

ORIGINAL

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IN THE TENNESSEE COURT OF THE JUDICIARY
APPELLATE COURT CLERK
NASHVILLE

**IN RE: THE HONORABLE GLORIA DUMAS,
JUDGE, GENERAL SESSIONS COURT
METROPOLITAN NASHVILLE and
DAVIDSON COUNTY, TENNESSEE, Division IV**

Docket No. M2009 01938-CJ-CJ-CJ

**Complainant: JOSEPH S. DANIEL, in the exercise of his duties as
Disciplinary Counsel, and at the direction of an Investigative Panel of the
Tennessee Court of the Judiciary.**

File No. 08-3487

FORMAL CHARGES

Joseph S. Daniel, Disciplinary Counsel for the Tennessee Court of the Judiciary, at the direction of an investigative panel of three judges of the Court of the Judiciary, in accordance with Tennessee Code Annotated § 17-5-301, *et. seq.*, hereby files formal charges against the Honorable Gloria Dumas, Judge of the General Sessions Court of Nashville and Davidson County, Tennessee, Division IV.

Jurisdiction

1. Following a full investigation authorized under the provisions of Tennessee Code Annotated § 17-5-304(b)(3), the three judge investigative panel composed of the Honorable Pamela Reeves, the Honorable Jean A. Stanley, and the Honorable Dwight E. Stokes found, pursuant to Tennessee Code Annotated § 17-5-304(d)(2)(A), that there is reasonable cause to believe that the Honorable Gloria Dumas has committed judicial offenses alleged herein in violation of Tennessee Code Annotated

§ 17-5-302, and directed disciplinary counsel to file formal charges pursuant to Tennessee Code Annotated § 17-5-304(d)(2) (A).

2. The Honorable Gloria Dumas, at all times relevant herein, was a judge of the General Sessions Court of Nashville and Davidson County, Tennessee, having taken the oath of office following her election in 1998. Therefore, General Sessions Judge Dumas is subject to judicial discipline by the Court of the Judiciary pursuant to Tennessee Code Annotated § 17-5-102.

Charges

Disciplinary Counsel charges Honorable Gloria Dumas as follows:

Count I

3. The complainant alleges that Judge Gloria Dumas in exercising her authority as a General Sessions Judge of Nashville and Davidson County is persistently late in attending court sessions and fails to open court at 9:00 a.m. or other designated times for the litigants that appear before her.

Count II

4. Judge Dumas has consistently failed to attend her dockets and extensively used special judges to hold her dockets. These special judges were appointed in a fashion that fails to meet Tennessee law. These appointments fail to comply with Tennessee Code Annotated § 16-15-209.

Tennessee Code Annotated § 16-15-209 provides, in pertinent part, as

follows:

§ 16-15-209. Special judges; selection; compensation

(a) If the judge of a court of general sessions or juvenile court finds it necessary to be absent from holding court, such judge may seek a special judge in accordance with the requirements of and in the numerical sequence designated by this section:

(1) If a special judge is necessary in a county or district with more than one (1) general sessions or juvenile judge, the judge shall interchange within such judge's county, pursuant to § 17-2-208. If a judge cannot serve by interchange, a judge may seek to find any current, former, or retired judge, who will, by mutual agreement, sit as special judge. Such designation shall be made by the chief justice of the supreme court.

(2) In a county with only one (1) general sessions judge or juvenile court judge...

(3) If the judge is unable to secure a judge under subdivision (a)(1) or (2), the judge may apply to the administrative office of the courts for assistance in finding a judge to sit by designation as special judge.

(4) Only after exhausting the procedures set out in subdivisions (a)(1), (2) and (3), a judge may appoint a lawyer from a list, on a rotating basis, of lawyers that have been previously approved by the judge or judges of the district or county who are constitutionally qualified, in good standing, and possess sufficient experience and expertise. A lawyer appointed is subject to the following limitations:

(A) The lawyer may preside only if the parties and counsel are notified that the duly elected or appointed judge will be absent and that a practicing lawyer will serve as a special judge;

(B) The parties choose to proceed and not to continue the case pending return of the duly elected or appointed judge; and

(C) The lawyer shall not approve the payment of attorney's fees, involving an indigent defense claim or any discretionary fees. A special judge shall approve fees only when the exact amount is set by statute.

(b) A general sessions or juvenile judge assigned to a court outside their county of residence shall receive reimbursement for travel expenses from the county to which the judge is assigned. Such reimbursement shall be in

an amount in accordance with the comprehensive travel regulations promulgated by the supreme court.

(c) The county legislative body, by resolution adopted by a two-thirds ($\frac{2}{3}$) vote, may authorize the payment of compensation to a special judge selected pursuant to subdivision (a)(4) of this section. The amount of such compensation shall not exceed the rate of compensation for other judges of the general sessions court or juvenile court for such county.

(d) A general sessions or juvenile judge may issue and may amend upon showing a change in circumstances, a standing order regarding compliance with subdivisions (a)(1)-(4). Such order may include a finding regarding whether a current, former or retired judge will sit by mutual agreement in accordance with subdivision (a)(2); whether the administrative office of the courts can comply with emergency requests for substitute judges in less than seventy-two (72) hours in accord with subdivision (a)(3) and, the list of lawyers to be contacted on a rotating basis under subdivision (a)(4).

...

(g)(1) The provisions of subsections (e) and (f) shall not apply where a judge finds it necessary to be absent from holding court, and appoints as a special judge:

(A) A duly elected or appointed judge of any other juvenile or general sessions court, a trial court judge; or

(B) A full-time officer of the judicial system under the judge's supervision whose duty it is to perform judicial functions, such as a juvenile referee, a child support referee or clerk and master, who is a licensed attorney in good standing with the Tennessee supreme court. Such judicial officer shall only serve as special judge in matters related to that officer's duties as a judicial officer.

(2) Notwithstanding the provisions of subsections (e) and (f), a general sessions or juvenile court judge shall have the authority to appoint a special judge as provided in this subsection.

...

It is alleged that in 2008 that Judge Dumas made at least thirty-three (33) such invalid appointments with multiple appointments being made to one attorney. In 2009 through March, Judge Dumas has made twelve (12) such appointments with many of

these appointments being made to the same attorney. All of these 2009 appointments were made after notice to Judge Dumas that such appointments failed to meet state law and evidence intentional misconduct.

5. Tennessee Code Annotated § 16-15-5002 provides, in pertinent part, as follows:

§ 16-15-5002. Outside practice of law

- (a) All general sessions judges in Class 1, 2 or 3 counties shall devote full time to the duties of such office and shall be prohibited from the practice of law or any other employment which conflicts with the performance of their duties as judge.

It is alleged that by her frequent absence from her duties as General Sessions Judge, Judge Dumas has willfully failed to “devote full time to the duties of such office...”

6. The above-described conduct, actions and/or inactions of Judge Dumas set forth in Counts I and II, inclusive, constitute multiple violations of the Code of Judicial Conduct, and as such, subject her to the sanctions provided by the provisions of Tennessee Code Annotated § 17-5-301, including violation of the following:

A. CANON 1. *A Judge Shall Uphold the Integrity and Independence of the Judiciary*

- A. An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing high standards of conduct and shall personally observe those standards so that the integrity and independence of the judiciary will be preserved.

B. CANON 2. *A Judge Shall Avoid Impropriety and the Appearance of Impropriety in All of the Judge's Activities*

- A. A judge shall 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.

C. *CANON 3. A Judge Shall Perform the Duties of Judicial Office Impartially and Diligently*

- A. **Judicial Duties in General.** The judicial duties of a judge take precedence over all the judge's other activities...
- B. **Adjudicative Responsibilities.**
 - (1) A judge shall hear and decide matters assigned to the judge except those in which disqualification is required...
 - (8) A judge shall dispose of all judicial matters promptly, efficiently, and fairly.

D. *CANON 4. A Judge Shall So Conduct the Judge's Extra-Judicial Activities as to Minimize the Risk of Conflict With Judicial Obligations*

- A. **Extra-Judicial Activities in General.** A judge shall conduct all of the judge's extra-judicial activities so that they do not:
 - (1) cast reasonable doubt on the judge's capacity to act impartially as a judge;
 - (2) demean the judicial office; or
 - (3) interfere with the proper performance of judicial duties.

7. In addition, the above-described conduct, actions and/or inactions of Judge Dumas set forth in Counts I and II, inclusive, constitute multiple statutory violations of Tennessee Code Annotated as hereinabove described, and as such, subject her to sanctions due to the misconduct provisions of Tennessee Code Annotated § 17-5-302, including violation of the following:

§ 17-5-302. Misconduct

Offenses of which the court may take cognizance shall include the following:

- (1) Willful misconduct relating to the official duties of the office;

- (2) Willful or persistent failure to perform the duties of the office;
- (3) Violation of the Code of Judicial Conduct as set out in the rules of the supreme court of Tennessee;
- (4) ...
- (5) A persistent pattern of intemperate, irresponsible or injudicious conduct;
- (6) ...
- (7) A persistent pattern of delay in disposing of pending litigation; and
- (8) Any other conduct calculated to bring the judiciary into public disrepute or to adversely affect the administration of justice.

Count III

8. It is alleged that in November of 2005 Judge Dumas hired as her court officer her daughter and authorized her to be paid a salary commensurate with her assigned duties when she had no experience or training for this position and this selection was made without competitive consideration of qualified applicants. Judge Dumas' daughter served in this position for approximately one year.

9. The above-described conduct, actions and/or inactions of Judge Dumas set forth in Count III constitute multiple violations of the Code of Judicial Conduct, and as such, subject her to the sanctions provided by the provisions of Tennessee Code Annotated § 17-5-301, including violation of the following:

CANON 3. *A Judge Shall Perform the Duties of Judicial Office Impartially and Diligently*

C. Administrative Responsibilities...

(4) A judge shall not make unnecessary appointments. A judge shall exercise the power of appointment impartially and on the basis of merit. A judge shall avoid nepotism and favoritism. A judge shall not approve compensation of appointees beyond the fair value of services rendered.

10. In addition, the above-described conduct, actions and/or inactions of Judge Dumas set forth in Count III, subject her to sanctions due to the misconduct provisions of Tennessee Code Annotated § 17-5-302, including violation of the following:

§ 17-5-302. Misconduct

Offenses of which the court may take cognizance shall include the following:

(1) Willful misconduct relating to the official duties of the office;

...

(3) Violation of the Code of Judicial Conduct as set out in the rules of the supreme court of Tennessee;

...

(8) Any other conduct calculated to bring the judiciary into public disrepute or to adversely affect the administration of justice.

NOTICE


Judge Gloria Dumas is hereby given written notice of the details of the Formal Charges brought against her pursuant to Tenn. Code Ann. § 17-5-307.

Pursuant to Tenn. Code Ann. § 17-5-307(c), Judge Dumas shall have thirty (30) days from and after the date of receipt of these Formal Charges to file an Answer with the Court by filing the same at the Office of the Clerk of the Court of the Judiciary, 100 Supreme Court Building, 401 Seventh Avenue, North, Nashville, Tennessee 37219 and by serving a copy on Disciplinary Counsel at 503 North Maple Street, Murfreesboro, Tennessee 37130.

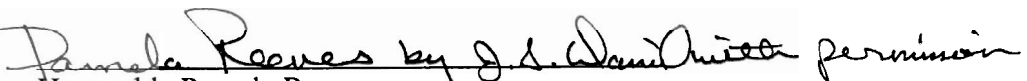
Failure to answer these Formal Charges shall constitute an admission of the factual allegations which are not answered.

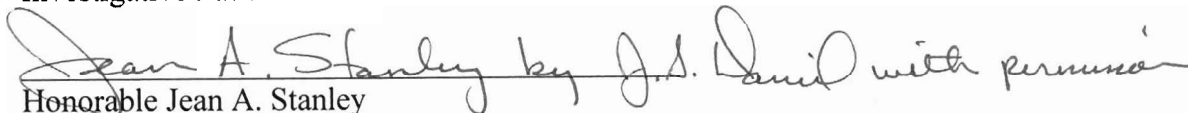
WHEREFORE, Disciplinary Counsel moves the Court to set this matter for hearing before the Hearing Panel of the Court of the Judiciary at the Davidson County Courthouse in Nashville, Tennessee, within sixty (60) days from and after the date the Answer is filed by Judge Dumas, as required by Tenn. Code Ann. § 17-5-308(a), or, in the event no Answer is filed, to set the matter within ninety (90) days of the date these Formal Charges are filed with the Clerk of the Court, in order to comply with the statutory time limit, and upon the hearing of this action, to impose just and proper sanctions as provided by law, including the costs and discretionary costs as provided by law.

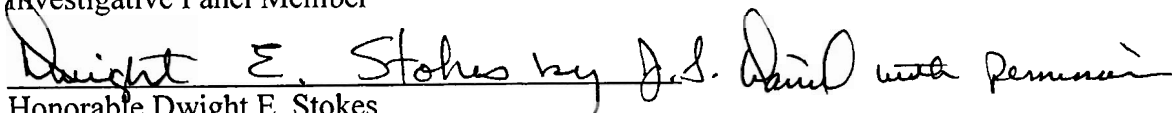
This the 21 day of September, 2009.


Joseph S. Daniel #002799
Disciplinary Counsel
Tennessee Court of the Judiciary

APPROVED BY THE INVESTIGATIVE PANEL
IN ACCORDANCE WITH RULE 6, SECTION 5
OF THE RULES OF PRACTICE AND PROCEDURE
OF THE TENNESSEE COURT OF THE JUDICIARY:

BY:  by J.S. Daniel with permission
Honorable Pamela Reeves
Investigative Panel Member

BY:  by J.S. Daniel with permission
Honorable Jean A. Stanley
Investigative Panel Member

BY:  by J.S. Daniel with permission
Honorable Dwight E. Stokes
Investigative Panel Member