

Court of the Judiciary Annual Report

August 26, 2009

Composition of the Court

Tenn. Code Ann. 17-5-201

- Three judges form the Appellate Courts.
- One trial judge from each grand division of the state.(3)
- One practicing attorney from each grand division.(3)
- Three public members who are not judges or attorneys.
- One General Sessions or Juvenile Judge from each grand division.
- One Municipal Judge

Purpose of the Court

Tenn. Code Ann. 17-5-101

- Provide an orderly and efficient method for making inquiry into:
 - 1. The physical, mental and/or moral fitness of any Tennessee judge.
 - 2. The manner of performance of duty.
 - 3. The judge's commission of any act calculated to reflect unfavorably upon the judiciary of the state or bring the judiciary into disrepute or which may adversely affect the administration of justice in the state; or
 - 4. The conduct of candidates for judicial office

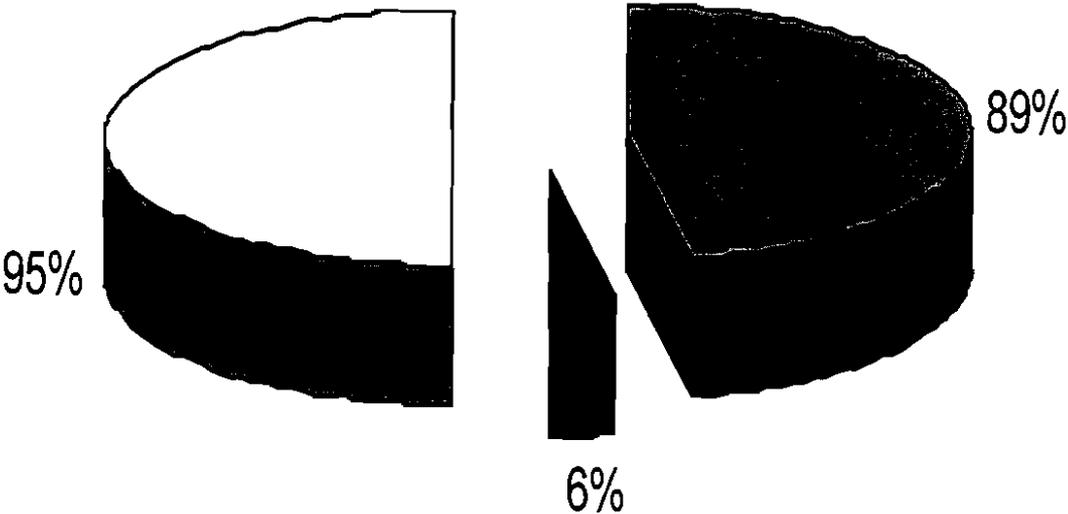
**COMPLAINTS FILED
348 THROUGH 06-30-2009**

Complaints filed	348	
Summary Dismissals & Dismissals after PI	308	89%
Dismissed by Panel after Appeal	22	6%
Total Summary Dismissals	330	95%

**AVERAGE COMPLAINTS PER
MONTH**

29

Complaints Filed



- Summary Dismissal and Dismissal After P.I.
- Dismissal by Panel after appeal
- Total Summary Dismissal

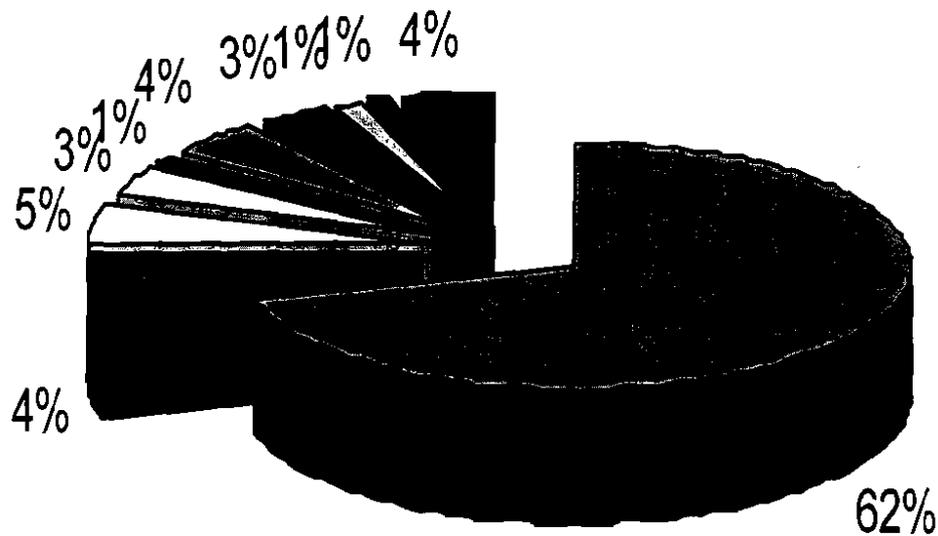
Types of Summary Dismissals

• Complaint about Decision	192
• No facts to justify a complaint	51
• No jurisdiction over the person who is complained about	24
Total	267

NATURE OF COMPLAINTS FILED

Failure to comply with the Law	218	62%
Bias, prejudice, unfairness	49	4%
Discourtesy	19	5%
Abuse of Office	12	3%
Conflict of interest	9	1%
Delay	13	4%
<i>Ex parte</i> communication	10	3%
Disability	2	1%
Political violation	4	1%
Miscellaneous	13	4%
TOTAL	349	

Nature of Complaint

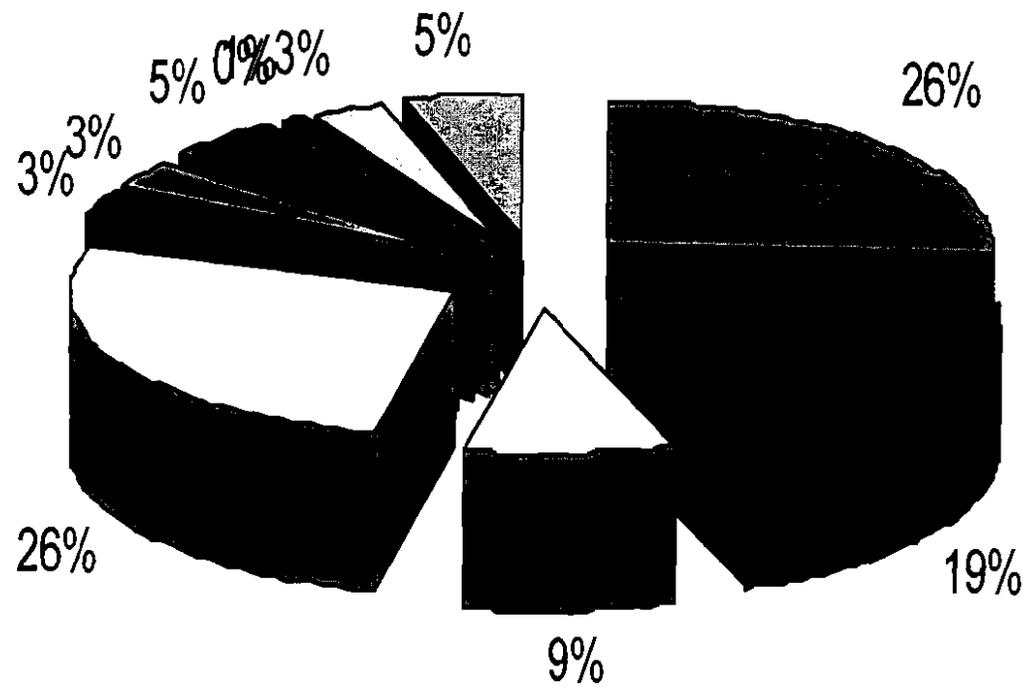


- Failure to Comply With Law
- Bias, Prejudice, Unfairness
- Discourtesy
- Abuse of Office
- Conflict of Interest
- Delay
- Ex Parte Communication
- Disability
- Political Violation
- Miscellaneous

ACCUSED JUDGE

Criminal	90	26%
Circuit	67	19%
Chancery	32	9%
General Sessions	93	27%
Juvenile	9	3%
Municipal	8	3%
Referee	18	5%
Commissioner	1	0%
Probate	0	0%
Appellate	4	1%
Sr. & retired Judge	11	3%
Other	16	5%
TOTAL	349	

Accused Judge



- Criminal
- Circuit
- Chancery
- General Sessions
- Juvenile
- Municipal
- Referee
- Commissioner
- Probate
- Appellate
- Senior and Retired
- Other

DISPOSITIONS 360 THROUGH 06/30/2009		
Dismissal by Disciplinary Counsel	270	75%
Dismissal after preliminary investigation	35	10%
Dismissal with warning after preliminary investigation	3	1%
Dismissal after appeal of summary dismissal	22	6%
Dismissal after full investigation	0	0%
Dismissal with warning after full investigation	0	0%
Deferred Discipline Agreement	5	1%
Private Letter Reprimand	5	1%
Private Censure	0	0%
Public Reprimand	3	1%
Public Censure	2	1%
Retired based on termination of Judge Status	7	2%
Other	8	2%

Types of Action Where Judge Received a Warning or Discipline

- Failure to Comply with law 5
- Bias, prejudice, unfairness 4
- Discourtesy 2
- Abuse of Office 5
- Conflict of Interest 2
- Delay 2
- Disability 1
- Political Violation 1
- Miscellaneous 2

Complaint Flow Chart

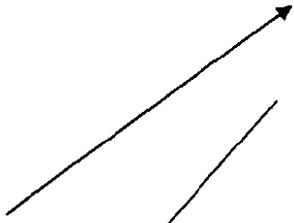
Complaint
Filed



D.C.
Review



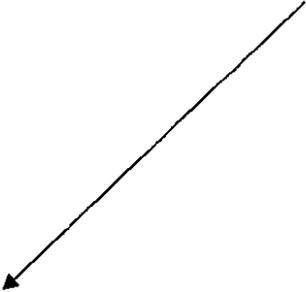
Complaint
Dismissed



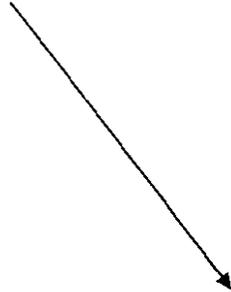
D.C. Preliminary Investigation



Recommendation to
Investigative Panel



Direct D.C. to
take different
action



Authorize a Full
Investigation

Full Investigation



Report to Investigate
Panel who Decides to:

Dismiss

Approve D.C.
Recommendation of
Settlement

Modify D.C.
Recommendation to
Settle

Authorize Formal
Charges and Trial

- **Public Reprimands and Censures for 2008/2009 to follow:**



THE TENNESSEE
COURT OF THE JUDICIARY

511 Union Street
Suite 600
Nashville, TN 37243-067
JUDGES OF THE TENNESSEE
COURT OF THE JUDICIARY

September 7, 2007

Michael W. Catalano, Clerk
100 Supreme Court Building
401 Seventh Avenue, North
Nashville, TN 37219-1407
615-253-1470

Don R. Ash
Presiding Judge

J.S. (Steve) Daniel
Disciplinary Counsel

David M. Cook
Angellina Blackshear Dalton
David G. Hayes
William A. Kelley
Jesse Lutzmer
Christy R. Little
Paul Nesly
Pamela L. Reeves
Mary Marie Schaffner
Gregory D. Smith
Steve Stafford
Jean A. Stanley
Dwight E. Stokes
D. Michael Striney
Bernie Weisman
Thomas T. Woodall

FOR PUBLIC RELEASE

The Honorable Clara W. Byrd
105 1/2 South Cumberland Street
P.O. Box 788
Lebanon, TN 37088-0788

RE: Complaint of Kasee Elkins v. Judge Clara W. Byrd
File No. 06-2657

Dear Judge Byrd:

This shall serve as a public letter reprimand pursuant to your agreement with the Investigative Panel of this Court.

The reprimand relates to your actions in failing to implement the mandate of the Court of Appeals of the Middle Section of Tennessee in the case styled IN RE: C.A.R. #M2005-02286-COA-R3-CV. The mandate of the Court of Appeals required the implementation of the Court of Appeals judgment which required you to "immediately restore custody to the mother pursuant to the permanent parenting plan in effect prior to the change of custody in August of 2005." As a result of your failure to immediately follow the mandate, the mother of the child was required to expend additional attorney's fees to go back to the Court of Appeals to implement their order.

The above-styled conduct violates Canons 2A, 3B(2) and 3B(8) of the Code of Judicial Conduct and further constitutes conduct that brings the judiciary into public disrepute under Tennessee Code Annotated §17-5-302(8).

constitutes a public reprimand for your actions. In the future, you are to follow explicitly the adopted rules of juvenile procedure and once you are disqualified from a case as a result of your recusal, you are prohibited from taking additional actions in those matters.

Sincerely yours,

Don R. Ash
Presiding Judge
Court of the Judiciary

cc: Investigative Panel
Disciplinary Counsel



THE TENNESSEE COURT OF THE JUDICIARY

FILED
20 APR 20 PM 3:43

Michael W. Calahan, Clerk
400 Supreme Court Building
401 Seventh Avenue, North
Nashville, TN 37243-1407
615-381-4470

311 Union Street
Suite 607
Nashville, TN 37243-4007
JUDGES OF THE TENNESSEE
COURT OF THE JUDICIARY

Don R. Ash
Presiding Judge

J.S. Charles Denton
Disciplinary Counsel

Chelsi Crain
David M. Cook
Angellia Blackthorn Hahn
Joni Laitner
Chesley R. Linder
Paul Merly
Pamela L. Moran
Kathy Michalski
Mary Monte Schaffner
Gregory D. Smith
Steve Stafford
Jean A. Swaffey
Douglas E. Tinker
D. Michael Swerry
Bonnie Whitman
Thomas T. Woodall

RELEASE TO PRESS

PUBLIC LETTER OF REPRIMAND

April 17, 2009

The Honorable Carolyn Wade Blackett
Shelby County Justice Complex
201 Poplar Avenue, Suite 519
Memphis, Tennessee 38103

In re: Internal Complaint vs. Judge Carolyn Blackett
File No. 08-3398

Dear Judge Blackett:

This shall serve as a public letter of reprimand pursuant to your agreement with the Investigative Panel of this Court.

This reprimand relates to your handling of a post-conviction relief petition filed by Perry Cribbs. This post-conviction petition in a capital case was filed April 13, 1998. The case was not decided by you until May 23, 2006, a time lapse of seven years, five months and twenty-one days. This being a capital case, Tennessee Code Annotated §40-30-111(d) required such a post-conviction petition to be concluded in the trial court within one year of the filing of the petition. The same statute requires a ruling within sixty-days of the conclusion of the proof. In this case a draft final revised order was in your possession on May 23, 2005 and you did not enter your decision until May 23, 2006.

Blacked Public Reprimand
April 17, 2009
Page 2 of 2

Your actions in failing to decide this case in a timely manner violated Canon 3D (8) of the Code of Judicial Conduct. The failure to decide the case also violates Canon 2A requiring a judge to respect and comply with the law and Canon 3A which requires judicial duties to take precedence over all other activities of the judge. This conduct also violates Canon 3B(2) requiring a judge to be faithful to the law and to maintain professional competence in it. In particular this conduct in failing to decide the case in a timely manner violated Tennessee Code Annotated § 40-30-111(d), Tennessee Code Annotated § 40-30-109(a) and Tennessee Code Annotated § 40-30-121. Your conduct in this matter has detrimentally affected the integrity of the Tennessee Judiciary and undermines public confidence in the administration of justice.

Thus this letter serves as a public letter of reprimand and will be appropriately filed and disseminated. We are now closing our file on this matter.

Sincerely,

Don. R. Ash
Presiding Judge

DRA/mpm
cc: Disciplinary Counsel
Investigative Panel



THE TENNESSEE
COURT OF THE JUDICIARY

511 East Street
Suite 400
Nashville, TN 37243-4407
JUDGES OF THE TENNESSEE
COURT OF THE JUDICIARY

Don E. Ash
Presiding Judge

A.S. Oliver (Chair)
Disciplinary Council

Cheri Cook
David M. Cook
Angelita Blackmon Dabow
John Latham
Cheryl E. Lister
Paul Neely
Patricia L. Rivers
Cathy McMillon
Mary Martha Schindler
Gregory D. Smith
Steve Stafford
Jesse A. Stucky
Dwight E. Stucky
D. Michael Swainey
Beverly Swanson
Thomas T. Woodall

April 9, 2009

RELEASE TO PRESS

PUBLIC REPRIMAND

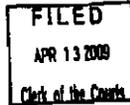
The Honorable John W. Wabon
900 East Elk Avenue
Elizabethtown, TN 37643

RE: Complaint of Leslie C. Sharpe against
Judge John W. Wabon
File No. DR-3457

Dear Judge Wabon:

This shall serve as a public letter reprimand pursuant to your agreement with the Investigative Panel of this Court.

The reprimand relates to statements which you made as a judge in open court and/or in the public areas of the clerk's office about General Sessions Clerk employees. You made these statements in a demeaning and disrespectful manner. One such comment was made concerning Leslie C. Sharpe. Ms. Sharpe's maiden name was Leslie C. Hill. On one occasion in open court during a proceeding, you called Ms. Hill "Liar Hill" and demeaned her professional capabilities as an employee of the General Sessions Court Clerk's office saying that she was incompetent. On another occasion you made reference to Lore Carr as "Dora Dumb" or "Dumb Dora." Ms. Carr is also an employee of the General Sessions Clerk's office and these comments were made in the presence of others. These comments were demeaning and belittling of each of these employees and were inappropriate. Your actions in this regard violated Canon 3B(4) requiring a judge to be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity. This conduct also violates Canon 2 of the Code of



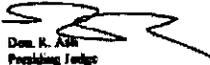
Michael W. Cauden, Clerk
603 Supreme Court Building
401 Seventh Avenue, South
Nashville, TN 37243-4407
615-253-1470

Written Public Reprimand
April 9, 2009
Page 2 of 2

Judicial Council requiring a judge to act in a manner that promotes public confidence in the integrity and impartiality of the Judiciary.

This letter serves as a public letter reprimand and will be appropriately filed and disseminated. We are now closing our file on this matter. We greatly appreciate your cooperation with our Disciplinary Council and this Court throughout this process.

Sincerely yours,


Don E. Ash
Presiding Judge

DGA/ampn
cc: Disciplinary Council
Investigative Panel



**THE TENNESSEE
COURT OF THE JUDICIARY**

511 Union Street
Suite 600
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JUDGES OF THE TENNESSEE
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Don R. Ash
Presiding Judge

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Jan. Lattner
Christy R. Lattle
Paul Neely
Rameck L. Rivers
Kenny McMahon
Marc Martin Schattner
Gregory D. Smith
Steve Stattered
John A. Stanley
Dwight E. Stokes
D. Michael Swamy
Bernie Weinman
Thomas F. Woodruff

Michael W. Catalano, Clerk
100 Supreme Court Building
401 Seventh Avenue, North
Nashville, TN 37219-1407
615-257-1470

RELEASE TO PRESS

PUBLIC CENSURE

May 1, 2009

The Honorable Durwood G. Moore
Dickson County General Sessions Judge
Post Office Box 217
Charlotte, Tennessee 37036

In re: Complaint of Richard T. Hansrote vs.
Judge Durwood G. Moore
File No. 08-3768

Dear Judge Moore:

This shall serve as a public censure pursuant to your agreement with the Investigative Panel of this Court. This censure relates to your conduct as General Sessions Court Judge on December 12, 2008. On this particular day Attorney Richard T. Hansrote appeared before you representing an individual who had been charged with a crime. Prior to the beginning of court Mr. Hansrote and the Assistant District Attorney agreed that the case in question was to be bound to the Grand Jury, waiving the preliminary hearing. Mr. Hansrote attempted to announce this agreement when you took the bench and began calling your docket. However, you did not recognize Mr. Hansrote or allow the announcement. You then proceeded with the calling of your various dockets. Mr. Hansrote who had business in an adjacent county had his client execute the appropriate agreement and with the consent of the D.A., asked a fellow member of the Bar to simply present the document later in the morning when you ultimately called the case in question. Mr. Hansrote left the

Moore Public Censure
May 1, 2009
Page 2 of 2

Dickson County Courthouse and while in route to an adjacent county was telephoned and informed that you would not accept the executed waiver. You represented to those in court that this was a substitution of counsel which you would not allow. Mr. Hansrote was instructed to call you. When Mr. Hansrote called you on the telephone you threatened him with contempt if he did not return to your court for the purpose of this ministerial act. During the conversation you used profanity and hung up on Mr. Hansrote. Mr. Hansrote ultimately had his wife, who is also an attorney, leave a dental appointment and drive to your court location to make an appearance later in the afternoon to make this announcement. When she arrived you once again threatened Mr. Hansrote with contempt if he ever sought to have an attorney stand in to make such an announcement in the future.

Such an announcement in this fashion is not a substitution of counsel. Your conduct in hanging up on Mr. Hansrote and using profanity as well as the threat of criminal contempt to Mr. Hansrote was inappropriate. Your conduct in this matter violated Canon 2A which requires a judge "to respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the Judiciary." This conduct also violates Canon 3B(4) which requires a judge to be "patient, dignified and courteous with litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity." Your conduct in this matter has detrimentally affected the integrity of the Tennessee Judiciary and undermines public confidence in the administration of justice.

This public censure represents the highest degree of judicial discipline authorized by law short of the Court seeking a judgment recommending your removal as a judge from office. In the future you are advised that serious breaches of the Code of Judicial Conduct will be responded to by the filing of charges seeking your removal. This now concludes the inquiry into these allegations and our files are now closed.

Sincerely yours,

Don R. Ash
Presiding Judge
Court of the Judiciary

DRA:mpm
cc: Investigative Panel
Disciplinary Counsel



**THE TENNESSEE
COURT OF THE JUDICIARY**

511 Union Street
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JUDGES OF THE TENNESSEE
COURT OF THE JUDICIARY

Micazel W. Callahan, Clerk
100 Supreme Court Building
101 Seventh Avenue, North
Nashville, TN 37219-1407
615-253-1470

Don R. Ash
Presiding Judge

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Angelita Blackshear Dalton
Jane Lutman
Christy R. Lunde
Paul Nevin
Famela L. Rice
Kathy M. Mahan
Mary Abama Schafner
Gregory D. Smith
Steve Stafford
John A. Starnes
Joseph E. Stokes
D. Michael Strines
Bernie Weimann
Thomas J. Woodall

RELEASE TO PRESS

PUBLIC CENSURE

May 1, 2009

The Honorable Darwood G. Moore
Dickson County General Sessions Judge
Post Office Box 217
Charlotte, Tennessee 37036

In re: Complaint of Benjamin J. Marchant vs.
Judge Darwood G. Moore
File No. 09-3778

Dear Judge Moore:

This shall serve as a public censure pursuant to your agreement with the Investigative Panel of this Court. This censure relates to your conduct as General Sessions Court Judge on January 2, 2009. On this date at approximately 1:30 p.m. Mr. Marchant was a spectator in your courtroom. He had come to observe the court proceedings as he had a friend who had court business and he was there to provide that individual a ride at the conclusion of your court proceedings. While he sat in your court you observed him and ordered your bailiff or police officers in the courtroom to take Mr. Marchant into custody and to administer a drug test on his person. Mr. Marchant was neither a litigant, a defendant or a person who had business before the Court and was a citizen observer. Mr. Marchant at your direction was seized by police officials and required to provide a urine sample which was drug tested. When the drug test was revealed to be negative Mr. Marchant was released. The ordering of the seizure of Mr. Marchant and this testing were illegal and neither statutory nor constitutional basis existed for your conduct. Your conduct in

Marchant v. Moore Public Censure

May 1, 2009

Page 2 of 2

ordering a spectator to submit to a drug screen violated Canon 2A which requires a judge "to respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the Judiciary." This conduct also violates Canon 3B(2) which requires a judge to be "faithful to the law and maintain professional competence in it." The conduct also violated Canon 3B(4) which requires a judge to be "patient, dignified and courteous with litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity." This conduct also violates the due process rights of Mr. Marchant to privacy and freedom under both the United States Constitution and the Tennessee Constitution. Your conduct in this matter has detrimentally affected the integrity of the Tennessee Judiciary and undermines public confidence in the administration of justice.

This public censure represents the highest degree of judicial discipline authorized by law short of the Court seeking a judgment recommending your removal as a judge from office. In the future you are to accord all citizens who appear in your court their constitutional rights and they shall not be seized on your suspicion for unauthorized drug tests. Each individual who appears before you shall be afforded their due process rights and shall be properly charged and noticed before any adverse action is taken against them.

Sincerely yours,

Don R. Ash
Presiding Judge
Court of the Judiciary

DRA/mpm

cc: Investigative Panel

Dickson County



**THE TENNESSEE
COURT OF THE JUDICIARY**

511 Union Street
Suite 600
Nashville, TN 37243-0657

JUDGES OF THE TENNESSEE
COURT OF THE JUDICIARY

Don R. Ash
Presiding Judge

J.S. (Steve) Daniel
Disciplinary Counsel

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David M. Cook
Angelita Blackshear Dalton
Jesse Latimer
Christy R. Little
Paul Neely
Pamela L. Reeves
Kathy McMahan
Mary Martin Schaffner
Gregory D. Smith
Steve Stafford
Jenn A. Stanley
Dwight E. Stokes
D. Michael Swinney
Berale Weisman
Thomas T. Woodall

PUBLIC LETTER REPRIMAND

Michael W. Cantano, Clerk
100 Supreme Court Building
401 Seventh Avenue, North
Nashville, TN 37219-1407
615-253-1470

Judge Charles Rich
106 East Depot Street
Shelbyville, Tennessee 37162

RE: Complaint of Rhonda S. Jones against Judge Charles Rich

FILE NO. 07-3293

DATE: October 10, 2008

FOR PUBLIC RELEASE

Dear Judge Rich,

Pursuant to your agreement with the Investigative Panel of this Court, I am issuing a public letter of reprimand based upon your actions in Juvenile Court dealing with Ms. Rhonda Jones. In various rulings on her cases, you failed to make findings of fact as required by 28 (f)(2) of the Tennessee Rules of Juvenile Procedure and on multiple occasions, attorneys representing Ms. Jones asked for these findings of fact in order to appeal your decisions. Your refusal to make such findings of fact delayed Ms. Jones' ability to appeal and resulted in an untimely resolution of her cases, thereby directly violating Rule 28 (f)(2) of the Tennessee Rules of Juvenile Procedure and Canon 2A which obligates you as a judge to know and follow the law. Your actions causing the delay of an appeal violated Cannon 3B (8).

Next, after recusing yourself from Ms. Jones' cases, you signed two orders relating to her December 2007 matters. In July 2008, you signed another order authorizing her attachment and incarceration for failure to pay child support. This conduct is a violation of Canon 3E (1)(a).

The conduct described above is detrimental to the administration of justice and brings the Judiciary into public disrepute under the provisions of Tenn. Code Ann. §17-5-302(e). Accordingly, this

constitutes a public reprimand for your actions. In the future, you are to follow explicitly the adopted rules of juvenile procedure and once you are disqualified from a case as a result of your recusal, you are prohibited from taking additional actions in those matters.

Sincerely yours,

Don R. Ash
Presiding Judge
Court of the Judiciary

cc: Investigative Panel
Disciplinary Counsel