

Adm2016-00040

THE TENNESSEE BOARD OF JUDICIAL CONDUCT

511 Union Street
Suite 600
Nashville, TN 37219

MEMBERS OF THE TENNESSEE
BOARD OF JUDICIAL CONDUCT

September 14, 2016

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

Chris Craft
Chairperson

Timothy R. Discenza
Disciplinary Counsel

Patrick J. McHale
Assistant Disciplinary Counsel

Kenny Armstrong
Miles Burdine
Angelita B. Dalton
Joe F. Fowlkes
Tas Gardner
Dee Gay

J. Ronald Hickman
Chris A. Hodges
Thomas W. Lawless
Christy R. Little
Larry J. Logan
Norma Ogle
Ward Phillips
J. Michael Sharp
Dwight E. Stokes

Russell Humphrey
Chief Clerk of the Senate
Office of the Chief Clerk
State Capitol, 2nd Floor
Nashville, TN 37243

Joe McCord
Chief Clerk of the House
Office of the Chief Clerk
State Capitol, 2nd Floor
Nashville, TN 37243

Dear Chief Clerks:

Please find enclosed the Quarterly Report for the fourth quarter of this fiscal year, as mandated by Tenn. Code Ann. § 17-5-207(b).

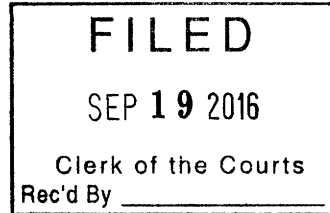
Sincerely,

A handwritten signature in black ink, appearing to read "Chris Craft".

CHRIS CRAFT
Board Chair

CC/bep

BOARD OF JUDICIAL CONDUCT
FISCAL YEAR 2015-2016 FOURTH QUARTERLY REPORT
(For the period 4/1/16 through 6/30/16)
Due 9/20/16



The number of complaints OPENED¹ this quarter is 94. Year to date the number is 411.

The number of complaints CLOSED this quarter is 80. Year to date the number is 381.

The DISPOSITION of the complaints closed this quarter is:

		YTD	FY 2012-13	FY 2013-14	FY 2014-15
Dismissed, complaint about court ruling----	60	255	209	253	228
Dismissed, no jurisdiction -----	2	9	15	8	23
Dismissed, inadequate factual basis -----	16	93	99	98	105
Dismissal with warning -----	0	3	11	19	19
Dismissal after full investigation -----	0	0	0	1	1
Deferred discipline agreement -----	0	2	1	1	1
Private reprimand -----	0	6	8	1	3
Private censure -----	0	0	0	0	0
Public reprimand -----	1	6	5	4	2
Public censure -----	0	0	1	3	2
Other -----	1	5	0	5	4
Retired complaint, no longer a judge -----	0	2	1	17	15
Cease and Desist Order-----	0	0	0	1	1
Suspension -----	0	0	0	0	0
Recommendation of removal from office --	0	0	0	0	0
TOTAL	80	381	350	411	404

The number of complaints PENDING on the last day of this quarter is 82.

The number of complaints for which PROBABLE CAUSE WAS FOUND² this quarter is 4.
The number year to date is 26.

The number of complaints for which FORMAL CHARGES WERE FILED this quarter is 0.
The number year to date is 0.

The NATURE of the complaints filed and the TYPE OF JUDGE according to the following categories is:

-
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.
 2. "Probable cause was found" means that Disciplinary Counsel and the investigative panel believe that there is evidence supporting the allegations against a judge and the investigative panel has authorized a full investigation pursuant to Tenn. Code Ann. §17-5-304 (c)(3).

		<u>YTD</u>	FY 2012-13	FY 2013-14	FY 2014-15
A) Failure to comply with the law:					
Criminal -----	15	92	74	77	75
Circuit -----	19	65	50	65	70
Chancery -----	5	23	21	18	16
General Sessions -----	16	78	63	72	57
Juvenile -----	0	1	5	4	5
Magistrate and Referee-----	2	8	17	16	14
Municipal -----	0	4	5	8	4
Commissioner -----	2	5	3	1	9
Probate -----	0	1	1	0	0
Appellate Court -----	2	12	1	13	2
Senior and Retired -----	0	1	3	5	1
Other -----	1	4	8	4	11
TOTAL	62	294	253	283	264

		<u>YTD</u>	2012-13	2013-14	2014-15
B) Bias, prejudice and unfairness:					
Criminal -----	0	4	6	6	8
Circuit -----	3	8	6	1	10
Chancery -----	1	4	4	0	0
General Sessions -----	3	9	10	3	14
Juvenile -----	0	0	3	0	3
Magistrate and Referee-----	1	6	4	0	3
Municipal -----	0	0	0	1	0
Commissioner -----	0	0	0	0	0
Probate -----	0	0	0	0	0
Appellate Court -----	0	0	0	0	0
Senior and Retired -----	0	0	0	0	0
Other -----	0	0	0	0	0
TOTAL	8	31	33	11	38

		<u>YTD</u>	2012-13	2013-14	2014-15
C) Discourtesy:					
Criminal -----	1	3	4	3	2
Circuit -----	0	1	3	0	0
Chancery -----	0	1	0	0	0
General Sessions -----	1	6	4	4	4
Juvenile -----	0	0	0	0	0
Magistrate and Referee-----	1	1	3	0	0
Municipal -----	0	0	2	0	0
Commissioner -----	0	0	0	0	0
Probate -----	0	0	1	0	0
Appellate Court -----	0	0	0	0	0
Senior and Retired -----	0	0	0	0	0
Other -----	0	0	0	0	0
TOTAL	3	12	17	7	6

D) Abuse of office:		<u>YTD</u>	2012-13	2013-14	2014-15
Criminal -----	0	1	0	4	1
Circuit -----	0	0	5	1	7
Chancery -----	0	1	0	2	0
General Sessions -----	1	2	9	12	9
Juvenile -----	0	0	0	0	0
Magistrate and Referee-----	1	1	1	4	0
Municipal -----	0	0	0	2	0
Commissioner -----	0	0	0	2	0
Probate -----	0	0	0	0	0
Appellate Court -----	0	0	1	3	2
Senior and Retired -----	0	0	1	0	0
Other -----	0	0	0	0	1
TOTAL	2	5	17	30	20

E) Delay:		<u>YTD</u>	2012-13	2013-14	2014-15
Criminal -----	4	9	9	11	16
Circuit -----	5	11	2	12	3
Chancery -----	0	0	1	1	1
General Sessions -----	3	11	4	10	2
Juvenile -----	0	0	0	0	0
Magistrate and Referee-----	0	1	0	0	0
Municipal -----	0	0	0	0	1
Commissioner -----	0	0	0	0	0
Probate -----	0	0	0	1	1
Appellate Court -----	0	1	0	0	1
Senior and Retired -----	0	0	0	0	0
Other -----	0	0	0	0	0
TOTAL	12	33	16	35	25

F) <i>Ex parte</i> communications:		<u>YTD</u>	2012-13	2013-14	2014-15
Criminal -----	0	0	1	0	1
Circuit -----	1	3	0	2	4
Chancery -----	0	0	1	2	0
General Sessions -----	0	1	5	2	0
Juvenile -----	0	0	0	0	0
Magistrate and Referee-----	0	0	2	1	1
Municipal -----	0	1	0	0	0
Commissioner -----	0	0	0	0	0
Probate -----	0	0	0	0	0
Appellate Court -----	0	0	0	0	0
Senior and Retired -----	0	0	0	0	0
Other -----	0	0	1	0	0
TOTAL	1	5	10	7	6

G) Disability:		<u>YTD</u>	2012-13	2013-14	2014-15
Criminal -----	0	0	2	0	1
Circuit -----	0	0	0	3	0
Chancery -----	0	0	0	0	0
General Sessions -----	0	0	1	1	3
Juvenile -----	0	0	0	0	0
Magistrate and Referee----	0	0	0	0	1
Municipal -----	0	0	1	0	0
Commissioner -----	0	0	0	0	0
Probate -----	0	0	0	0	0
Appellate Court -----	0	0	0	0	0
Senior and Retired -----	0	0	0	0	0
Other -----	0	0	0	0	0
TOTAL	0	0	4	4	5

H) Political violation:		<u>YTD</u>	2012-13	2013-14	2014-15
Criminal -----	0	0	0	0	1
Circuit -----	0	0	1	3	0
Chancery -----	0	0	2	0	1
General Sessions -----	0	0	0	5	3
Juvenile -----	0	0	0	1	0
Magistrate and Referee----	0	0	0	0	0
Municipal -----	0	0	1	1	0
Commissioner -----	0	1	0	0	0
Probate -----	0	0	0	0	0
Appellate Court -----	0	0	0	5	2
Senior and Retired -----	0	0	0	0	0
Other -----	0	0	1	9	1
TOTAL	0	1	5	24	8

I) Recusal:		<u>YTD</u>	2012-13	2013-14	2014-15
Criminal -----	2	6	3	3	3
Circuit -----	2	10	3	3	2
Chancery -----	0	0	2	0	4
General Sessions -----	2	7	10	9	5
Juvenile -----	0	1	0	1	0
Magistrate and Referee----	0	1	0	0	1
Municipal -----	0	1	0	0	0
Commissioner -----	0	0	0	0	1
Probate -----	0	0	0	0	0
Appellate Court -----	0	3	0	0	1
Senior and Retired -----	0	0	0	0	0
Other -----	0	0	0	0	1
TOTAL	6	29	18	16	18

J) Miscellaneous:		<u>YTD</u>	2012-13	2013-14	2014-15
Criminal -----	0	1	0	1	0
Circuit -----	0	0	1	2	0
Chancery -----	0	0	0	0	0
General Sessions -----	0	0	0	3	0
Juvenile -----	0	0	0	0	0
Magistrate and Referee-----	0	0	0	0	0
Municipal -----	0	0	0	0	0
Commissioner -----	0	0	0	0	0
Probate -----	0	0	0	0	0
Appellate Court -----	0	0	0	0	0
Senior and Retired -----	0	0	0	0	0
Other -----	0	0	0	0	1
TOTAL	0	1	1	6	1

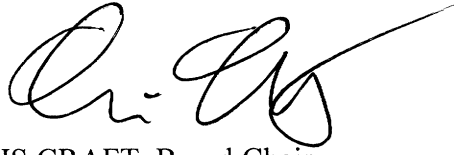
Member Voting

	D	FI	D	FI
	YTD			
Hon. Norma Ogle	8	0	51	1
Edward G. Phillips	19	1	64	4
Judge Kenny Armstrong	15	1	51	8
Miles Burdine	13	0	77	0
Judge Angelita Dalton	7	1	51	4
Judge Joe Fowlkes	8	1	47	19
Robert Gardner	16	0	67	5
Ronald Hickman	14	2	55	28
Chris Hodges	10	1	45	2
Thomas Lawless	7	0	48	0
Judge Christy Little	15	0	80	1
Judge Larry Logan	18	0	66	6
Judge Michael Sharp	7	1	56	2
Judge Dwight Stokes	13	2	56	9
Judge Dee Gay	9	2	45	22

D= Dismissals

FI= Full Investigations

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Chris Craft', with a long, sweeping horizontal line extending to the right.

CHRIS CRAFT, Board Chair
BOARD OF JUDICIAL CONDUCT