



## STATE OF TENNESSEE BOARD OF JUDICIAL CONDUCT

Mailing Address:  
403 Seventh Avenue North, Room 202  
Nashville, TN 37243

October 14, 2024

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

MEMBERS OF THE TENNESSEE  
BOARD OF JUDICIAL CONDUCT

FOR PUBLIC RELEASE

G. Andrew Brigham  
Board Chair

Judge R. Steven Randolph  
C/O Henry D. Fincher, Esq.  
305 East Spring Street  
Cookeville, TN 38501

Jeffrey M. Atherton  
Vice-Chair

Marshall L. Davidson, III  
Disciplinary Counsel

RE: Public Reprimand  
File No. B24-9788

Shane A. Hutton  
Assistant Disciplinary Counsel

Dear Judge Randolph:

H. Allen Bray  
Rodney Brown  
Tony A. Childress  
Edwena L. Crowe  
C. Ashley Johnson  
William C. Koch, Jr.  
Camille R. McMullen  
Benjamin Purser, Jr.  
Dan Springer  
Terica N. Smith  
Valerie L. Smith  
Bishop Edward Stephens, Jr.  
John W. Whitworth  
Robert W. Wilkinson

This letter shall serve as a public reprimand pursuant to Tennessee Code Annotated section 17-5-303(e)(2)(B)(i)(c).

On March 25, 2024, you accepted a guilty plea in which the defendant had struck and damaged your personal vehicle and was charged with driving without a license. He was not charged with any other offense, including hitting your vehicle or causing property damage. As a condition of accepting the defendant's guilty plea, you ordered him to pay restitution to yourself in the amount of \$590.19. The defendant was *pro se*, did not speak English, and an interpreter translated the proceedings.

When the defendant appeared before you, you informed him that he had hit your truck and that you had an estimate for \$590.19 for the damage to your truck. You also informed him that in addition to the sentence imposed for the offense for which he was charged, he would be required to pay you \$590.19. No lawyers were involved in the case, and a recording of the hearing reveals that the payment of restitution as a condition of the guilty plea was solely your idea. The defendant requested that he be allowed to pay you in installments, and you granted that request.

In a response dated June 12, 2024, you acknowledged that you accepted the guilty plea and ordered the defendant to pay you for the damage to your vehicle. You also noted that in an order entered on April 1, 2024, you set aside the guilty plea, and a different judge dismissed the case. As a result, you did not ultimately receive any money from the defendant.

Joy A. Scribner  
Legal Assistant/Paralegal  
615-685-6156

In follow-up responses dated July 31 and September 6, 2024, you asserted that your disqualification from the case had been waived by the defendant, that the amount of restitution was “miniscule,” and that any violation of the Code of Judicial Conduct was “technical, not substantive.” You nonetheless acknowledged that, in hindsight, you should not have heard the defendant’s case.

These circumstances are troubling in several respects. First, when a judge presides over a matter in which the judge has an interest in the outcome and uses the occasion to require a criminal defendant to pay the judge restitution as a condition of resolving the case, it can give rise to a reasonable concern by those whose legal rights and freedoms are at risk about the fairness of the outcome.

Second, requiring a litigant to pay money to the judge hearing the matter can undermine public perception and confidence that the judge will approach his or her cases fairly and impartially and will not be influenced by the judge’s personal interest in the outcome.

Third, presiding over a matter in which the judge has a personal interest and ordering a resolution conditioned upon payment of money to the judge can raise reasonable concerns that the judge used his or her authority to advance the personal or economic interests of the judge.

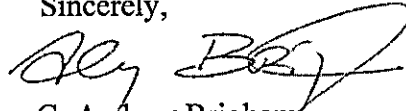
Fourth, even if a waiver of disqualification was permitted under these circumstances, you failed to follow the procedures outlined in Tenn. Sup. Ct. R. 10, RJC 2.11(C) designed to secure an effective waiver. Specifically, you did not allow the defendant an opportunity to consider the issue of waiver outside the presence of yourself and court personnel after informing him of your conflict of interest. Thus, the purported waiver, even if permitted, was invalid because you failed to follow the specific procedures to secure a valid waiver.

Accordingly, these circumstances implicate Tenn. Sup. Ct. R. 10, RJC 1.1 (“A judge shall comply with . . . the Code of Judicial Conduct.”); Tenn. Sup. Ct. R. 10, RJC 1.2 (“A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.”); Tenn. Sup. Ct. R. 10, RJC 1.3 (“A judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge . . . .”); and Tenn. Sup. Ct. R. 10, RJC 2.11(A) (“A judge shall disqualify himself or herself in any proceeding in which the judge’s impartiality might reasonably be questioned . . . .”).

The investigative panel decided to impose a public reprimand, which you have accepted. The panel notes that you previously received a public reprimand on September 20, 2023. The panel also considered that you have been cooperative and forthcoming throughout this matter.

The Board trusts that the reprimand imposed today will result in an elevated consciousness about your ethical responsibilities as a judge, as neglecting those responsibilities not only reflects poorly upon the individual judge but undermines public confidence in the integrity of the judicial system and the administration of justice.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Andrew Brigham". The signature is fluid and cursive, with a large, sweeping flourish at the end.

G. Andrew Brigham  
Board Chair