

THE TENNESSEE BOARD OF JUDICIAL CONDUCT

511 Union Street
Suite 600
Nashville, TN 37219

December 17, 2014

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

Chris Craft
Chairperson

Timothy R. Discenza
Disciplinary Counsel

Patrick J. McHale
Assistant Disciplinary Counsel

Jeffrey S. Bivins
Miles Burdine
Angelita B. Dalton
Timothy L. Easter
Joe F. Fowlkes
Tas Gardner
J. Ronald Hickman
Chris A. Hodges
Holly Kirby
Thomas W. Lawless
Christy R. Little
Larry J. Logan
J. Michael Sharp
Dwight E. Stokes
David Wedekind

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 November, 2014, as mandated by Tenn. Code Ann. § 17-5-207(a).

Please also find enclosed the Quarterly Report for the first quarter of this fiscal year, as mandated by Tenn. Code Ann. § 17-5-207(b). Although it is not due until January 20, 2015, we have completed the tally and felt you should have it as soon as possible. Our First Quarterly Report for fiscal year 2014-2015 also includes something new pursuant to the new amendment to our reporting statutes: a list of members' names along with the total of votes cast on each complaint either voting to dismiss the complaint or voting for a formal investigation on the complaint (Tenn. Code Ann. § 17-5-304(c)(3) – "The investigative panel shall review the disciplinary counsel's recommendations and either dismiss the complaint or authorize a full investigation."). Not every member voted an equal number of times, as there were a different number of complaints in each Grand Division of the state, and no member was assigned a complaint against a judge from that member's Grand Division. Also, some of the members had to recuse themselves as having practiced before that judge, as having

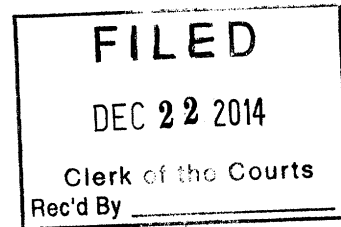
conflicts of interest, or as having too close a relationship with the judge or the complainant. As Justices Kirby and Bivins and Judge Tim Easter changed judicial positions and were removed from the Board as disqualified, their replacements not having yet been selected or sworn, only the 12 present members are listed in this quarter's vote total.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Craft", with a long horizontal flourish extending to the right.

CHRIS CRAFT
Board Chair

CC/bep



BOARD OF JUDICIAL CONDUCT
FISCAL YEAR 2014-2015 FIRST QUARTERLY REPORT
(For the period 7/1/14 through 9/30/14)
Due 1/20/15

The number of complaints OPENED1 this quarter is 103. Year to date the number is 103.

The number of complaints CLOSED this quarter is 112. Year to date the number is 112.

The DISPOSITION of the complaints closed this quarter is:

Table with 2 columns: Disposition Category and YTD (Year to Date). Rows include: Dismissed, complaint about court ruling (62), Dismissed, no jurisdiction (0), Dismissed, inadequate factual basis (27), Dismissal with warning (8), Dismissal after full investigation (1), Deferred discipline agreement (1), Private reprimand (0), Private censure (0), Public reprimand (0), Public censure (0), Other (1), Retired complaint, no longer a judge (12), Cease and Desist Order (0), Suspension (0), Recommendation of removal from office (0), and TOTAL (112).

The number of complaints PENDING on the last day of this quarter is 57.

The number of complaints for which PROBABLE CAUSE WAS FOUND2 this quarter is 6. The number year to date is 6.

The number of complaints for which FORMAL CHARGES WERE FILED this quarter is 0. The number year to date is 0.

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.
2. "Probable cause was found" means that Disciplinary Counsel and the investigative panel believe that there is evidence supporting the allegations against a judge and the investigative panel has authorized a full investigation pursuant to Tenn. Code Ann. §17-5-304 (c)(3).

The NATURE of the complaints filed and the TYPE OF JUDGE according to the following categories is:

A) Failure to comply with the law:		<u>YTD</u>
Criminal -----	17	17
Circuit -----	18	18
Chancery -----	5	5
General Sessions -----	16	16
Juvenile -----	1	1
Magistrate and Referee-----	6	6
Municipal -----	0	0
Commissioner -----	3	3
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	1	1
Other -----	1	1
TOTAL	68	68 (Non-judge, deceased judge, judge from another state, etc.)

B) Bias, prejudice and unfairness:		<u>YTD</u>
Criminal -----	0	0
Circuit -----	2	2
Chancery -----	0	0
General Sessions -----	3	3
Juvenile -----	0	0
Magistrate and Referee-----	0	0
Municipal -----	0	0
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	0	0
Other -----	0	0
TOTAL	5	5

C) Discourtesy:		<u>YTD</u>
Criminal -----	1	1
Circuit -----	0	0
Chancery -----	0	0
General Sessions -----	2	2
Juvenile -----	0	0
Magistrate and Referee-----	0	0
Municipal -----	0	0
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	0	0
Other -----	0	0
TOTAL	3	3

D) Abuse of office:		<u>YTD</u>
Criminal -----	0	0
Circuit -----	1	1
Chancery -----	0	0
General Sessions -----	4	4
Juvenile -----	0	0
Magistrate and Referee-----	0	0
Municipal -----	0	0
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	0	0
Other -----	0	0
TOTAL	5	5

E) Delay:		<u>YTD</u>
Criminal -----	3	3
Circuit -----	0	0
Chancery -----	0	0
General Sessions -----	6	6
Juvenile -----	0	0
Magistrate and Referee-----	0	0
Municipal -----	0	0
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	0	0
Other -----	0	0
TOTAL	3	3

F) <i>Ex parte</i> communications:		<u>YTD</u>
Criminal -----	1	1
Circuit -----	2	2
Chancery -----	0	0
General Sessions -----	0	0
Juvenile -----	0	0
Magistrate and Referee-----	0	0
Municipal -----	0	0
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	0	0
Other -----	0	0
TOTAL	3	3

G) Disability:		<u>YTD</u>
Criminal -----	0	0
Circuit -----	0	0
Chancery -----	0	0
General Sessions -----	1	1
Juvenile -----	0	0
Magistrate and Referee----	1	1
Municipal -----	0	0
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	0	0
Other -----	0	0
TOTAL	<u>2</u>	<u>2</u>

H) Political violation:		<u>YTD</u>
Criminal -----	1	1
Circuit -----	0	0
Chancery -----	1	1
General Sessions -----	3	3
Juvenile -----	0	0
Magistrate and Referee----	0	0
Municipal -----	0	0
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	2	2
Senior and Retired -----	0	0
Other -----	1	1
TOTAL	<u>8</u>	<u>8</u>

I) Recusal:		<u>YTD</u>
Criminal -----	1	1
Circuit -----	0	0
Chancery -----	2	2
General Sessions -----	2	2
Juvenile -----	0	0
Magistrate and Referee----	0	0
Municipal -----	0	0
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	0	0
Other -----	0	0
TOTAL	<u>5</u>	<u>5</u>

J) Miscellaneous:		<u>YTD</u>
Criminal -----	0	0
Circuit -----	0	0
Chancery -----	0	0
General Sessions -----	0	0
Juvenile -----	0	0
Magistrate and Referee-----	0	0
Municipal -----	0	0
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	0	0
Other -----	<u>1</u>	<u>1</u>
TOTAL	1	1

Member Voting

	D	FI	YTD D	FI
Miles Burdine	19	0	19	0
Judge Angelita Dalton	10	1	10	1
Judge Joe Fowlkes	15	0	15	0
Robert Gardner	13	1	13	1
Ronald Hickman	21	2	21	2
Chris Hodges	16	0	16	0
Thomas Lawless	13	0	13	0
Judge Christy Little	23	4	23	4
Judge Larry Logan	20	4	20	4
Judge Michael Sharp	24	0	24	0
Judge Dwight Stokes	23	1	23	1
David Wedekind	14	4	15	4

D= Dismissals

FI= Full Investigations

Respectfully submitted,



CHRIS CRAFT, Board Chair
BOARD OF JUDICIAL CONDUCT