

THE TENNESSEE BOARD OF JUDICIAL CONDUCT

DEGETVET MAY 21 2019 By LM ADM 2019 - 00010

> James M. Hivner, Clerk 100 Supreme Court Building 401 Seventh Avenue, North Nashville, TN 37219-1407 615-253-1470

511 Union Street Suite 600 Nashville, TN 37219

MEMBERS OF THE TENNESSEE BOARD OF JUDICIAL CONDUCT

Dee David Gay Board Chair

Timothy R. Discenza Disciplinary Counsel

Shane Hutton Assistant Disciplinary Counsel

Kenny Armstrong H. Allen Bray Andrew G. Brigham Robert Carter, Jr. Paul B. Conley, III Brooke Emery Dwight "D.J." Farris Tammy Harrington Austin L. McMullen Edward (Ward) Phillips Benjamin Purser, Jr. Jeff D. Rader John Whitworth Robert W. Wilkinson May 20, 2019

Russell Humphrey Chief Clerk of the Senate Office of the Chief Clerk State Capitol, 2nd Floor Nashville, TN 37243 Tammy Letzler Chief Clerk of the House Office of the Chief Clerk State Capitol, 2nd Floor Nashville, TN 37243

Dear Chief Clerks:

Please find enclosed the statistical report of the Board of Judicial Conduct covering filings and dispositions for the month of April, 2019, as mandated by Tenn. Code Ann. § 17-5-207.

Board Chair

DDG/sp Enclosure

BOARD OF JUDICIAL CONDUCT MONTHLY REPORT FOR APRIL 2019

FILED

MAY 2:1 2019

Clerk of the Appellate Courts

Rec'd By

The number and category of complaints OPENED¹:

T	HIS	THIS FISCAL
M	HTMC	YEAR
A) Failure to comply with law:	23	256
B) Bias, prejudice and unfairness:	0	12
C) Discourtesy:	0	7
D) Abuse of office:	0	2
E) Delay:	2	15
F) Ex parte communications:	2	3
G) Disability:	0	0
H) Political violation:	0	0
I) Recusal:	3	22
J) Miscellaneous:	0	<u>0</u>
TOTAL	30	317

The number and category of complaints CLOSED:

	THIS	THIS FISCAL
<u>N</u>	HTMON	YEAR
A) Failure to comply with law:	25	241
B) Bias, prejudice and unfairness:	0	13
C) Discourtesy:	1	7
D) Abuse of office:	1	2
E) Delay:	4	18
F) Ex parte communications:	0	1
G) Disability:	0	0
H) Political violation:	0	0
I) Recusal:	4	21
J) Miscellaneous:	_0	_0
TOTAL	35	303

^{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.

DISPOSITION of the complaints closed by CATEGORY:

<u>THIS</u>	THIS FISCAL
MONTH	YEAR
A) Failure to comply with law	
Dismissed, complaint about court ruling 24	224
Dismissed, no jurisdiction 0	11
Dismissed, inadequate factual basis 0	0
Dismissal with warning 1	4
Dismissal after full investigation 0	0
Deferred discipline agreement 0	0
Private reprimand 0	1
Private censure 0	0
Public reprimand 0	0
Public censure 0	0
Other 0	1
Retired complaint, no longer a judge 0	0
Suspension 0	0
Recommendation of removal from office 0	_0
TOTAL 25	241

<u>THIS</u>	THIS FISCAL
<u>MONTH</u>	YEAR
B) Bias, prejudice and unfairness:	
Dismissed, complaint about court ruling 0	1
Dismissed, no jurisdiction 0	0
Dismissed, inadequate factual basis 0	11
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 1	1
Public censure 0	0
Other 0	0
Retired complaint, no longer a judge 0	0
Suspension 0	0
Recommendation of removal from office 0	0
TOTAL $\overline{0}$	13

<u>THIS</u>	THIS FISCAL
MONTH	YEAR
C) Discourtesy:	
Dismissed, complaint about court ruling 0	0
Dismissed, no jurisdiction 0	0
Dismissed, inadequate factual basis 1	7
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 0	0
Retired complaint, no longer a judge 0	0
Suspension 0	0
Recommendation of removal from office0	_0
TOTAL 1	7

<u>T</u> MC	HIS ONTH	THIS FISCAL YEAR
D) Abuse of office:		<u> </u>
Dismissed, complaint about court ruling	0	0
Dismissed, no jurisdiction	0	0
Dismissed, inadequate factual basis	1	i
Dismissal with warning	0	0
Dismissal after full investigation	0	0
Deferred discipline agreement		0
Private reprimand	0	1
Private censure	0	0
Public reprimand	0	0
Public censure	0	0
Other	0	0
Retired complaint, no longer a judge	0	0
Suspension	0	0
Recommendation of removal from office	<u>0</u>	0
TOTAL	<u>1</u>	2

	THIS	THIS FISCAL
<u> </u>	HTMON	YEAR
E) Delay:		
Dismissed, complaint about court ruling-	0	0
Dismissed, no jurisdiction	0	0
Dismissed, inadequate factual basis	4	15
Dismissal with warning	0	0
Dismissal after full investigation	0	0
Deferred discipline agreement	0	0
Private reprimand	0	2
Private censure	··· 0	0
Public reprimand		1
Public censure	0	0
Other	•	0
Retired complaint, no longer a judge	0	0
Suspension		0
Recommendation of removal from office	<u>0</u>	_0
TOTAL	4	18

	THIS	THIS FISCAL	
F) Fungute communications	<u>MONTH</u>	<u>YEAR</u>	
F) Ex parte communications:			
Dismissed, complaint about court rulin		0	
Dismissed, no jurisdiction		0	
Dismissed, inadequate factual basis		1	
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	Ô	
Other	0	Ô	
Retired complaint, no longer a judge	0	Ö	
Suspension		Ö	
Recommendation of removal from office		Õ	
TOTAL	- <u>-</u>	_ <u>~</u> 1	

	<u>IIS</u> NTH	THIS FISCAL YEAR
G) Disability:		
Dismissed, complaint about court ruling	0	0
Dismissed, no jurisdiction		0
Dismissed, inadequate factual basis		0
Dismissal with warning		0
Dismissal after full investigation		0
Deferred discipline agreement		0
Private reprimand		0
Private censure	0	0
Public reprimand	Ô	0
Public censure		0
Other	0	0
Retired complaint, no longer a judge	Ō	Ö
Suspension		Õ
Recommendation of removal from office		Õ
TOTAL	Ō	0

<u>THIS</u> MONTH	THIS FISCAL YEAR
H) Political violation:	•1.31L-1
Dismissed, complaint about court ruling 0	0
Dismissed, no jurisdiction 0	0
Dismissed, inadequate factual basis 0	0
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 0	0
Retired complaint, no longer a judge 0	0
Suspension 0	0
Recommendation of removal from office0	_0
TOTAL 0	<u></u>

	<u>THIS</u>	THIS FISCAL
	MONTH	YEAR
I) Recusal:		
Dismissed, complaint about court ruling	0	0
Dismissed, no jurisdiction	0	0
Dismissed, inadequate factual basis	4	19
Dismissal with warning		2
Dismissal after full investigation	0	0
Deferred discipline agreement	0	0
Private reprimand		0
Private censure		0
Public reprimand		0
Public censure		0
Other	_	0
Retired complaint, no longer a judge	0	0
Suspension	_	0
Recommendation of removal from offic	e <u>0</u>	<u>_0</u>
TOTAL	4	21
	THIS	THIS FISCAL
7.7	<u>THIS</u> MONTH	THIS FISCAL YEAR
J) Miscellaneous:	MONTH	YEAR
Dismissed, complaint about court ruling	<u>MONTH</u> 0	YEAR 0
Dismissed, complaint about court ruling Dismissed, no jurisdiction	<u>MONTH</u> 0 0	YEAR 0 0
Dismissed, complaint about court ruling Dismissed, no jurisdiction	<u>MONTH</u> 0 0	<u>YEAR</u> 0 0 0
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH 0 0 0 0	YEAR 0 0 0 0
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH 0 0 0 0	YEAR 0 0 0 0 0
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH 0 0 0 0 0	YEAR 0 0 0 0 0
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH 0 0 0 0 0	YEAR 0 0 0 0 0 0
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH 0 0 0 0 0 0	YEAR 0 0 0 0 0 0 0
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH 0 0 0 0 0 0 0	YEAR 0 0 0 0 0 0 0 0
Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Deferred discipline agreement Private reprimand Private censure	MONTH 0 0 0 0 0 0 0 0 0	YEAR 0 0 0 0 0 0 0 0 0 0 0 0 0
Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Deferred discipline agreement Private reprimand Public reprimand Public censure Other	MONTH 0 0 0 0 0 0 0 0 0	YEAR 0 0 0 0 0 0 0 0 0
Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Private reprimand Private censure Public reprimand Other Retired complaint, no longer a judge	MONTH 0 0 0 0 0 0 0 0 0 0	YEAR 0 0 0 0 0 0 0 0 0
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH 0 0 0 0 0 0 0 0 0 0	YEAR 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0
Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Private reprimand Private censure Public reprimand Other Retired complaint, no longer a judge	MONTH 0 0 0 0 0 0 0 0 0 0	YEAR 0 0 0 0 0 0 0 0 0