

FILED

JAN 1 9 2021

Clerk of the Appellate Courts Rec'd By

ADM 2021 - 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, 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 January 15, 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 December, 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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January 15, 2021

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 December, 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 DECEMBER 2020

JAN 1 9 2021
Clerk of the Appellate Courts
Rec'd By

ADM 2021-00010

The number and category of complaints OPENED¹:

<u>T</u>	<u>HIS</u>	
MC	HTM	YEAR-TO-DATE
A) Failure to comply with law:	25	240
B) Bias, prejudice and unfairness:	5	61
C) Discourtesy:	4	22
D) Abuse of office:	2	11
E) Delay:	0	22
F) Ex parte communications:	0	7
G) Disability:	0	2
H) Political violation:	0	2
I) Recusal:	0	5
J) Miscellaneous:	-0	<u>3</u>
TOTAL ² :	36	375

The number and category of complaints CLOSED:

	THIS	
1	HTMON	YEAR-TO-DATE
A) Failure to comply with law:	13	222
B) Bias, prejudice and unfairness:	5	62
C) Discourtesy:	1	17
D) Abuse of office:	0	8
E) Delay:	1	23
F) Ex parte communications:	1	7
G) Disability:	0	2
H) Political violation:	0	2
I) Recusal:	0	5
J) Miscellaneous:	0	2
TOTAL	21	350

^{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, 22% were filed by inmates. Similarly, out of the 36 complaints, 86% 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 9	140
Dismissed, no jurisdiction 0	6
Dismissed, inadequate factual basis 3	55
Dismissal with warning 0	2
Dismissal after full investigation 0	0
Deferred discipline agreement 0	0
Private reprimand 0	2
Public reprimand 1	1
Other 0	16
Retired complaint, no longer a judge 0	0
Suspension 0	0
Recommendation of removal from office 0	0
TOTAL 13	222
THIS	
<u>THIS</u> MONTH	YEAR-TO-DATE
MONTH	YEAR-TO-DATE
B) Bias, prejudice and unfairness:	YEAR-TO-DATE 30
MONTH B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling 3	
B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling 3 Dismissed, no jurisdiction 0	30
MONTH B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling 3 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 1	30 0
MONTH B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling 3 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 1 Dismissal with warning 0	30 0 23
MONTH B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling 3 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 1 Dismissal with warning 0 Dismissal after full investigation 0	30 0 23 2
MONTH B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling 3 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 1 Dismissal with warning 0 Dismissal after full investigation 0 Deferred discipline agreement 0	30 0 23 2
MONTH B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling 3 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 1 Dismissal with warning 0 Dismissal after full investigation 0 Deferred discipline agreement 0 Private reprimand 0	30 0 23 2
MONTH B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling 3 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 1 Dismissal with warning 0 Dismissal after full investigation 0 Deferred discipline agreement 0	30 0 23 2
MONTH B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling 3 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 1 Dismissal with warning 0 Dismissal after full investigation 0 Private reprimand 0 Public reprimand 0 Other 1	30 0 23 2 0 0 1
MONTH B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling 3 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 1 Dismissal with warning 0 Dismissal after full investigation 0 Private reprimand 0 Public reprimand 0 Other 1 Retired complaint, no longer a judge 0	30 0 23 2 0 0 1 1 1 5
MONTH B) Bias, prejudice and unfairness: Dismissed, complaint about court ruling 3 Dismissed, no jurisdiction 0 Dismissed, inadequate factual basis 1 Dismissal with warning 0 Dismissal after full investigation 0 Private reprimand 0 Public reprimand 0 Other 1	30 0 23 2 0 0 1 1 5

	<u>HIS</u>	
<u>MC</u>	NTH	YEAR-TO-DATE
C) Discourtesy:	_	
Dismissed, complaint about court ruling		2
Dismissed, no jurisdiction	0	0
Dismissed, inadequate factual basis	1	12
Dismissal with warning	0	2
Dismissal after full investigation	0	0
Deferred discipline agreement	0	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	0
TOTAL	1	17
	100mm 4.0p4	
	<u>HIS</u>	
MC	HIS ONTH	YEAR-TO-DATE
D) Abuse of office:	NTH	YEAR-TO-DATE
D) Abuse of office: Dismissed, complaint about court ruling	0 0	YEAR-TO-DATE
D) Abuse of office: Dismissed, complaint about court ruling Dismissed, no jurisdiction	0 0 0	
D) Abuse of office: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis	0 0 0	1
D) Abuse of office: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning	0 0 0 0 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	0 0 0 0 0 0	1 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	1 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	1 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	1 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	0 0 0 0 0 0 0 0	1 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	0 0 0 0 0 0 0 0 0	1 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	0 0 0 0 0 0 0 0 0	1 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 Deferred discipline agreement Private reprimand Public reprimand Retired complaint, no longer a judge	0 0 0 0 0 0 0 0 0	1 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 Public reprimand Retired complaint, no longer a judge Suspension	0 0 0 0 0 0 0 0 0	1 0 6 0 0 0 0 0

E) Delay: Dismissed, complaint about court ruling-		YEAR-TO-DATE 2 0
Dismissed, no jurisdiction		16
Dismissed, inadequate factual basis		
Dismissal with warning		2
Dismissal after full investigation	0	0
Deferred discipline agreement	0	0
Private reprimand	0	0
Public reprimand		0
Other		3
Retired complaint, no longer a judge		0
Suspension	0	0
Recommendation of removal from office		_0
TOTAL	1	23
701112	THIS	YEAR-TO-DATE
	<u>MONTH</u>	YEAR-TO-DATE

	<u>THIS</u>		
	<u>MONTH</u>	YEAR-TO-DATE	
F) Ex parte communications:			
Dismissed, complaint about court ruling]	3	
Dismissed, no jurisdiction	0	0	
Dismissed, inadequate factual basis	0	3	
Dismissal with warning	0	0	
Dismissal after full investigation		0	
Deferred discipline agreement	0	0	
Private reprimand		1	
Public reprimand	0	0	
Other		0	
Retired complaint, no longer a judge	· 0	0	
Suspension		0	
Recommendation of removal from office		_0	
TOTAL	1	7	

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<u>M</u>	<u>rhis</u> Onth	YEAR-TO-DATE
G) Disability:	٥	0
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		•
Deferred discipline agreement	- 0	2
Private reprimand	- 0	0
Public reprimand		0
Other		0
Retired complaint, no longer a judge	0	0
Suspension	- 0	0
Recommendation of removal from office -	- <u> </u>	_0
TOTAL	0	2
	יין דונ <i>י</i>	
	<u>THIS</u> ONTH	YEAR-TO-DATE
H) Political violation:	ONTH	YEAR-TO-DATE
<u>M</u>	<u>ONTH</u> - 0	_
H) Political violation: Dismissed, complaint about court ruling	ONTH - 0 - 0	1
H) Political violation: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis	ONTH - 0 - 0 - 0	1 0
H) Political violation: Dismissed, complaint about court ruling Dismissed, no jurisdiction	ONTH - 0 - 0 - 0 - 0 - 0	1 0 0
H) Political violation: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation	ONTH - 0 - 0 - 0 - 0 - 0	1 0 0 1
H) Political violation: 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 - 0 - 0 - 0 - 0 - 0	1 0 0 1 0
H) Political violation: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Deferred discipline agreement Private reprimand	ONTH - 0 - 0 - 0 - 0 - 0 - 0 - 0 - 0	1 0 0 1 0
H) Political violation: 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 - 0 - 0 - 0 - 0 - 0 - 0 - 0	1 0 0 1 0 0
H) Political violation: 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 - 0 - 0 - 0 - 0 - 0 - 0 - 0 - 0	1 0 0 1 0 0 0
H) Political violation: 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	ONTH - 0 - 0 - 0 - 0 - 0 - 0 - 0 - 0 - 0 - 0	1 0 0 1 0 0 0 0
H) Political violation: 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	ONTH - 0 - 0 - 0 - 0 - 0 - 0 - 0 - 0 - 0 -	1 0 0 1 0 0 0 0
H) Political violation: 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	ONTH - 0 - 0 - 0 - 0 - 0 - 0 - 0 - 0 - 0 -	1 0 0 1 0 0 0 0 0

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