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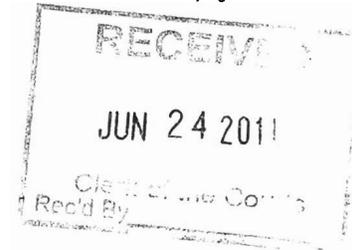
RUTHERFORD COUNTY AND CANNON COUNTY
CIRCUIT COURT

DIVISION III

DON R. ASH
CIRCUIT JUDGE
MERRY PEACH MARTIN
JUDICIAL ASSISTANT

409 RUTHERFORD CO. JUDICIAL BLDG.
20 PUBLIC SQUARE NORTH
MURFREESBORO, TN 37130
(615) 898-8074 • FAX (615) 898-8013
E-MAIL: dash@rutherfordcounty.org

June 22, 2011



Chief Justice Cornelia A. Clark
Supreme Court Building, Suite 318
401 7th Avenue South
Nashville, Tennessee 37203

Justice William C. Koch
Supreme Court Building, Suite 321
401 7th Avenue South
Nashville, Tennessee 37203

Justice Janice M. Holder
50 Peabody Place
Suite 209
Memphis, Tennessee 38103

Justice Sharon G. Lee
Post Office Box 444
Knoxville, Tennessee 37901-0444

Justice Gary R. Wade
Post Office Box 444
Knoxville, Tennessee 37901-0444

Re: Comments on Proposed 2011 Code of Judicial Conduct

Dear Chief Justice Clark and Justices of the Tennessee Supreme Court:

My name is Don Ash and I am a Circuit Court Judge in the 16th Judicial District. For the past ten years, I have taught Judicial Ethics for the National Judicial College plus have served on the Tennessee Court of the Judiciary for over a decade. While I applaud the idea of reviewing the Code of Judicial Conduct, I have serious concerns about the proposal from the Tennessee Bar Association. I would like to describe some of the sections suggested and my issues with them.

1. Preamble (Application) I. Applicability of the Code - A judge is anyone ... or an administrative judge.

- **The Court of the Judiciary, in its current form, has neither the authority nor the budget to deal with this substantial addition, namely authority over administrative judges.**

2. Canon 2- A judge shall perform ... competency ..
 - **This term is not defined nor am I convinced not being competent is an ethical violation, especially for elected judges.**

3. Canon 2.10(E) - This allows a judge to respond to the media.
 - **This is confusing. Does (E) only apply to (D)? How are (A) and (D) not in conflict? I think this will promote judges to respond to television and newspaper inquiries about pending cases.**

4. Canon 4.2 (Comment 6A) - This says we, as judges, can endorse or oppose other candidates for public office.
 - **We should not be drawn into statewide/local races and it puts us in a difficult position. Strangely, this is only in the comments and not in the Canon itself.**

5. Canon 4.4(B)(2)
 - **The limit of 180 days may not be adequate time to raise campaign funds. I suggest 270 days.**

With Kindest Regards,

A handwritten signature in black ink, appearing to be 'Don R. Ash', written in a cursive style.

Don R. Ash

DRA/mpm
Cc: Mr. Michael Catalano, Clerk