



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
MONTHLY REPORT FOR NOVEMBER, 2014**

FILED
DEC 22 2014
Clerk of the Courts Rec'd By _____

The number and category of complaints OPENED¹:

	<u>THIS</u> <u>MONTH</u>	<u>THIS FISCAL</u> <u>YEAR</u>
A) Failure to comply with law: -----	21	106
B) Bias, prejudice and unfairness: -----	1	9
C) Discourtesy: -----	3	6
D) Abuse of office: -----	4	12
E) Delay: -----	6	12
F) Ex parte communications: -----	0	3
G) Disability: -----	0	2
H) Political violation: -----	0	8
I) Recusal: -----	1	7
J) Miscellaneous: -----	<u>0</u>	<u>1</u>
TOTAL	36	166

The number and category of complaints CLOSED:

	<u>THIS</u> <u>MONTH</u>	<u>THIS FISCAL</u> <u>YEAR</u>
A) Failure to comply with law: -----	18	115
B) Bias, prejudice and unfairness: -----	1	7
C) Discourtesy: -----	1	5
D) Abuse of office: -----	4	17
E) Delay: -----	5	10
F) Ex parte communications: -----	0	6
G) Disability: -----	0	3
H) Political violation: -----	2	10
I) Recusal: -----	1	9
J) Miscellaneous: -----	<u>0</u>	<u>2</u>
TOTAL	32	184

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.

DISPOSITION of the complaints closed by CATEGORY:

	<u>THIS</u> <u>MONTH</u>	<u>THIS FISCAL</u> <u>YEAR</u>
A) Failure to comply with law:		
Dismissed, complaint about court ruling----	15	100
Dismissed, no jurisdiction -----	2	5
Dismissed, inadequate factual basis -----	0	3
Dismissal with warning -----	0	3
Dismissal after full investigation -----	0	0
Deferred discipline agreement -----	0	0
Private reprimand -----	0	0
Private censure -----	0	0
Public reprimand -----	0	0
Public censure -----	0	0
Other -----	0	0
Retired complaint, no longer a judge -----	1	4
Suspension -----	0	0
Recommendation of removal from office --	<u>0</u>	<u>0</u>
TOTAL	18	115

	<u>THIS</u> <u>MONTH</u>	<u>THIS FISCAL</u> <u>YEAR</u>
B) Bias, prejudice and unfairness:		
Dismissed, complaint about court ruling----	0	0
Dismissed, no jurisdiction -----	0	0
Dismissed, inadequate factual basis -----	0	6
Dismissal with warning -----	1	1
Dismissal after full investigation -----	0	0
Deferred discipline agreement -----	0	0
Private reprimand -----	0	0
Private censure -----	0	0
Public reprimand -----	0	0
Public censure -----	0	0
Other -----	0	0
Retired complaint, no longer a judge -----	0	0
Suspension -----	0	0
Recommendation of removal from office --	<u>0</u>	<u>0</u>
TOTAL	1	7

	<u>THIS</u> <u>MONTH</u>	<u>THIS FISCAL</u> <u>YEAR</u>
C) Discourtesy:		
Dismissed, complaint about court ruling----	0	0
Dismissed, no jurisdiction -----	0	0
Dismissed, inadequate factual basis -----	1	4
Dismissal with warning -----	0	0
Dismissal after full investigation -----	0	0
Deferred discipline agreement -----	0	0
Private reprimand -----	0	0
Private censure -----	0	0
Public reprimand -----	0	0
Public censure -----	0	0
Other -----	0	1
Retired complaint, no longer a judge -----	0	0
Suspension -----	0	0
Recommendation of removal from office --	<u>0</u>	<u>0</u>
TOTAL	1	5

	<u>THIS</u> <u>MONTH</u>	<u>THIS FISCAL</u> <u>YEAR</u>
D) Abuse of office:		
Dismissed, complaint about court ruling----	0	0
Dismissed, no jurisdiction -----	0	0
Dismissed, inadequate factual basis -----	3	8
Dismissal with warning -----	0	2
Dismissal after full investigation -----	0	0
Deferred discipline agreement -----	0	0
Private reprimand -----	0	0
Private censure -----	0	0
Public reprimand -----	0	1
Public censure -----	0	0
Other -----	0	3
Retired complaint, no longer a judge -----	0	2
Suspension -----	0	0
Recommendation of removal from office ---	0	0
Cease and Desist Order-----	<u>1</u>	<u>1</u>
TOTAL	4	17

	<u>THIS</u> <u>MONTH</u>	<u>THIS FISCAL</u> <u>YEAR</u>
E) Delay:		
Dismissed, complaint about court ruling----	0	0
Dismissed, no jurisdiction -----	0	0
Dismissed, inadequate factual basis -----	5	9
Dismissal with warning -----	0	1
Dismissal after full investigation -----	0	0
Deferred discipline agreement -----	0	0
Private reprimand -----	0	0
Private censure -----	0	0
Public reprimand -----	0	0
Public censure -----	0	0
Other -----	0	0
Retired complaint, no longer a judge -----	0	0
Suspension -----	0	0
Recommendation of removal from office --	<u>0</u>	<u>0</u>
TOTAL	5	10

	<u>THIS</u> <u>MONTH</u>	<u>THIS FISCAL</u> <u>YEAR</u>
F) Ex parte communications:		
Dismissed, complaint about court ruling----	0	0
Dismissed, no jurisdiction -----	0	0
Dismissed, inadequate factual basis -----	0	3
Dismissal with warning -----	0	1
Dismissal after full investigation -----	0	0
Deferred discipline agreement -----	0	0
Private reprimand -----	0	0
Private censure -----	0	0
Public reprimand -----	0	0
Public censure -----	0	0
Other -----	0	0
Retired complaint, no longer a judge -----	0	2
Suspension -----	0	0
Recommendation of removal from office --	<u>0</u>	<u>0</u>
TOTAL	0	6

	<u>THIS</u> <u>MONTH</u>	<u>THIS FISCAL</u> <u>YEAR</u>
G) Disability:		
Dismissed, complaint about court ruling----	0	0
Dismissed, no jurisdiction -----	0	0
Dismissed, inadequate factual basis -----	0	2
Dismissal with warning -----	0	0
Dismissal after full investigation -----	0	0
Deferred discipline agreement -----	0	1
Private reprimand -----	0	0
Private censure -----	0	0
Public reprimand -----	0	0
Public censure -----	0	0
Other -----	0	0
Retired complaint, no longer a judge -----	0	0
Suspension -----	0	0
Recommendation of removal from office --	<u>0</u>	<u>0</u>
TOTAL	0	3

	<u>THIS</u> <u>MONTH</u>	<u>THIS FISCAL</u> <u>YEAR</u>
H) Political violation:		
Dismissed, complaint about court ruling----	0	0
Dismissed, no jurisdiction -----	0	0
Dismissed, inadequate factual basis -----	1	4
Dismissal with warning -----	1	3
Dismissal after full investigation -----	0	0
Deferred discipline agreement -----	0	0
Private reprimand -----	0	0
Private censure -----	0	0
Public reprimand -----	0	0
Public censure -----	0	0
Other -----	0	0
Retired complaint, no longer a judge -----	0	3
Suspension -----	0	0
Recommendation of removal from office --	<u>0</u>	<u>0</u>
TOTAL	2	10

	<u>THIS</u> <u>MONTH</u>	<u>THIS FISCAL</u> <u>YEAR</u>
I) Recusal:		
Dismissed, complaint about court ruling----	0	0
Dismissed, no jurisdiction -----	0	0
Dismissed, inadequate factual basis -----	0	6
Dismissal with warning -----	0	0
Dismissal after full investigation -----	0	0
Deferred discipline agreement -----	0	0
Private reprimand -----	0	0
Private censure -----	0	0
Public reprimand -----	0	0
Public censure -----	0	0
Other -----	0	0
Retired complaint, no longer a judge -----	1	3
Suspension -----	0	0
Recommendation of removal from office --	<u>0</u>	<u>0</u>
TOTAL	1	9

	<u>THIS</u> <u>MONTH</u>	<u>THIS FISCAL</u> <u>YEAR</u>
J) Miscellaneous:		
Dismissed, complaint about court ruling----	0	0
Dismissed, no jurisdiction -----	0	1
Dismissed, inadequate factual basis -----	0	0
Dismissal with warning -----	0	0
Dismissal after full investigation -----	0	1
Deferred discipline agreement -----	0	0
Private reprimand -----	0	0
Private censure -----	0	0
Public reprimand -----	0	0
Public censure -----	0	0
Other -----	0	0
Retired complaint, no longer a judge -----	0	0
Suspension -----	0	0
Recommendation of removal from office --	<u>0</u>	<u>0</u>
TOTAL	0	2