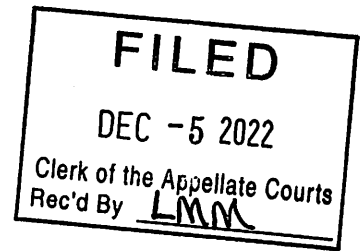


IN THE TENNESSEE BOARD OF JUDICIAL CONDUCT

**IN RE: JUDGE HUGH H. HARVEY, JR.,
GENERAL SESSIONS COURT,
MADISON COUNTY**

File No. B22-9030

M2022-01681-BJC-DIS-FC



ORDER OF SUSPENSION

This matter is before the Board of Judicial Conduct (“Board”) upon an investigation involving Judge Hugh H. Harvey, Jr., who has served as a General Sessions Court Judge in Madison County, Tennessee, since 1998. At all times relevant herein, Judge Harvey was subject to the provisions of Tennessee Supreme Court Rule 10, the Code of Judicial Conduct. As such, Judge Harvey is subject to judicial discipline by the Board pursuant to Tennessee Code Annotated section 17-5-102(a)(1).

BACKGROUND

1. On August 17, 2022, Judge Harvey was stopped by the Tennessee Highway Patrol for erratic driving in Madison County, Tennessee. Judge Harvey failed a field sobriety test and was arrested for driving under the influence in violation of Tennessee Code Annotated section 55-10-401. A handgun was found in the glove box of his car, and he was also charged with possession of a handgun while intoxicated in violation of Tennessee Code Annotated section 39-17-1321. Additionally, Judge Harvey was cited for failing to stay in his lane of travel in violation of Tennessee Code Annotated section 55-8-123.

2. On August 18, 2022, Judge Harvey contacted Disciplinary Counsel for the Board, Marshall L. Davidson III, to self-report his arrest. Judge Harvey also contacted the Tennessee Lawyers Assistance Program (“TLAP”).

3. Following the advice of TLAP, Judge Harvey checked himself into Cornerstone of Recovery (“Cornerstone”) on August 26, 2022, an in-patient treatment facility in Knox County, Tennessee. Judge Harvey underwent sixty-days of in-patient treatment for alcoholism.

4. Judge Harvey successfully completed Cornerstone’s in-patient program and is currently being monitored by TLAP, which includes attending AA meetings and random alcohol screenings for five years pursuant to a Substance Use Disorder Recovery Monitoring Agreement entered into by Judge Harvey and TLAP on October 27, 2022.

5. On August 31, 2022, an investigative panel of the Board composed of William C. Koch, Jr., Benjamin S. Purser, Jr., and Daniel Springer, authorized a full investigation of this matter pursuant to Tennessee Code Annotated section 17-5-303(c)(3).

6. On November 15, 2022, Judge Harvey pled guilty to driving under the influence and paid the associated fine. The charges of possessing a handgun while intoxicated and failing to stay in his lane of travel were dismissed. Additionally, Judge Harvey was placed on supervised probation for eleven months and twenty-nine days, prohibited from driving for one year, required to install an ignition interlock device on his vehicle, and was required to forfeit his handgun. He also received a suspended sentence of eleven months and twenty-nine days except for forty-eight hours in jail.

7. In a notice dated November 21, 2022, Judge Harvey was advised that his conduct implicated the following: Tenn. Code Ann. § 17-5-301(j)(1)(C) (a judicial offense includes a violation of the Code of Judicial Conduct); Tenn. Code Ann. § 17-5-301(j)(1)(H) (a judicial offense includes conduct calculated to bring the judiciary into public disrepute or adversely affect the administration of justice); Tenn. Sup. Ct. R. 10, RJC 1.1 (“A judge shall comply with the law, including the Code of Judicial Conduct.”); Tenn. Sup. Ct. R. 10, RJC 1.2 (“A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.”); Tenn. Sup. Ct. R. 10, RJC 3.1(A) (prohibiting personal activities that would interfere with the proper and timely performance of the judge’s duties); and Tenn. Sup. Ct. R. 10, RJC 3.1(C) (prohibiting personal activities that would appear to a reasonable person to undermine the judge’s independence, integrity, or impartiality).

ANALYSIS

8. Judges are required to act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary, must avoid impropriety and the appearance of impropriety, and must comply with the law. *See* Tenn. Sup. Ct. R. 10, RJC 1.1 and 1.2. Judges are also expected to maintain the highest standards of conduct and dignity of judicial office in both their professional and personal lives. Preamble, Tenn. Sup. Ct. R. 10(2).

9. When any judge, but especially a judge who adjudicates substance abuse or chemical dependency related matters and traffic violations such as Judge Harvey, is convicted of DUI or related offenses, respect for the judiciary and the administration of justice suffers. Clearly, the public is more likely to respect and have confidence in the integrity and quality of justice administered by a judge if the judge has complied with the same standards of conduct he or she is responsible for applying to others. A judge convicted of DUI, or any other crime, does not inspire such confidence.

10. In addition, as the occupant of an honored position of public trust, a judge’s role includes cultivating respect for the law and the administration of justice in both words and deeds. The conduct at issue here did just the opposite.

11. In light of the foregoing, the investigative panel, on November 21, 2022, approved the suspension of Judge Harvey for a period of thirty days. *See* Tenn. Code

Ann. §§17-5-301(f)(1)(A) and 17-5-303(e)(2)(B)(i)(d). The panel further determined that Judge Harvey should be monitored by and adhere to the recommendations of TLAP for a period of five years consistent with his Substance Use Disorder Recovery Monitoring Agreement with TLAP.

12. Judge Harvey, who has been transparent and cooperative throughout this matter and has accepted full responsibility for his actions, agreed to accept the sanctions described herein in lieu of the filing of formal disciplinary charges. *See* Tenn. Code Ann. § 17-5-303(e)(2)(C).

CONCLUSION

IT IS, THEREFORE, ORDERED that Judge Harvey is suspended for a term of thirty (30) days effective December 22, 2022, through and including January 20, 2023. During this term of suspension, Judge Harvey is prohibited from exercising any judicial power or authority, including, but not limited to, holding court, issuing subpoenas, setting or resetting cases, issuing warrants, setting or changing bonds, administering oaths, or issuing oral or written rulings in any matter.

IT IS FURTHER ORDERED that Judge Harvey shall be monitored by and adhere to the recommendations of TLAP for a period of five years consistent with his Substance Use Disorder Recovery Monitoring Agreement with TLAP.

ENTERED this 5th day of December, 2022.




Judge Dee David Gay
Board Chair

FOR THE INVESTIGATIVE PANEL:

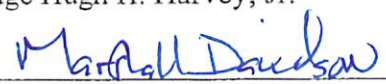
<u>William C. Koch, Jr.</u> William C. Koch, Jr. with permission MLD	<u>12/5/22</u> Date
<u>Benjamin S. Purser, Jr.</u> Benjamin S. Purser, Jr. with permission MLD	<u>12/5/22</u> Date
<u>Daniel Springer</u> Daniel Springer with permission MLD	<u>12/5/22</u> Date

APPROVED FOR ENTRY:



Judge Hugh H. Harvey, Jr.

12/1/22
Date



Marshall L. Davidson, III
Disciplinary Counsel


12/2/2022
Date

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Order has been mailed to the following:

Judge Hugh H. Harvey, Jr.
515 South Liberty Street
Jackson, TN 38301

on this 5th day of December, 2022.



Lisa Marsh
Chief Deputy Clerk