

**THE TENNESSEE
BOARD OF JUDICIAL CONDUCT**

ADM2017-00010

511 Union Street
Suite 600
Nashville, TN 37219

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

**MEMBERS OF THE TENNESSEE
BOARD OF JUDICIAL CONDUCT**

May 17, 2017

Chris Craft
Chairperson

Timothy R. Discenza
Disciplinary Counsel

Patrick J. McHale
Assistant Disciplinary Counsel

Kenny Armstrong
Miles Burdine
Angelita B. Dalton
Joe F. Fowlkes
Tas Gardner

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Thomas W. Lawless
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Larry J. Logan
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Ward Phillips
J. Michael Sharp
Dwight E. Stokes

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, 2017, as mandated by Tenn. Code Ann. § 17-5-207.

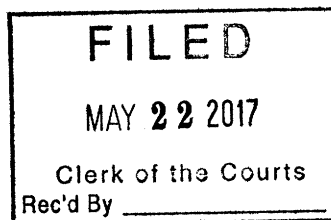
Sincerely,

A handwritten signature in black ink, appearing to read "Chris Craft".

CHRIS CRAFT
Board Chair

CC/bep

**BOARD OF JUDICIAL CONDUCT
MONTHLY REPORT FOR APRIL 2017**



Adm 2017-00010

The number and category of complaints OPENED¹:

| | <u>THIS MONTH</u> | <u>THIS FISCAL YEAR</u> |
|--|-----------------------|-----------------------------|
| A) Failure to comply with law: ----- | 23 | 269 |
| B) Bias, prejudice and unfairness: ----- | 2 | 10 |
| C) Discourtesy: ----- | 1 | 11 |
| D) Abuse of office: ----- | 0 | 4 |
| E) Delay: ----- | 2 | 23 |
| F) Ex parte communications: ----- | 0 | 1 |
| G) Disability: ----- | 0 | 4 |
| H) Political violation: ----- | 0 | 1 |
| I) Recusal: ----- | 2 | 16 |
| J) Miscellaneous: ----- | <u>0</u> | <u>1</u> |
| TOTAL | 30 | 340 |

The number and category of complaints CLOSED:

| | <u>THIS MONTH</u> | <u>THIS FISCAL YEAR</u> |
|--|-----------------------|-----------------------------|
| A) Failure to comply with law: ----- | 41 | 286 |
| B) Bias, prejudice and unfairness: ----- | 4 | 15 |
| C) Discourtesy: ----- | 0 | 12 |
| D) Abuse of office: ----- | 0 | 8 |
| E) Delay: ----- | 0 | 26 |
| F) Ex parte communications: ----- | 0 | 2 |
| G) Disability: ----- | 0 | 5 |
| H) Political violation: ----- | 0 | 1 |
| I) Recusal: ----- | 1 | 18 |
| J) Miscellaneous: ----- | <u>0</u> | <u>1</u> |
| TOTAL | 46 | 374 |

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> <u>MONTH</u> | <u>THIS FISCAL</u> <u>YEAR</u> |
|---|-----------------------------|-----------------------------------|
| A) Failure to comply with law: | | |
| Dismissed, complaint about court ruling---- | 35 | 250 |
| Dismissed, no jurisdiction ----- | 5 | 14 |
| Dismissed, inadequate factual basis ----- | 0 | 1 |
| Dismissal with warning ----- | 0 | 2 |
| Dismissal after full investigation ----- | 0 | 0 |
| Deferred discipline agreement ----- | 0 | 14 |
| Private reprimand ----- | 0 | 2 |
| Private censure ----- | 0 | 0 |
| Public reprimand ----- | 0 | 0 |
| Public censure ----- | 0 | 0 |
| Other ----- | 0 | 2 |
| Retired complaint, no longer a judge ----- | 1 | 1 |
| Suspension ----- | 0 | 0 |
| Recommendation of removal from office -- | <u>0</u> | <u>0</u> |
| TOTAL | 41 | 286 |

| | <u>THIS</u> <u>MONTH</u> | <u>THIS FISCAL</u> <u>YEAR</u> |
|---|-----------------------------|-----------------------------------|
| B) Bias, prejudice and unfairness: | | |
| 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 | 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 office -- | <u>0</u> | <u>0</u> |
| TOTAL | 4 | 15 |

| | <u>THIS</u> <u>MONTH</u> | <u>THIS FISCAL</u> <u>YEAR</u> |
|---|-----------------------------|-----------------------------------|
| C) Discourtesy: | | |
| Dismissed, complaint about court ruling---- | 0 | 0 |
| Dismissed, no jurisdiction ----- | 0 | 0 |
| Dismissed, inadequate factual basis ----- | 0 | 12 |
| 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 office -- | <u>0</u> | <u>0</u> |
| TOTAL | 0 | 12 |

| | <u>THIS</u> <u>MONTH</u> | <u>THIS FISCAL</u> <u>YEAR</u> |
|---|-----------------------------|-----------------------------------|
| D) Abuse of office: | | |
| Dismissed, complaint about court ruling---- | 0 | 0 |
| Dismissed, no jurisdiction ----- | 0 | 1 |
| Dismissed, inadequate factual basis ----- | 0 | 1 |
| Dismissal with warning ----- | 0 | 2 |
| Dismissal after full investigation ----- | 0 | 0 |
| Deferred discipline agreement ----- | 0 | 3 |
| Private reprimand ----- | 0 | 0 |
| Private censure ----- | 0 | 0 |
| Public reprimand ----- | 0 | 1 |
| 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> | <u>0</u> |
| TOTAL | 0 | 8 |

| | <u>THIS</u> <u>MONTH</u> | <u>THIS FISCAL</u> <u>YEAR</u> |
|---|-----------------------------|-----------------------------------|
| E) Delay: | | |
| Dismissed, complaint about court ruling---- | 0 | 0 |
| Dismissed, no jurisdiction ----- | 0 | 0 |
| Dismissed, inadequate factual basis ----- | 0 | 23 |
| Dismissal with warning ----- | 0 | 1 |
| Dismissal after full investigation ----- | 0 | 0 |
| Deferred discipline agreement ----- | 0 | 0 |
| Private reprimand ----- | 0 | 2 |
| 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> | <u>0</u> |
| TOTAL | 0 | 26 |

| | <u>THIS</u> <u>MONTH</u> | <u>THIS FISCAL</u> <u>YEAR</u> |
|---|-----------------------------|-----------------------------------|
| F) Ex parte communications: | | |
| Dismissed, complaint about court ruling---- | 0 | 0 |
| Dismissed, no jurisdiction ----- | 0 | 0 |
| Dismissed, inadequate factual basis ----- | 0 | 1 |
| Dismissal with warning ----- | 0 | 0 |
| 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 | 0 |
| Retired complaint, no longer a judge ----- | 0 | 0 |
| Suspension ----- | 0 | 0 |
| Recommendation of removal from office -- | <u>0</u> | <u>0</u> |
| TOTAL | 0 | 2 |

| | <u>THIS</u> <u>MONTH</u> | <u>THIS FISCAL</u> <u>YEAR</u> |
|---|-----------------------------|-----------------------------------|
| G) Disability: | | |
| Dismissed, complaint about court ruling---- | 0 | 0 |
| Dismissed, no jurisdiction ----- | 0 | 0 |
| Dismissed, inadequate factual basis ----- | 0 | 3 |
| Dismissal with warning ----- | 0 | 0 |
| Dismissal after full investigation ----- | 0 | 0 |
| Deferred discipline agreement ----- | 0 | 1 |
| 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 | 1 |
| Suspension ----- | 0 | 0 |
| Recommendation of removal from office -- | <u>0</u> | <u>0</u> |
| TOTAL | 0 | 5 |

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

| | <u>THIS</u> <u>MONTH</u> | <u>THIS FISCAL</u> <u>YEAR</u> |
|---|-----------------------------|-----------------------------------|
| I) Recusal: | | |
| Dismissed, complaint about court ruling---- | 1 | 1 |
| Dismissed, no jurisdiction ----- | 0 | 0 |
| Dismissed, inadequate factual basis ----- | 0 | 14 |
| Dismissal with warning ----- | 0 | 3 |
| 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 office -- | <u>0</u> | <u>0</u> |
| TOTAL | 1 | 18 |

| | <u>THIS</u> <u>MONTH</u> | <u>THIS FISCAL</u> <u>YEAR</u> |
|---|-----------------------------|-----------------------------------|
| J) Miscellaneous: | | |
| Dismissed, complaint about court ruling---- | 0 | 0 |
| Dismissed, no jurisdiction ----- | 0 | 1 |
| 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 office -- | <u>0</u> | <u>0</u> |
| TOTAL | 0 | 1 |