



**THE TENNESSEE
BOARD OF JUDICIAL CONDUCT**

511 Union Street
Suite 600
Nashville, TN 37219

August 15, 2012

Michael W. Catalano, 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 July, 2012, as mandated by Tenn. Code Ann. § 17-5-207. When the Court of Judiciary ceased to exist on July 1, 2012, it had over 40 complaints still pending. These complaints were transferred to the new Board for handling, and are not reflected in the statistics for July, which only refer to newly filed complaints for that month. The new Board could not begin its work until after its first organizational meeting on July 7th, when its officers were elected and Disciplinary Counsel, Assistant Disciplinary Counsel and an investigator were approved and hired by the Board.

If there is a more direct or convenient mailing address to which either of you wish me to send these monthly reports, please advise, and I will use that address next month when the Board makes its report for the month of August, 2012.

Sincerely,


CHRIS CRAFT
Board Chair

CC/bep

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

The number and category of complaints OPENED¹ this month:

A) Failure to comply with law: -----	18
B) Bias, prejudice and unfairness: -----	3
C) Discourtesy: -----	2
D) Abuse of office: -----	2
E) Delay: -----	2
F) Ex parte communications: -----	1
G) Disability: -----	1
H) Political violation: -----	1
I) Recusal: -----	1
J) Miscellaneous: -----	<u>0</u>
TOTAL	31

The number and category of complaints CLOSED this month:

A) Failure to comply with law: -----	9
B) Bias, prejudice and unfairness: -----	1
C) Discourtesy: -----	0
D) Abuse of office: -----	3
E) Delay: -----	0
F) Ex parte communications: -----	1
G) Disability: -----	1
H) Political violation: -----	1
I) Recusal: -----	1
J) Miscellaneous: -----	<u>0</u>
TOTAL	17

DISPOSITION of the complaints closed by category this month:

A) Failure to comply with law:	
Dismissed, complaint about court ruling---	8
Dismissed, no jurisdiction -----	0
Dismissed, inadequate factual basis -----	1
Dismissal with warning -----	0
Dismissal after full investigation -----	0
Deferred discipline agreement -----	0
Private reprimand -----	0
Private censure -----	0
Public reprimand -----	0
Public censure -----	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.

Other -----	0
Retired complaint, no longer a judge -----	0
Suspension -----	0
Recommendation of removal from office --	<u>0</u>
TOTAL	9

B) Bias, prejudice and unfairness:

Dismissed, complaint about court ruling----	1
Dismissed, no jurisdiction -----	0
Dismissed, inadequate factual basis -----	0
Dismissal with warning -----	0
Dismissal after full investigation -----	0
Deferred discipline agreement -----	0
Private reprimand -----	0
Private censure -----	0
Public reprimand -----	0
Public censure -----	0
Other -----	0
Retired complaint, no longer a judge -----	0
Suspension -----	0
Recommendation of removal from office --	<u>0</u>
TOTAL	1

C) Discourtesy:

Dismissed, complaint about court ruling ---	0
Dismissed, no jurisdiction -----	0
Dismissed, inadequate factual basis -----	0
Dismissal with warning -----	0
Dismissal after full investigation -----	0
Deferred discipline agreement -----	0
Private reprimand -----	0
Private censure -----	0
Public reprimand -----	0
Public censure -----	0
Other -----	0
Retired complaint, no longer a judge -----	0
Suspension -----	0
Recommendation of removal from office --	<u>0</u>
TOTAL	0

D) Abuse of office:

Dismissed, complaint about court ruling----	1
Dismissed, no jurisdiction -----	0
Dismissed, inadequate factual basis -----	2
Dismissal with warning -----	0
Dismissal after full investigation -----	0
Deferred discipline agreement -----	0
Private reprimand -----	0
Private censure -----	0
Public reprimand -----	0

Public censure -----	0
Other -----	0
Retired complaint, no longer a judge -----	0
Suspension -----	0
Recommendation of removal from office --	<u>0</u>
TOTAL	3

E) Delay:

Dismissed, complaint about court ruling----	0
Dismissed, no jurisdiction -----	0
Dismissed, inadequate factual basis -----	0
Dismissal with warning -----	0
Dismissal after full investigation -----	0
Deferred discipline agreement -----	0
Private reprimand -----	0
Private censure -----	0
Public reprimand -----	0
Public censure -----	0
Other -----	0
Retired complaint, no longer a judge -----	0
Suspension -----	0
Recommendation of removal from office --	<u>0</u>
TOTAL	0

F) Ex parte communications:

Dismissed, complaint about court ruling----	0
Dismissed, no jurisdiction -----	0
Dismissed, inadequate factual basis -----	1
Dismissal with warning -----	0
Dismissal after full investigation -----	0
Deferred discipline agreement -----	0
Private reprimand -----	0
Private censure -----	0
Public reprimand -----	0
Public censure -----	0
Other -----	0
Retired complaint, no longer a judge -----	0
Suspension -----	0
Recommendation of removal from office --	<u>0</u>
TOTAL	1

G) Disability:

Dismissed, complaint about court ruling----	0
Dismissed, no jurisdiction -----	0
Dismissed, inadequate factual basis -----	1
Dismissal with warning -----	0
Dismissal after full investigation -----	0
Deferred discipline agreement -----	0
Private reprimand -----	0
Private censure -----	0

Public reprimand -----	0
Public censure -----	0
Other -----	0
Retired complaint, no longer a judge -----	0
Suspension -----	0
Recommendation of removal from office --	<u>0</u>
TOTAL	1

H) Political violation:

Dismissed, complaint about court ruling----	0
Dismissed, no jurisdiction -----	0
Dismissed, inadequate factual basis -----	1
Dismissal with warning -----	0
Dismissal after full investigation -----	0
Deferred discipline agreement -----	0
Private reprimand -----	0
Private censure -----	0
Public reprimand -----	0
Public censure -----	0
Other -----	0
Retired complaint, no longer a judge -----	0
Suspension -----	0
Recommendation of removal from office --	<u>0</u>
TOTAL	1

I) Recusal:

Dismissed, complaint about court ruling----	0
Dismissed, no jurisdiction -----	0
Dismissed, inadequate factual basis -----	1
Dismissal with warning -----	0
Dismissal after full investigation -----	0
Deferred discipline agreement -----	0
Private reprimand -----	0
Private censure -----	0
Public reprimand -----	0
Public censure -----	0
Other -----	0
Retired complaint, no longer a judge -----	0
Suspension -----	0
Recommendation of removal from office --	<u>0</u>
TOTAL	1

J) Miscellaneous:

Dismissed, complaint about court ruling----	0
Dismissed, no jurisdiction -----	0
Dismissed, inadequate factual basis -----	0
Dismissal with warning -----	0
Dismissal after full investigation -----	0
Deferred discipline agreement -----	0
Private reprimand -----	0

Private censure -----	0
Public reprimand -----	0
Public censure -----	0
Other -----	0
Retired complaint, no longer a judge -----	0
Suspension -----	0
Recommendation of removal from office --	<u>0</u>
TOTAL	0

CUMULATIVE YEAR-TO-DATE TOTAL

Number and nature of complaints OPENED this fiscal year:

A) Failure to comply with law: -----	18
B) Bias, prejudice and unfairness: -----	3
C) Discourtesy: -----	2
D) Abuse of office: -----	2
E) Delay: -----	2
F) Ex parte communications: -----	1
G) Disability: -----	1
H) Political violation: -----	1
I) Recusal: -----	1
J) Miscellaneous: -----	<u>0</u>
TOTAL	31

Number and nature of complaints CLOSED this fiscal year:

A) Failure to comply with law: -----	9
B) Bias, prejudice and unfairness: -----	1
C) Discourtesy: -----	0
D) Abuse of office: -----	3
E) Delay: -----	0
F) Ex parte communications: -----	1
G) Disability: -----	1
H) Political violation: -----	1
I) Recusal: -----	1
J) Miscellaneous: -----	<u>0</u>
TOTAL	17

DISPOSITION of the complaints closed by category this fiscal year:

A) Failure to comply with law:	
Dismissed, complaint about court ruling----	8
Dismissed, no jurisdiction -----	0
Dismissed, inadequate factual basis -----	1
Dismissal with warning -----	0
Dismissal after full investigation -----	0

Deferred discipline agreement -----	0
Private reprimand -----	0
Private censure -----	0
Public reprimand -----	0
Public censure -----	0
Other -----	0
Retired complaint, no longer a judge -----	0
Suspension -----	0
Recommendation of removal from office --	<u>0</u>
TOTAL	9

B) Bias, prejudice and unfairness:

Dismissed, complaint about court ruling----	1
Dismissed, no jurisdiction -----	0
Dismissed, inadequate factual basis -----	0
Dismissal with warning -----	0
Dismissal after full investigation -----	0
Deferred discipline agreement -----	0
Private reprimand -----	0
Private censure -----	0
Public reprimand -----	0
Public censure -----	0
Other -----	0
Retired complaint, no longer a judge -----	0
Suspension -----	0
Recommendation of removal from office --	<u>0</u>
TOTAL	1

C) Discourtesy:

Dismissed, complaint about court ruling----	0
Dismissed, no jurisdiction -----	0
Dismissed, inadequate factual basis -----	0
Dismissal with warning -----	0
Dismissal after full investigation -----	0
Deferred discipline agreement -----	0
Private reprimand -----	0
Private censure -----	0
Public reprimand -----	0
Public censure -----	0
Other -----	0
Retired complaint, no longer a judge -----	0
Suspension -----	0
Recommendation of removal from office --	<u>0</u>
TOTAL	0

D) Abuse of office:

Dismissed, complaint about court ruling----	1
Dismissed, no jurisdiction -----	0
Dismissed, inadequate factual basis -----	2
Dismissal with warning -----	0

Dismissal after full investigation -----	0
Deferred discipline agreement -----	0
Private reprimand -----	0
Private censure -----	0
Public reprimand -----	0
Public censure -----	0
Other -----	0
Retired complaint, no longer a judge -----	0
Suspension -----	0
Recommendation of removal from office --	<u>0</u>
TOTAL	3

E) Delay:

Dismissed, complaint about court ruling----	0
Dismissed, no jurisdiction -----	0
Dismissed, inadequate factual basis -----	0
Dismissal with warning -----	0
Dismissal after full investigation -----	0
Deferred discipline agreement -----	0
Private reprimand -----	0
Private censure -----	0
Public reprimand -----	0
Public censure -----	0
Other -----	0
Retired complaint, no longer a judge -----	0
Suspension -----	0
Recommendation of removal from office --	<u>0</u>
TOTAL	0

F) Ex parte communications:

Dismissed, complaint about court ruling----	0
Dismissed, no jurisdiction -----	0
Dismissed, inadequate factual basis -----	1
Dismissal with warning -----	0
Dismissal after full investigation -----	0
Deferred discipline agreement -----	0
Private reprimand -----	0
Private censure -----	0
Public reprimand -----	0
Public censure -----	0
Other -----	0
Retired complaint, no longer a judge -----	0
Suspension -----	0
Recommendation of removal from office --	<u>0</u>
TOTAL	1

G) Disability:

Dismissed, complaint about court ruling----	0
Dismissed, no jurisdiction -----	0
Dismissed, inadequate factual basis -----	1