



THE TENNESSEE COURT OF THE JUDICIARY

511 Union Street
Suite 600
Nashville, TN 37243-067

JUDGES OF THE TENNESSEE
COURT OF THE JUDICIARY

August 24, 2009

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

Don R. Ash
Presiding Judge

J.S. (Steve) Daniel
Disciplinary Counsel

Chris Craft
David M. Cook
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Jane Latimer
Christy R. Little
Paul Neely
Pamela L. Reeves
Kathy McMahan
Mary Martin Schaffner
Gregory D. Smith
Steve Stafford
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D. Michael Swiney
Bernie Weinman
Thomas T. Woodall

FOR PUBLIC PRESS RELEASE

The Honorable Charles Rich
106 East Depot Street
Shelbyville, Tennessee 37162

In re: Complaint of Timothy Underwood, Attorney at Law,
against Judge Charles Rich
File No. 09-3784

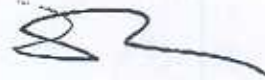
Dear Judge Rich:

Pursuant to your agreement with the Investigative Panel of this Court, I am issuing a public letter of reprimand concerning your actions in hearing a Lincoln County Juvenile Court case in which Christa Badenhop Garrett sought the custody of her child. In 2004 you agreed to interchange with the Lincoln County General Sessions Judge to hear matters relating to the minor child involved in this litigation. Ms. Garrett, who is the natural mother of the child in question, filed a petition seeking to be restored to custody of the child. July 18, 2008 you heard this petition and took the matter under advisement. When you made no ruling on the custody petition, Mr. Underwood wrote to you in October of 2008 seeking the status of the decision in the case. You took no action. In December of 2008 Mr. Underwood wrote again seeking to determine the status of the case. Again you took no action in deciding the case. Disciplinary Counsel for the Court of the Judiciary received a complaint of Mr. Underwood that was based on your failure to decide this important custody matter on January 26, 2009. You were immediately given notice of the complaint. However, you failed to decide this case until March 6, 2009, approximately eight months from the time of its submission to you.

Your refusal to decide the case in a timely fashion caused Ms. Garrett to expend additional legal fees and efforts to obtain a decision in this case. Your actions in this regard are a violation of Canon 2 A requiring a judge to know and follow the law. Your action in this delay in deciding a case is a violation of Canon 3 B (8) which requires a judge "to dispose of all judicial matters promptly, efficiently, and fairly."

Your conduct described above is detrimental to the administration of justice and brings the judiciary into public disrepute under the provisions of Tennessee Code Annotated § 17-5-302(e). Accordingly this constitutes a public reprimand for your actions. In the future you are to explicitly follow the Code of Judicial Conduct and to decide promptly cases which are submitted to you.

Sincerely yours,



Don, R. Ash
Presiding Judge

DRA/mpm
cc: Disciplinary Counsel
Investigative Panel