

**RULES
OF THE
BOARD OF JUDICIAL CONDUCT**

**CHAPTER 0787-01
GENERAL**

TABLE OF CONTENTS

0787-01-.01	Meetings	0787-01-.03	Confidentiality
0787-01-.02	Chairperson and Vice-Chair of the Board	0787-01-.04	Records Retention

0787-01-.01 MEETINGS.

- (1) TIME AND PLACE OF MEETING – The Board shall meet at 10:00 a.m. on the fourth (4th) Tuesday in February and the fourth (4th) Tuesday in July in the conference room of the Administrative Office of the Courts and at such other times and places as the chairperson or a majority of the members of the Board may deem necessary. Members finding it more convenient may also attend the meeting by video or phone conference.
- (2) NOTICE OF MEETING – The chairperson shall give a minimum of ten (10) days' notice of the time and place of meetings to all members of the Board.
- (3) QUORUM – Nine (9) member of the Board, whether meeting in person or by video or phone conference, shall constitute a quorum.

Authority: T.C.A. § 17-5-201(f). **Administrative History:** Emergency rules filed October 7, 2019; effective through April 4, 2020. Emergency rules expired effective April 5, 2020. Original rules filed February 3, 2020; effective May 3, 2020.

0787-01-.02 CHAIRPERSON AND VICE-CHAIR OF THE BOARD.

- (1) CHAIRPERSON ELECTION AND REMOVAL – The Board, at its meeting on the fourth (4th) Tuesday in July of each year, shall elect a chairperson to serve for a period of one (1) year. The chairperson shall be elected from the members of the Board by a majority present and voting. The chairperson may be removed by a two-thirds vote of the members of the Board, with or without cause.
- (2) VICE-CHAIR ELECTION, REMOVAL, AND DUTIES – The Board, at its meeting on the fourth (4th) Tuesday in July of each year, shall elect a vice-chair to serve for a period of one (1) year. The vice-chair shall be elected from the members of the Board by a majority present and voting. The vice-chair may be removed by a two-thirds vote of the members of the Board, with or without cause. If at any meeting the chairperson is not present, the vice-chair shall act as chairperson for that meeting. If the chairperson is recused with respect to a matter, the vice-chair shall act as chairperson with respect to that matter.
- (3) CHAIRPERSON DUTIES – In addition to the duties and responsibilities set forth in T.C.A. §§ 17-5-101, et seq., the chairperson shall preside at all meetings of the Board and at trials. The chairperson shall rule upon the admission or exclusion of evidence. However, the chairperson's ruling upon the admission or exclusion of evidence may be appealed to the full hearing panel. The chairperson and only the chairperson shall be the spokesperson for all matters pending before the Board, except that if the chairperson is recused with respect to a matter pending before the Board, the vice-chair and only the vice-chair shall be the spokesperson for the Board with respect to that matter. After the trial of any matter, the chairperson shall write or shall designate a member of the hearing panel that heard the

(Rule 0787-01-.02, continued)

matter to write the majority opinion. Any member of the hearing panel that heard the matter may write a concurring or dissenting opinion. The chairperson shall have such other duties and responsibilities as are necessary in fulfilling the office.

Authority: T.C.A. § 17-5-201(f). **Administrative History:** Emergency rules filed October 7, 2019; effective through April 4, 2020. Emergency rules expired effective April 5, 2020. Original rules filed February 3, 2020; effective May 3, 2020.

0787-01-.03 CONFIDENTIALITY.

- (1) Except as required under T.C.A. § 17-5-303(f), matters that come before the Board are confidential. Individual members of the Board will not discuss any matter pending before the Board, except with other members of the Board and with the Board's disciplinary counsel. However, nothing in this rule shall prohibit the complainant, respondent-judge, or any witness from disclosing the existence or substance of a complaint, matter, investigation, or proceeding before the Board or from disclosing any documents or correspondence filed by, served on, or provided to that person. In addition, if it becomes apparent that allegations of misconduct by a judge have become a matter of public record independent of any action by the Board and that continued silence by the Board may be detrimental to the public interest, may lead to bringing the judiciary into public disrepute, or may adversely affect the administration of justice, the chairperson in his or her discretion may (a) confirm that an investigation is in progress, (b) clarify the procedural aspects of any proceedings, and (c) explain the rights of the subject of the investigation to a fair hearing without prejudgment.

Authority: T.C.A. §§ 17-5-201(f), 17-5-202(e), and 17-5-303(f). **Administrative History:** Emergency rules filed October 7, 2019; effective through April 4, 2020. Emergency rules expired effective April 5, 2020. Original rules filed February 3, 2020; effective May 3, 2020.

0787-01-.04 RECORDS RETENTION.

- (1) When a complaint is received from an outside source or is created internally, both a physical and an electronic file shall be created. The physical file shall contain the complaint and all relevant documentation and correspondence pertaining to the complaint. Relevant portions of all complaints and documentation, including correspondence, shall be scanned and maintained in the electronic file. Correspondence generated by the office to either the complainant or the subject judge shall also be maintained in an electronic file in word-processing format, without the necessity of scanning the printed document. Voluminous public records such as transcripts, court dockets, or pleadings filed in any court, which are retrievable by other means, need not be scanned into the electronic file. The Board's disciplinary counsel shall maintain a backup copy of all electronic files that shall be backed up daily and kept on storage media apart from the computers' internal hard drive. A physical file may be destroyed by an appropriately secure method, such as a commercial shredding service, no sooner than one (1) year after the final action and closing of that file, but the electronic file shall never be destroyed, regardless of the disposition of the case.

Authority: T.C.A. §§ 17-5-201(f) and 17-5-202(e). **Administrative History:** Emergency rules filed October 7, 2019; effective through April 4, 2020. Emergency rules expired effective April 5, 2020. Original rules filed February 3, 2020; effective May 3, 2020.