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# THE TENNESSEE BOARD OF JUDICIAL CONDUCT

511 Union Street
Suite 600
Nashville, TN 37219

MEMBERS OF THE TENNESSEE BOARD OF JUDICIAL CONDUCT

Chris Craft
Chairperson

Timothy R. Discenza
Disciplinary Counsel

Patrick J. McHale
Assistant Disciplinary Counsel

Jeffrey S. Bivins
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Timothy L. Easter
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J. Ronald Hickman
Chris A. Hodges
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Christy R. Little
Larry J. Logan
J. Michael Sharp
Dwight E. Stokes
David Wedekind

Michael W. Catalano, Clerk
100 Supreme Court Building
401 Seventh Avenue, North
Nashville, TN 37219-1407
615-253-1470

September 15, 2012

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

Joe McCord
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 September, 2012, as mandated by Tenn. Code Ann. § 17-5-207.

Although the Quarterly Report for the first quarter (July, August and September, 2012) is not due until January 20, 2013, we should be able to have it compiled and sent to you in the next few weeks.

Sincerely,

CHRIS CRAFT
Board Chair

CC/bep

**BOARD OF JUDICIAL CONDUCT**
**MONTHLY REPORT FOR SEPTEMBER, 2012**

FILED
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The number and category of complaints OPENED[1]:

| | THIS MONTH | THIS FISCAL YEAR |
|---|---|---|
| A) Failure to comply with law: | 15 | 55 |
| B) Bias, prejudice and unfairness: | 2 | 10 |
| C) Discourtesy: | 2 | 4 |
| D) Abuse of office: | 2 | 5 |
| E) Delay: | 2 | 7 |
| F) Ex parte communications: | 1 | 2 |
| G) Disability: | 1 | 2 |
| H) Political violation: | 1 | 2 |
| I) Recusal: | 1 | 2 |
| J) Miscellaneous: | 0 | 0 |
| TOTAL | 27 | 89 |

The number and category of complaints CLOSED:

| | THIS MONTH | THIS FISCAL YEAR |
|---|---|---|
| A) Failure to comply with law: | 9 | 42 |
| B) Bias, prejudice and unfairness: | 0 | 4 |
| C) Discourtesy: | 0 | 3 |
| D) Abuse of office: | 1 | 4 |
| E) Delay: | 2 | 5 |
| F) Ex parte communications: | 0 | 1 |
| G) Disability: | 1 | 3 |
| H) Political violation: | 1 | 2 |
| I) Recusal: | 0 | 3 |
| J) Miscellaneous: | 1 | 1 |
| TOTAL | 15 | 68 |

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:

| | THIS MONTH | THIS FISCAL YEAR |
|---|---|---|
| **A) Failure to comply with law:** | | |
| Dismissed, complaint about court ruling --- | 8 | 30 |
| Dismissed, no jurisdiction ---------- | 0 | 5 |
| Dismissed, inadequate factual basis --------- | 0 | 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 office -- | 0 | 0 |
| TOTAL | 9 | 42 |

| | THIS MONTH | THIS FISCAL YEAR |
|---|---|---|
| **B) Bias, prejudice and unfairness:** | | |
| Dismissed, complaint about court ruling---- | 0 | 3 |
| 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 -- | 0 | 0 |
| TOTAL | 0 | 4 |

| | THIS MONTH | THIS FISCAL YEAR |
|---|---|---|
| **C) Discourtesy:** | | |
| Dismissed, complaint about court ruling---- | 0 | 1 |
| Dismissed, no jurisdiction ---------- | 0 | 0 |
| Dismissed, inadequate factual basis --------- | 0 | 2 |
| 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 -- | 0 | 0 |
| TOTAL | 0 | 3 |

| | THIS MONTH | THIS FISCAL YEAR |
|---|---|---|
| **D) Abuse of office:** | | |
| Dismissed, complaint about court ruling---- | 0 | 1 |
| Dismissed, no jurisdiction ---------- | 0 | 0 |
| Dismissed, inadequate factual basis --------- | 1 | 3 |
| 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 -- | 0 | 0 |
| TOTAL | 1 | 4 |

| | THIS MONTH | THIS FISCAL YEAR |
|---|---|---|
| **E) Delay:** | | |
| Dismissed, complaint about court ruling---- | 0 | 0 |
| Dismissed, no jurisdiction ---------- | 0 | 0 |
| Dismissed, inadequate factual basis --------- | 2 | 4 |
| 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 -- | 0 | 0 |
| TOTAL | 2 | 5 |

| | THIS MONTH | THIS FISCAL YEAR |
|---|---|---|
| **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 | 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 -- | 0 | 0 |
| TOTAL | 0 | 1 |

| | THIS MONTH | THIS FISCAL YEAR |
|---|---|---|
| **I) Recusal:** | | |
| Dismissed, complaint about court ruling---- | 0 | 1 |
| Dismissed, no jurisdiction ---------- | 0 | 0 |
| Dismissed, inadequate factual basis --------- | 0 | 2 |
| 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 -- | 0 | 0 |
| TOTAL | 0 | 3 |

| | THIS MONTH | THIS FISCAL YEAR |
|---|---|---|
| **J) Miscellaneous:** | | |
| 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 ---------- | 1 | 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 | 0 |
| Suspension ---------- | 0 | 0 |
| Recommendation of removal from office -- | 0 | 0 |
| TOTAL | 1 | 1 |