



STATE OF TENNESSEE BOARD OF JUDICIAL CONDUCT

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November 5, 2021

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FOR PUBIC RELEASE

Judge Gerald Webb
600 Market Street
Room 203
Chattanooga, TN 37402

RE: Suspension of Law License and
Social Media Activities

File No. B21-8602 and B21-8654

Dear Judge Webb:

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

1. Social media activities: You have used social media to provide the public with a “legal tip of the day.” In one such post on Facebook dated June 18, 2021, you advise those considering committing theft that “[w]hen stealing stealth is key. You want to blend in with your surroundings.” To help make your point, you provide an example: “You and your 5’10 sister walk in [Walmart] with green hair and green toenails and green flip flops that smack the back of your feet with every step you make and you don’t blend in and you are caught with three steaks shoved into your pants. You forgot to be stealth.”

In another Facebook post, dated August 3, 2021, you state, “[r]emember people, the goal of criminal and bad behavior is to get away with it.” You provide an example of two women arguing outside the courthouse when one “scream[s] out ‘b*tc* what’s hood!’” You note that “[s]creaming and cursing and fighting in front of police officers 10 out of 10 times is detrimental to ones [sic] freedom.”

In yet another social media post, dated August 5, 2020, you wrote that it is “downright damn humiliating when [police are] pulling crack from your crack! Find someplace else to hide your stash.”

In a response dated October 4, 2021, you explain that your social media posts are “designed to get a laugh and to make people think about life choices.” However, regardless of motivation, it is neither dignified nor appropriate for a judge, especially one who hears criminal cases, to be providing legal advice such as “[w]hen stealing stealth is key” or urging the public to be mindful that “the goal of criminal and bad behavior is to get away with it.”

Judges are expected to maintain the highest standards of conduct and dignity of judicial office at all times. Preamble, Tenn. Sup. Ct. R. 10; *see also* Tenn. Sup. Ct. R. 10, RJC 1.2 (a judge shall act at all times in a manner that promotes public confidence in the integrity of the judiciary and avoid impropriety and the appearance of impropriety); Tenn. Sup. Ct. R. 10, RJC 3.1(C) (prohibiting personal activities that would appear to a reasonable person to undermine the judge’s independence, integrity, or impartiality). The social media posts at issue do not meet the standards of conduct expected of those privileged to hold judicial office.

Moreover, the Tennessee Supreme Court has cautioned that “[l]awyers who choose to post on social media must realize they are handling live ammunition[.]” *In Re Sitton*, 618 S.W.3d 288, 304 (Tenn. 2021). The same is true for judges. Judges choosing to participate in inherently public platforms must exercise caution and carefully evaluate whether their social media communications foster public confidence in the integrity, independence, and impartiality of the judiciary. *See State v. Madden*, No. M2012-02473-CCA-R3-CD, 2014 WL 931031, at *8 (Tenn. Crim. App. Mar. 11, 2014) (while judges may utilize social media, they must “at all times remain conscious of the solemn duties they may later be called upon to perform”). Your social media posts do not reflect the requisite caution and reflection.

2. Suspension of your law license: The Tennessee Supreme Court entered two orders suspending your law license for failing to comply with mandatory continuing legal education requirements. *See* Tenn. Sup. Ct. R. 21. The first order, filed on August 18, 2020, suspended your license for failing to meet those requirements in 2019. The second order, filed on August 17, 2021, suspended your license for failing to meet the requirements in 2020. Thus, your license has been suspended twice for the same reason, albeit briefly each time. The most recent suspension was the subject of an article published in the *Chattanooga Times Free Press* on August 19, 2021. Thereafter, you posted on Facebook: “Well damn! Give me a black hat and a black horse and call me a desperado, I feel like I was in [sic] just busted. . . .”

These circumstances are troubling for several reasons. First, judges are expected to follow the law and uphold the integrity and dignity of the judiciary. Tenn. Sup. Ct. R. 10, RJC 1.1 (a judge shall comply with the law, including 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 integrity of the judiciary and avoid impropriety and the appearance of impropriety). Having one’s professional license suspended for failing to abide by unambiguous requirements runs contrary to these standards.

Second, the suspensions of your license occurred despite notifications by the Commission on Continuing Legal Education of both the deficiency and that the failure to take corrective action by a specified date would result in a suspension.

Third, the suspensions of your license resulted in other judges having to cover your

dockets. Thus, your failure to comply with Tenn. Sup. Ct. R. 21 resulted not only in an inability to discharge your own duties but also led to colleagues having to make last minute arrangements to handle your cases. *See* Tenn. Code Ann. § 17-5-301(j)(1)(H) (a judicial offense includes conduct calculated to bring the judiciary into public disrepute or to adversely affect the administration of justice); Tenn. Sup. Ct. R. 10, RJC 2.5(A) (a judge shall perform judicial and administrative duties competently, promptly, and diligently).

Finally, it is incumbent upon judges to comply with all requirements necessary to maintain an active law license in order to properly conduct judicial business. *See* Tenn. Code Ann. § 17-5-301(j)(1)(D) (a judicial offense includes a violation of the Tennessee Rules of Professional Conduct as applicable to judges). When a member of the judiciary fails to properly maintain his or her law license, it reflects poorly on the individual judge and the judiciary as a whole.

The investigative panel decided to impose a public reprimand, which you have accepted. In imposing this particular sanction, the panel considered in mitigation that you have taken full responsibility for your conduct and have offered no excuses. In addition, you have fully cooperated with Disciplinary Counsel and have no prior record of disciplinary action since becoming a judge.

The Board trusts that the reprimand imposed today will result in an elevated consciousness about how to approach these and similar situations going forward.

Sincerely,



Dee David Gay
Board Chair