Suspension | | 0 |
| Recommendation of removal from office | 0 | 0 |
| TOTAL | ī | 8 |
| | | |

| E) Delay: | THIS MONTH | YEAR-TO-DATE |
|---|---------------------------------|---|
| Dismissed, complaint about court ruling |) () | 2 |
| Dismissed, no jurisdiction | | 0 |
| Dismissed, inadequate factual basis | | 16 |
| Dismissal with warning | | 1 |
| Dismissal after full investigation | | 0 |
| Deferred discipline agreement | | 0 |
| Private reprimand | | o 0 |
| Public reprimand | | 0 |
| Other | | 3 |
| Retired complaint, no longer a judge | 0 | 0 |
| Suspension | | 0 |
| Recommendation of removal from office | | 0 |
| TOTAL | 3 | |
| | | |
| F) Ex parte communications: | THIS MONTH | YEAR-TO-DATE |
| Dismissed, complaint about court ruling | <u>MONTH</u> 5 0 | 2 |
| Dismissed, complaint about court ruling Dismissed, no jurisdiction | MONTH g 0 0 | 2 0 |
| Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis | MONTH g 0 0 | 2 0 3 |
| Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning | MONTH g 0 0 0 | 2 0 3 0 |
| Dismissed, complaint about court ruling Dismissed, no jurisdiction | MONTH g 0 0 0 0 | 2 0 3 0 |
| Dismissed, complaint about court ruling Dismissed, no jurisdiction | MONTH g 0 0 0 0 | 2 0 3 0 0 |
| Dismissed, complaint about court ruling Dismissed, no jurisdiction | MONTH g 0 0 0 0 0 0 | 2 0 3 0 0 0 |
| Dismissed, complaint about court ruling Dismissed, no jurisdiction | MONTH 0 0 0 0 0 0 | 2 0 3 0 0 0 1 |
| Dismissed, complaint about court ruling Dismissed, no jurisdiction | MONTH g 0 0 0 0 0 0 0 | 2 0 3 0 0 0 1 0 |
| Dismissed, complaint about court ruling Dismissed, no jurisdiction | MONTH g 0 0 0 0 0 0 0 0 | 2 0 3 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 | 2 0 3 0 0 0 1 0 |
| Dismissed, complaint about court ruling Dismissed, no jurisdiction | MONTH g 0 0 0 0 0 0 0 0 0 | 2 0 3 0 0 0 1 0 0 |

| <u>THI</u> MON' | |
|--|--------------------------------------|
| I) Recusal: | TEAR TO DITTE |
| Dismissed, complaint about court ruling 0 | 1 |
| Dismissed, no jurisdiction 0 | 0 |
| Dismissed, inadequate factual basis 1 | 4 |
| 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 |
| $\overline{1}$ | 5 |
| | |
| | |
| <u>THI</u> | |
| MON' | |
| J) Miscellaneous: | |
| J) Miscellaneous: Dismissed, complaint about court ruling 0 | |
| J) Miscellaneous: Dismissed, complaint about court ruling 0 Dismissed, no jurisdiction 0 | TH YEAR-TO-DATE |
| MON J) Miscellaneous: Dismissed, complaint about court ruling 0 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 0 | TH YEAR-TO-DATE 0 |
| MON J) Miscellaneous: Dismissed, complaint about court ruling 0 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 0 Dismissal with warning 0 | TH YEAR-TO-DATE 0 0 |
| MON J) Miscellaneous: Dismissed, complaint about court ruling 0 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 0 | TH YEAR-TO-DATE 0 0 0 0 |
| MON 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 | TH YEAR-TO-DATE 0 0 0 0 0 |
| MON 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 | TH YEAR-TO-DATE 0 0 0 0 0 0 0 |
| MON 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 | TH YEAR-TO-DATE 0 0 0 0 0 0 0 |
| MON 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 | TH YEAR-TO-DATE 0 0 0 0 0 0 0 1 |
| MON 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 | TH YEAR-TO-DATE 0 0 0 0 0 0 0 1 |
| J) Miscellaneous: Dismissed, complaint about court ruling | TH YEAR-TO-DATE 0 0 0 0 0 0 0 1 0 1 |
| MON 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 | TH YEAR-TO-DATE 0 0 0 0 0 0 1 0 1 0 |