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Adm2020-00060

STATE OF TENNESSEE
BOARD OF JUDICIAL CONDUCT

Mailing Address:
P.O. Box 92276
Nashville, TN 37209

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

MEMBERS OF THE TENNESSEE
BOARD OF JUDICIAL CONDUCT

Dec David Gay
Board Chair

November 16, 2020

Andrew G. Brigham
Vice Chair

Marshall L. Davidson, III
Disciplinary Counsel

Shane Hutton
Assistant Disciplinary Counsel

Jeffrey M. Atherton
H. Allen Bray
Robert Carter, Jr.
Edwena L. Crowe
Rita Ellison
William C. Koch, Jr.
Camille R. McMullen
Albert Mosley
Benjamin Purser, Jr.
Richard Rogers
Dan Springer
Terica Smith
John Whitworth
Robert W. Wilkinson

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, 2020 through
September 30, 2020 for the Fiscal Year 2019-2020, as mandated by
Tenn. Code Ann. § 17-5-207.

Sincerely,

Dec Gay
Board Chair

DDG/sp
Enclosure



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**STATE OF TENNESSEE
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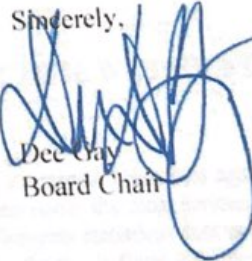
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Judiciary Committee of the House
 Representative Michael Curcio
 630 Cordell Hull Building
 Nashville, TN 37243

Dear Representative Curcio:

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

Sincerely,

 Dee Gay
 Board Chair

DDG/sp
 Enclosure

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ADM2020-0006

**BOARD OF JUDICIAL CONDUCT
QUARTERLY REPORT**
(For the period 7/1/2020 through 9/30/2020)

The number of complaints OPENED¹ this quarter is 112. Year to date the number is 275.

The number of complaints CLOSED this quarter is 88. Year to date the number is 269².

The DISPOSITION of the complaints closed this quarter is:

	YTD	FY 2019-20
Dismissed, complaint about court ruling---- 44	138	204
Dismissed, no jurisdiction ----- 0	6	23
Dismissed, inadequate factual basis ----- 29	90	134
Dismissal with warning ----- 3	8	6
Dismissal after full investigation ----- 0	0	0
Deferred discipline agreement ----- 2	2	0
Private reprimand ----- 3	5	6
Public reprimand ----- 1	1	0
Other ----- 6	19	15
Retired complaint, no longer a judge ----- 0	0	0
Cease and Desist Order----- 0	0	0
Suspension ----- 0	0	0
Recommendation of removal from office -- 0	0	0
TOTAL	88	388

The number of complaints PENDING on the last day of this quarter is 11.

The number of complaints for which PROBABLE CAUSE WAS FOUND³ this quarter is 6.
The number year to date is 8.

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. On March 13, 2020, the Tennessee Supreme Court declared a state of Emergency for the Judicial Branch of Tennessee government and suspended in-person court proceedings, with certain exceptions through March 31, 2020. See *In re: Covid-19 Pandemic*, No. ADM2020-00428 (Tenn. 2020). On March 25, 2020, the Tennessee Supreme Court continued the suspension of in-court proceedings through April 30, 2020. *Id.*

2. This category represents complaints that 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)(2).

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:

A) Failure to comply with the law:		YTD	FY 2019-20
Criminal -----	15	53	75
Circuit -----	12	41	70
Chancery -----	7	14	11
General Sessions -----	11	37	57
Juvenile -----	1	9	14
Magistrate and Referee-----	1	3	5
Municipal -----	0	1	3
Commissioner -----	1	3	3
Probate -----	2	4	5
Appellate Court -----	0	0	3
Senior and Retired -----	2	5	5
Other -----	0	4	8 (Non-judge, deceased, etc.)
TOTAL	52	174	259

B) Bias, prejudice and unfairness:		YTD	FY2019-20
Criminal -----	3	19	20
Circuit -----	3	14	22
Chancery -----	1	2	6
General Sessions -----	2	8	17
Juvenile -----	0	2	6
Magistrate and Referee-----	0	0	0
Municipal -----	0	0	0
Commissioner -----	0	0	0
Probate -----	0	0	1
Appellate Court -----	0	0	0
Senior and Retired -----	0	1	1
Other -----	0	3	9
TOTAL	9	49	82

		<u>YTD</u>	<u>FY 2019-20</u>
C) Discourtesy:			
Criminal -----	1	1	1
Circuit -----	0	2	2
Chancery -----	0	0	0
General Sessions -----	3	5	5
Juvenile -----	1	1	1
Magistrate and Referee-----	1	1	0
Municipal -----	0	0	0
Commissioner -----	0	0	0
Probate -----	0	0	0
Appellate Court -----	0	0	0
Senior and Retired -----	0	0	0
Other -----	0	1	1
TOTAL	6	11	10

		<u>YTD</u>	<u>FY 2019-20</u>
D) Abuse of office:			
Criminal -----	0	1	1
Circuit -----	2	4	2
Chancery -----	1	1	0
General Sessions -----	0	2	2
Juvenile -----	0	0	0
Magistrate and Referee-----	0	0	1
Municipal -----	0	0	0
Commissioner -----	0	0	0
Probate -----	0	0	0
Appellate Court -----	0	0	0
Senior and Retired -----	0	0	0
Other -----	0	0	1
TOTAL	3	8	7

		<u>YTD</u>	<u>FY 2019-20</u>
E) Delay:			
Criminal -----	5	10	9
Circuit -----	1	2	3
Chancery -----	0	1	1
General Sessions -----	1	2	2
Juvenile -----	0	0	0
Magistrate and Referee-----	0	0	0
Municipal -----	0	0	0
Commissioner -----	0	0	0
Probate -----	0	0	0
Appellate Court -----	0	0	0
Senior and Retired -----	0	0	0
Other -----	1	3	2
TOTAL	8	18	17

		<u>YTD</u>	<u>FY 2019-20</u>
F) Ex parte communications:			
Criminal -----	3	3	0
Circuit -----	0	0	0
Chancery -----	0	0	0
General Sessions -----	1	1	0
Juvenile -----	0	0	1
Magistrate and Referee-----	1	1	0
Municipal -----	0	0	0
Commissioner -----	0	1	1
Probate -----	0	0	0
Appellate Court -----	0	0	0
Senior and Retired -----	0	0	0
Other -----	0	0	0
TOTAL	5	6	2

		<u>YTD</u>	<u>FY 2019-20</u>
G) Disability:			
Criminal -----	0	0	0
Circuit -----	0	0	0
Chancery -----	0	2	2
General Sessions -----	0	0	1
Juvenile -----	0	0	0
Magistrate and Referee-----	0	0	0
Municipal -----	0	0	0
Commissioner -----	0	0	0
Probate -----	0	0	0
Appellate Court -----	0	0	0
Senior and Retired -----	0	0	0
Other -----	0	0	0
TOTAL	0	2	3

		<u>YTD</u>	<u>FY 2019-20</u>
H) Political violation:			
Criminal -----	0	0	0
Circuit -----	0	0	1
Chancery -----	0	0	0
General Sessions -----	0	0	0
Juvenile -----	0	0	0
Magistrate and Referee-----	0	0	0
Municipal -----	0	0	1
Commissioner -----	0	0	0
Probate -----	0	0	0
Appellate Court -----	0	0	0
Senior and Retired -----	0	0	0
Other -----	0	1	1
TOTAL	0	1	3

I) Recusal:		YTD	FY 2019-20
Criminal -----	0	1	3
Circuit -----	0	1	3
Chancery -----	0	0	0
General Sessions -----	0	0	1
Juvenile -----	0	0	1
Magistrate and Referee-----	0	0	0
Municipal -----	1	1	0
Commissioner -----	0	0	0
Probate -----	0	0	0
Appellate Court -----	0	0	1
Senior and Retired -----	0	0	0
Other -----	0	0	0
TOTAL	1	3	9

J) Miscellaneous:		YTD	FY 2019-20
Criminal -----	0	0	0
Circuit -----	0	1	1
Chancery -----	0	0	0
General Sessions -----	0	0	0
Juvenile -----	0	0	0
Magistrate and Referee-----	0	1	0
Municipal -----	0	0	0
Commissioner -----	0	0	0
Probate -----	0	0	0
Appellate Court -----	0	0	0
Senior and Retired -----	0	0	0
Other -----	0	0	5
TOTAL	0	2	6

Dr. Dismissal

PI- Full Investigations

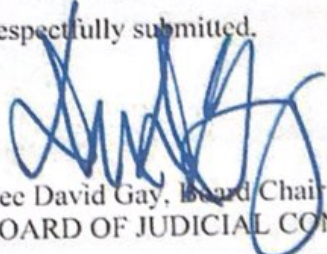
Member Voting

	D	FI	D(VTD)	FI(VTE)
Robert Wilkinson	14	0	40	2
Hon. Jeffrey Atherton	14	0	49	2
Hon. H. Allen Bray	11	1	50	2
Hon. Andrew Brigham	10	0	40	0
Hon. Robert Carter Jr	11	1	50	2
Edwena Crowe	11	1	50	2
Rita Ellison	14	0	49	2
William Koch Jr	26	0	56	0
Hon. Camille McMullen	14	2	52	3
Dr. Albert Mosley	10	0	40	0
Benjamin Purser Jr	26	0	56	0
Richard Rogers	10	0	40	0
Dan Springer	26	0	56	0
Terica Smith	14	2	52	3
Hon. John Whitworth	14	2	52	3

D= Dismissals

FI= Full Investigations

Respectfully submitted,



Dee David Gay, Board Chair
BOARD OF JUDICIAL CONDUCT