



FILED
OCT 15 2019
Clerk of the Appellate Courts
Rec'd By *LM*

THE TENNESSEE BOARD OF JUDICIAL CONDUCT

ADM2019-00010

511 Union Street
Suite 600
Nashville, TN 37219

MEMBERS OF THE TENNESSEE
BOARD OF JUDICIAL CONDUCT

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October 15th, 2019

Judiciary Committee of the Senate
Senator Mike Bell
716 Cordell Hull Building
Nashville, TN 37243

Dear Senator Bell:

Please find enclosed the Quarterly Report of the Board of Judicial Conduct covering the period of July 1, 2019 through September 30, 2019 for the Fiscal Year 2019-2020, as mandated by Tenn. Code Ann. § 17-5-207.

Sincerely,

Dee Gay
Board Chair

DDG/sp
Enclosure

BOARD OF JUDICIAL CONDUCT
QUARTERLY REPORT
(For the period 7/1/19 through 9/30/19)
Due 10/20/19

The number of complaints OPENED¹ this quarter is 103. Year to date the number is 103.

The number of complaints CLOSED this quarter is 104. Year to date the number is 104².

The DISPOSITION of the complaints closed this quarter is:

		YTD (Year to Date)
Dismissed, complaint about court ruling----	53	53
Dismissed, no jurisdiction -----	11	11
Dismissed, inadequate factual basis -----	39	39
Dismissal with warning -----	0	0
Dismissal after full investigation -----	0	0
Deferred discipline agreement -----	0	0
Private reprimand -----	0	0
Private censure -----	0	0
Public reprimand -----	0	0
Public censure -----	0	0
Other -----	1	1
Retired complaint, no longer a judge -----	0	0
Cease and Desist Order-----	0	0
Suspension -----	0	0
Recommendation of removal from office --	0	0
TOTAL	104	104

The number of complaints PENDING on the last day of this quarter is 6.

The number of complaints for which PROBABLE CAUSE WAS FOUND³ this quarter is 2.
The number year to date is 2.

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

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. This Board came into existence on July 1, 2019. Therefore, there is no five-year statistical data to compare.
2. This category represents complaints were closed after July 1, 2019, but were at various stages of investigation by the previous Board of Judicial Conduct.
3. "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. § 17-5-303 (c)(3).

The number year to date is 0.

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

A) Failure to comply with the law:		<u>YTD</u>
Criminal -----	16	16
Circuit -----	20	20
Chancery -----	1	1
General Sessions -----	18	18
Juvenile -----	1	1
Magistrate and Referee-----	3	3
Municipal -----	1	1
Commissioner -----	0	0
Probate -----	1	1
Appellate Court -----	0	0
Senior and Retired -----	1	1
Other -----	<u>2</u>	<u>2</u> (Non-judge, deceased judge, judge from another
TOTAL	64	64 state, etc.)

B) Bias, prejudice and unfairness:		<u>YTD</u>
Criminal -----	4	4
Circuit -----	5	5
Chancery -----	1	1
General Sessions -----	3	3
Juvenile -----	2	2
Magistrate and Referee-----	0	0
Municipal -----	0	0
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	0	0
Other -----	<u>3</u>	<u>3</u>
TOTAL	18	18

C) Discourtesy:		<u>YTD</u>
Criminal -----	1	1
Circuit -----	0	0
Chancery -----	0	0
General Sessions -----	1	1
Juvenile -----	0	0
Magistrate and Referee-----	0	0
Municipal -----	0	0
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	0	0
Other -----	<u>0</u>	<u>0</u>

TOTAL 2 2

D) Abuse of office: YTD

Criminal -----	0	0
Circuit -----	0	0
Chancery -----	0	0
General Sessions -----	0	0
Juvenile -----	0	0
Magistrate and Referee-----	0	0
Municipal -----	0	0
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	0	0
Other -----	0	0
TOTAL	0	0

E) Delay: YTD

Criminal -----	2	2
Circuit -----	2	2
Chancery -----	0	0
General Sessions -----	1	1
Juvenile -----	0	0
Magistrate and Referee-----	0	0
Municipal -----	0	0
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	0	0
Other -----	0	0
TOTAL	5	5

F) Ex parte communications: YTD

Criminal -----	0	0
Circuit -----	0	0
Chancery -----	0	0
General Sessions -----	0	0
Juvenile -----	0	0
Magistrate and Referee-----	0	0
Municipal -----	0	0
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	0	0
Other -----	0	0
TOTAL	0	0

G) Disability:		<u>YTD</u>
Criminal -----	0	0
Circuit -----	0	0
Chancery -----	0	0
General Sessions -----	0	0
Juvenile -----	0	0
Magistrate and Referee-----	0	0
Municipal -----	0	0
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	0	0
Other -----	<u>0</u>	<u>0</u>
TOTAL	0	0

H) Political violation:		<u>YTD</u>
Criminal -----	0	0
Circuit -----	1	1
Chancery -----	0	0
General Sessions -----	0	0
Juvenile -----	0	0
Magistrate and Referee-----	0	0
Municipal -----	0	0
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	0	0
Other -----	<u>0</u>	<u>0</u>
TOTAL	1	1

I) Recusal:		<u>YTD</u>
Criminal -----	1	1
Circuit -----	1	1
Chancery -----	0	0
General Sessions -----	0	0
Juvenile -----	0	0
Magistrate and Referee-----	0	0
Municipal -----	0	0
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	0	0
Other -----	<u>0</u>	<u>0</u>
TOTAL	2	2

J) Miscellaneous:		<u>YTD</u>
Criminal -----	0	0
Circuit -----	0	0
Chancery -----	0	0
General Sessions -----	0	0
Juvenile -----	0	0
Magistrate and Referee-----	0	0
Municipal -----	0	0
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	0	0
Other -----	<u>5</u>	<u>5</u>
TOTAL	5	5

Member Voting

	D	FI	D	FI
	YTD			
Hon. Jeffrey Atherton	15	0	15	0
Hon. H. Allen Bray	20	0	20	0
Hon. Andrew Brigham	21	2	21	2
Hon. Robert Carter Jr	19	0	19	0
Edwena Crowe	15	0	15	0
Rita Ellison	15	0	15	0
William Koch Jr	14	0	14	0
Hon. Camille McMullen	15	0	15	0
Dr. Albert Mosley	15	2	15	2
Benjamin Purser Jr	20	0	20	0
Richard Rogers	15	2	15	2
Dan Springer	14	0	14	0
Terica Smith	15	0	15	0
Hon. John Whitworth	20	0	20	0
Robert Wilkinson	22	0	22	0

D= Dismissals

FI= Full Investigations