



ADM2019-00010

## THE TENNESSEE BOARD OF JUDICIAL CONDUCT

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

March 20, 2019

Dee David Gay  
Board Chair

Timothy R. Discenza  
Disciplinary Counsel

Shane Hutton  
Assistant Disciplinary Counsel

Kenny Armstrong  
H. Allen Bray  
Andrew G. Brigham  
Robert Carter, Jr.  
Paul B. Conley, III  
Brooke Emery  
Dwight "D.J." Farris  
Tammy Harrington  
Austin L. McMullen  
Edward (Ward) Phillips  
Benjamin Purser, Jr.  
Jeff D. Rader  
John Whitworth  
Robert W. Wilkinson

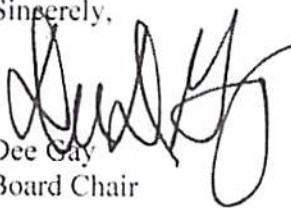
Russell Humphrey  
Chief Clerk of the Senate  
Office of the Chief Clerk  
State Capitol, 2<sup>nd</sup> Floor  
Nashville, TN 37243

Tammy Letzler  
Chief Clerk of the House  
Office of the Chief Clerk  
State Capitol, 2<sup>nd</sup> Floor  
Nashville, TN 37243

Dear Chief Clerks:

Please find enclosed the Second Quarterly Report of the Board of Judicial Conduct covering the period of October 1, 2018 through December 31, 2018 for the Fiscal Year 2018-2019, as mandated by Tenn. Code Ann. § 17-5-207.

Sincerely,

  
Dee Gay  
Board Chair

DDG/sp  
Enclosure

**FILED**  
 MAR 20 2019  
 Clerk of the Appellate Courts  
 Rec'd By LM

**BOARD OF JUDICIAL CONDUCT**  
**FISCAL YEAR 2018-2019 SECOND QUARTERLY REPORT**  
 (For the period 10/1/18 through 12/31/18)  
 Due 3/20/19

ADM2019-00010

The number of complaints OPENED<sup>1</sup> this quarter is 86. Year to date the number is 205.

The number of complaints CLOSED this quarter is 85. Year to date the number is 183.

The DISPOSITION of the complaints closed this quarter is:

		YTD (Year to Date)
Dismissed, complaint about court ruling----	63	137
Dismissed, no jurisdiction -----	6	6
Dismissed, inadequate factual basis -----	14	33
Dismissal with warning -----	2	3
Dismissal after full investigation -----	0	0
Deferred discipline agreement -----	0	0
Private reprimand -----	0	4
Private censure -----	0	0
Public reprimand -----	0	0
Public censure -----	0	0
Other -----	0	0
Retired complaint, no longer a judge -----	0	0
Cease and Desist Order-----	0	0
Suspension -----	0	0
Recommendation of removal from office --	0	0
<b>TOTAL</b>	<b>85</b>	<b>183</b>

The number of complaints PENDING on the last day of this quarter is 23.

The number of complaints for which PROBABLE CAUSE WAS FOUND<sup>2</sup> this quarter is 1.  
 The number year to date is 1.

The number of complaints for which FORMAL CHARGES WERE FILED this quarter is 2.  
 The number year to date is 2.

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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:

<b>A) Failure to comply with the law:</b>		<u>YTD</u>
Criminal -----	24	55
Circuit -----	25	40
Chancery -----	7	11
General Sessions -----	22	40
Juvenile -----	1	2
Magistrate and Referee-----	4	7
Municipal -----	0	1
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	1	5
Senior and Retired -----	0	2
Other -----	<u>1</u>	<u>2</u>
<b>TOTAL</b>	<b>85</b>	<b>165</b> (Non-judge, deceased judge, judge from another state, etc.)

<b>B) Bias, prejudice and unfairness:</b>		<u>YTD</u>
Criminal -----	0	1
Circuit -----	0	4
Chancery -----	0	0
General Sessions -----	3	5
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>0</u>	<u>0</u>
<b>TOTAL</b>	<b>3</b>	<b>10</b>

<b>C) Discourtesy:</b>		<u>YTD</u>
Criminal -----	0	1
Circuit -----	0	0
Chancery -----	0	0
General Sessions -----	1	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 -----	<u>0</u>	<u>0</u>
<b>TOTAL</b>	<b>1</b>	<b>5</b>

<b>D) Abuse of office:</b>		<u>YTD</u>
Criminal -----	0	0
Circuit -----	0	0
Chancery -----	0	0
General Sessions -----	0	0
Juvenile -----	1	1
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
<b>TOTAL</b>	<b>1</b>	<b>1</b>

<b>E) Delay:</b>		<u>YTD</u>
Criminal -----	3	5
Circuit -----	2	2
Chancery -----	0	0
General Sessions -----	0	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
<b>TOTAL</b>	<b>5</b>	<b>9</b>

<b>F) Ex parte communications:</b>		<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 -----	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>

<b>G) Disability:</b>		<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 -----	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>

<b>H) Political violation:</b>		<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 -----	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>

<b>I) Recusal:</b>		<u>YTD</u>
Criminal -----	2	5
Circuit -----	0	4
Chancery -----	0	1
General Sessions -----	1	3
Juvenile -----	0	1
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
<b>TOTAL</b>	<b>3</b>	<b>14</b>

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

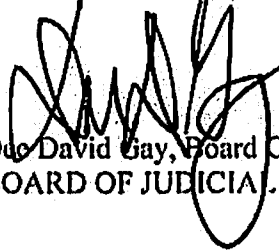
## Member Voting

	D	FI	D	FI
	YTD			
Hon. Kenny Armstrong	23	0	33	0
Edward G. Phillips	17	0	25	0
Hon. Allen Bray	20	0	31	0
Hon. Andrew Brigham	16	0	25	0
Hon. Paul Conley	13	0	20	0
Hon. Robert Carter	12	0	21	1
Brooke Emery	18	0	27	0
Dwight Farris	8	0	16	0
Hon. Tammy Harrington	18	0	25	1
Austin McMullen	9	0	14	0
Benjamin Purser	8	0	16	0
Hon. Jeff Rader	15	0	24	0
Robert Wilkinson	14	0	721	1
Hon. John Whitworth	17	0	25	0

D= Dismissals

FI= Full Investigations

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David Gay', written over the typed name below.

Doc David Gay, Board Chair  
BOARD OF JUDICIAL CONDUCT