

IN THE TENNESSEE COURT OF THE JUDICIARY

IN RE: THE HONORABLE GLORIA DUMAS,
JUDGE, GENERAL SESSIONS COURT
METROPOLITAN NASHVILLE and
DAVIDSON COUNTY, TENNESSEE, Division IV

Docket No. M2009-01938-CJ-CJ-CJ

Complainant: JOSEPH S. DANIEL, in the exercise of his duties as
Disciplinary Counsel, and at the direction of an Investigative Panel of the
Tennessee Court of the Judiciary.

File No. 08-3487

NOTICE OF FILING DEPOSITION OF JAMES LARUE

Respondent, Gloria Dumas, by and through Counsel, submit this notice of
filing the deposition transcript of James T. Larue.

Respectfully submitted this 2 day of July, 2010.



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by JFE

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CERTIFICATE OF SERVICE

This is to certify that I have served a true and correct copy of the foregoing document upon Patrick McHale, Assistant Disciplinary Counsel, 503 North Maple Street, Murfreesboro, Tennessee 37130 by depositing same in the U.S. Mail along with sufficient postage thereon to insure delivery.

This 2 day of July, 2010.



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The Deposition of: JAMES T. LARUE
 June 17, 2010

Examination by Mr. Jonathan Farmer.....Page 4

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1 The deposition of JAMES T. LARUE was taken by
2 counsel for The Honorable Gloria Dumas, Judge, by
3 subpoena, in the law offices of Jones, Hawkins & Farmer,
4 PLC, One Nashville Place, 150 Fourth Avenue North, Suite
5 1280, Suite 2700, Nashville, Tennessee, on June 17,
6 2010, pursuant to the provisions of the Tennessee Rules
7 of Civil Procedure.

8 All formalities as to notice, caption,
9 certificate, reading and signing of the deposition are
10 waived. All objections, except as to the form of the
11 questions, are reserved to the hearing.
12 -----

13 APPEARANCES:

14 For The Honorable Gloria Dumas, Judge:

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25 Nashville, Tennessee 37238

26 For the State of Tennessee Disciplinary Counsel,
27 Tennessee Court of the Judiciary:

28 Mr. Patrick J. McHale
29 Assistant Disciplinary Counsel
30 503 North Maple Street
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32 Also present: Gloria Dumas, Judge

EXHIBITS

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1 JAMES T. LaRUE,
2 called as a witness and, having been first duly sworn,
3 was deposed as follows:

4 EXAMINATION BY MR. JONATHAN FARMER:

5 Q. Will you please state your full name?

6 A. James T. LaRue.

7 Q. Okay. Mr. LaRue, have you ever given a
8 deposition before?

9 A. I have.

10 Q. Okay. My name is Jonathan Farmer, we met just a
11 minute ago, and I represent Judge Gloria Dumas in the
12 matter pending before the Court of Judiciary. You are
13 here pursuant to a notice -- to a subpoena for
14 deposition; is that correct?

15 A. Correct.

16 Q. Okay. How many prior depositions have you given?

17 A. Many.

18 Q. Okay. How many depositions have you given in the
19 last five years?

20 A. Eight to ten.

21 Q. Okay. Do you remember the names of the matters
22 in which you gave depositions?

23 A. I do.

24 Q. Okay. What are they?

25 A. The one that I can comment on was regarding a

1 case against a Sessions judge, John Bell, in Cocke
2 County, Tennessee.

3 Q. You said the one you can comment on. What do you
4 mean by that?

5 A. The others were matters that are confidential.

6 MR. McHALE: May I?

7 MR. JONATHAN FARMER: Yes.

8 MR. McHALE: Do you want to explain that?
9 Were they Court of Judiciary matters or unrelated?

10 THE WITNESS: Some were Court of Judiciary
11 matters and others were a product of another employment
12 that I had.

13 MR. McHALE: May I further on the Court of
14 the Judiciary?

15 MR. JONATHAN FARMER: Sure.

16 MR. McHALE: If you gave a deposition,
17 wouldn't they have been public matters?

18 THE WITNESS: It may have been. I'm not
19 aware of it.

20 MR. McHALE: Was it actually a deposition or
21 a statement from someone?

22 THE WITNESS: It was regarding a matter in
23 West Tennessee.

24 MR. WILLIAM FARMER: Y'all want to talk
25 about this?

1 MR. JONATHAN FARMER: Let's go off the
2 record.

3 (Brief pause.)

4 MR. MCHALE: We can go back on. I have
5 spoken with Mr. LaRue, and I believe that the Court of
6 the Judiciary matter that he believes may not have been
7 public was, in fact, public and therefore is not subject
8 to our strictures on confidentiality. I have no
9 knowledge of his other employments and certainly don't
10 object to any questioning to flesh that out.

11 MR. JONATHAN FARMER: Okay.

12 BY MR. JONATHAN FARMER:

13 Q. What about the Court of Judiciary matter?

14 A. It was in regard to a case in Camden, Tennessee,
15 regarding Judge John Darby.

16 Q. And you gave deposition testimony in that?

17 A. With the TBI, correct.

18 Q. I'm sorry, did you say with the TBI?

19 A. Correct.

20 Q. The TBI took your deposition?

21 A. They did.

22 Q. Was Mr. Darby present?

23 A. No.

24 Q. Were his attorneys present?

25 A. No.

1 Q. Okay. Are you sure it wasn't a grand jury
2 proceeding?

3 A. I'm positive it wasn't a grand jury proceeding.

4 Q. Okay. Who was present at this deposition?

5 A. Special Agent -- can't remember her name.

6 Q. Okay. Were you represented?

7 A. No.

8 Q. Was anyone else present?

9 A. No.

10 Q. Was there a court reporter there?

11 A. No.

12 Q. Was it at the office of the TBI?

13 A. It was.

14 Q. When I say deposition, what does that mean to
15 you?

16 A. A proceeding like this. It was my understanding
17 she considered it a deposition. She wanted information
18 that I had regarding the judge, and it was a criminal
19 proceeding against him.

20 Q. Okay. Other than the proceeding against
21 Judge Bell, have you ever -- have you given any other
22 depositions in the Court of Judiciary matters, and let
23 me explain what I mean by a deposition. I mean where
24 there's representatives from the disciplinary counsel's
25 office and representatives from the judge's office

1 present and asking you questions.

2 A. Two depositions regarding Judge Bell.

3 Q. Okay.

4 A. One in a 2008 case and one in a 2010 case.

5 Q. Okay. Anything else?

6 A. No, sir.

7 Q. And you said you've given other depositions
8 related to other employment within the last five years.

9 A. I do some contract work for the FBI.

10 Q. Okay. What is it exactly that you do for the
11 FBI?

12 A. I do background investigations.

13 Q. Anything else?

14 A. No.

15 Q. Okay. So what caused you to have to give
16 testimony about a background investigation for the FBI?

17 A. Some items or issues came up that they wanted
18 clarified in a record.

19 Q. Were there attorneys present at this deposition?

20 A. I'm not permitted to say.

21 Q. And why is that?

22 A. Because it's a classified matter.

23 Q. Okay. So you were doing classified work for the
24 FBI?

25 A. I'm sorry?

1 Q. You were doing classified work for the FBI?

2 A. I'm sorry, I didn't understand you.

3 Q. You're doing classified work --

4 A. I do, yes.

5 Q. -- for the FBI?

6 A. That's correct, that's correct, all top secret
7 clearance.

8 Q. Okay. Well, let me go over the rules of the
9 deposition in this matter, okay. I think the first
10 rule, probably the most important rule, is that you
11 answer my questions out loud, okay. As you can see,
12 this person is recording this proceeding and she can't
13 record a head nod or a head shake.

14 A. I understand.

15 Q. Okay. Second, I think it's important that we not
16 talk over one another. So I will allow you to finish
17 your answer and I would ask that you allow me to finish
18 my question. Is that acceptable?

19 A. I agree.

20 Q. If you do not understand a question that I ask,
21 please tell me that, okay?

22 A. Correct.

23 Q. If you need me to rephrase, I will. Is that
24 okay?

25 A. Correct.

1 Q. If you answer my question, I'm going to assume
2 that you understood the question. Is that fair?

3 A. Correct.

4 Q. If you need to take a break at any time, please
5 let me know.

6 A. Correct.

7 Q. This is not an endurance contest.

8 A. Correct.

9 Q. Is there any reason that you're aware of that you
10 cannot follow those instructions?

11 A. None.

12 Q. Have you taken any medication in the last 12
13 hours?

14 A. I have.

15 Q. What have you taken?

16 A. I take a pill for blood pressure and a thyroid.

17 Q. Does any of that medication affect your ability
18 to think or understand questions?

19 A. It does not.

20 Q. Okay. Have you had any alcohol within the last
21 24 hours?

22 A. I drank a beer last night.

23 Q. One beer?

24 A. Correct.

25 Q. Okay. And that beer is not affecting your

1 ability to understand and function in these proceedings?

2 A. It does not.

3 Q. Okay. Is there any reason that you can't fully
4 answer the questions that I ask that you're aware of?

5 A. Not that I'm aware of.

6 Q. Okay. Mr. LaRue, where are you from?

7 A. I was born in Knoxville, Tennessee.

8 Q. Okay. Where did you go to high school?

9 A. Central High School, Knoxville, Tennessee.

10 Q. What year did you graduate from high school?

11 A. 1961.

12 Q. Okay. Did you get any further formal education?

13 A. I attended the University of Tennessee.

14 Q. Okay. Did you graduate?

15 A. I did.

16 Q. Okay. What was your degree in?

17 A. Business.

18 Q. What year did you graduate?

19 A. 1973.

20 Q. Okay. Any further formal education?

21 A. Several courses with the United States Army.

22 Q. Okay. Well, I'm going to get to that. What I
23 mean is colleges or graduate schools or anything like
24 that.

25 A. No, sir.

1 Q. Okay. Do you currently hold any licenses?

2 A. No.

3 Q. Okay. You referenced the United States Army.

4 When were you in the United States Army?

5 A. From 1966 until 1998.

6 Q. Okay. So you went to college while you were in
7 the Army?

8 A. I went to night school while I was in the Army
9 and employed by the Army.

10 Q. Okay. Well, break that out for me. When you
11 enlisted in '66, what was your rank?

12 A. Specialist four.

13 Q. Okay. And when you left in '98, what was your
14 rank?

15 A. Colonel.

16 Q. Colonel?

17 A. Yes.

18 Q. Why did you leave the Army?

19 A. Mandatory retirement.

20 Q. Okay. Mandatory retirement is what? Is it 22
21 years?

22 A. Thirty-two years commissioned service.

23 Q. Thirty-two years. What did you do while you were
24 in the Army?

25 A. From the beginning?

1 Q. Yes.

2 A. In 1961, September of 1961, I enlisted in the
3 United States Air Force. I completed a four-year tour
4 with them, got out, went to work for the United States
5 Army Reserve in Knoxville, Tennessee. As a product of
6 that employment, I was required to be in the Reserve,
7 and I served as an enlisted man until 1968 and because
8 of some things that I had previously done which
9 qualified me, I applied for and received a direct
10 commission to second lieutenant in the United States
11 Army. I served in various Army Reserve units in and
12 around Knoxville, Tennessee.

13 In 1985, I was appointed to commander of a civil
14 affairs battalion in Knoxville, Tennessee, and I served
15 as such until 1990 when I was subsequently promoted to
16 colonel and assigned to the United States Special
17 Operations Command at Ft. Bragg. I served in that
18 capacity as a staff officer, a brigade commander, a task
19 force commander and a special staff officer and
20 commander of the U.S. Special Operations Command in
21 MacDill, Florida.

22 Following the completion of those years of
23 service, my mandatory removal date was December the
24 28th, 1998. I walked out the door.

25 Q. Did you hold other employment during your time

1 with the United States Army?

2 A. I did.

3 Q. Okay. Is it fair to say you were in the Army
4 Reserves?

5 A. I was in the Army Reserves until 19 -- I was
6 actually in the Army Reserves, per se, until 1992 when I
7 went back on active duty following retirement from my
8 civilian occupation.

9 Q. Okay. What was your civilian occupation at that
10 time?

11 A. From 1973 until 1990, I was an employee of the
12 Internal Revenue Service.

13 Q. Okay. What did you do for the Internal Revenue
14 Service?

15 A. I was a field investigative officer and a group
16 manager.

17 Q. And what kind of things did you investigate?

18 A. Collection issues, criminal issues.

19 Q. And then when you went into the Army in 1992 or
20 when you were -- I guess were promoted in 1992, did you
21 go full time to the Army at that point?

22 A. I did.

23 Q. Okay. What did you do at Ft. Bragg exactly? You
24 said you were a brigadier commander, I believe you said
25 a staff officer, a task force manager -- let me ask a

1 better question. What does it mean to be a staff
2 officer?

3 A. A staff officer is assigned, for instance, in my
4 situation, I was assigned as the operations officer
5 through the United States Army Civil Affairs and
6 Psychological Operations. In that capacity, I
7 supervised worldwide operations of that command,
8 deployed people to different places, gathered
9 information, provided briefings for the commander and
10 carried out his further orders. My last assignment was
11 at the U.S. Army John F. Kennedy Special Warfare Center
12 as a director.

13 Q. How many people were under your command?

14 A. At various times --

15 Q. I'm talking about while you were a staff officer.

16 A. None as a staff officer.

17 Q. Okay. Then you became a brigade commander, is
18 that what you said?

19 A. That's correct.

20 Q. Okay. What is a brigade commander?

21 A. A brigade commander at that time in the makeup of
22 the Army supervised four battalions of civil affairs and
23 psychological operations troops as well as a brigade
24 staff and the augmentation with that.

25 Q. So you supervised four battalions of civil

1 affairs people?

2 A. I was their brigade commander, correct.

3 Q. How many people were in each battalion?

4 A. One hundred fifty.

5 Q. Okay. Were these soldiers in the battalion?

6 A. Yes.

7 Q. Okay. What did the soldiers do? What was their
8 job?

9 A. A great variety of missions that would have
10 included, for instance, humanitarian relief, disaster
11 assistance in Granada, Panama and Haiti.

12 Q. Were they combat troops?

13 A. They are front-line combat troops.

14 Q. And as a task force commander, what does a task
15 force commander do?

16 A. I supervised and ran disaster assistance and
17 relief operations during Hurricane Andrew, Hurricane
18 Hugo in South Florida.

19 Q. During all your time in the military, did you do
20 any investigation into any private -- any
21 investigations?

22 A. I did.

23 Q. Explain that to me.

24 A. In accordance with Army Regulation 15-6, the
25 commander may appoint an officer to conduct special

1 investigations that he may have an interest in. These
2 may include sexual harassment, misappropriation of
3 funds, instances where operations did not go as he
4 intended, simply gathering facts, make a recommendation
5 to the commander.

6 Q. Did you receive any training as to how to perform
7 these investigations?

8 A. No.

9 Q. Have you ever received any training into how to
10 perform investigations?

11 A. Yes, I have.

12 Q. Okay. What training have you received?

13 A. I have received the full gamut of training from
14 the Internal Revenue Service, the usual follow-up
15 courses on ethics, background investigations, evidence
16 and procedures, a product known as the Highlander
17 Series, which was a product by the defense security
18 service for which I was the contractor, and the normal
19 run of refresher courses.

20 Q. When was the last time you received any training?

21 A. I would guess 2004.

22 Q. Okay. How long have you been a private
23 investigator?

24 A. I am not a private investigator.

25 Q. Okay. What is it that you do?

1 A. I'm a special investigator with the Court of the
2 Judiciary.

3 Q. Okay. Do you hold other employment other than
4 that?

5 A. As stated, I hold some employment with the -- as
6 a contract employee of the Department of Justice, FBI.

7 Q. Do you operate under a corporate entity?

8 A. I do not.

9 Q. Okay. It's just James T. LaRue, there's no --

10 A. That's correct.

11 Q. There's no corporate entity at all?

12 A. That is correct.

13 Q. No LLC?

14 A. No LLC.

15 Q. No sole proprietorship?

16 A. Sole proprietor only.

17 Q. Do you have employees?

18 A. I do not.

19 Q. Do you have an office?

20 A. I have an office in my home.

21 Q. Okay. And you have no license; is that correct?

22 A. Correct.

23 Q. How long have you done investigations for
24 disciplinary counsel?

25 A. For the past three years.

1 Q. Okay. And you say you are a -- I believe the
2 title you identified was Special Investigator with the
3 Court of Judiciary. Were you hired by the Court of
4 Judiciary?

5 A. Yes.

6 Q. Or were you hired by disciplinary counsel?

7 A. I was hired by disciplinary counsel for the Court
8 of Judiciary, is my understanding. My contract --

9 Q. Do you have a written -- go ahead.

10 A. My contract comes from the Administrative Office
11 of the Courts.

12 Q. You have a contract with the Administrative
13 Office of the Courts.

14 A. I do.

15 Q. How are you compensated?

16 A. On an hourly basis.

17 Q. What is your hourly rate?

18 A. Fifty dollars.

19 Q. Okay. Are you assigned specific tasks? Explain
20 to me how you go about investigating for the
21 disciplinary counsel.

22 A. The disciplinary counsel judge, Steve Daniel,
23 assigns me tasks regarding specific complaints that he
24 has.

25 Q. So would you consider yourself an independent

1 contractor, then?

2 A. I am an independent contractor.

3 Q. Okay. You don't get a W2 from the Court of the
4 Judiciary?

5 A. I get a 1099.

6 Q. Okay. And it comes from the AOC?

7 A. Correct.

8 Q. So is it your understanding that you're retained
9 on an independent contractor basis from disciplinary
10 counsel's operating budget?

11 A. I don't know whose budget it is, Mr. Farmer.

12 MR. McHALE: May I on the 1099 issue?

13 MR. JONATHAN FARMER: Sure.

14 MR. McHALE: Doesn't that come from the
15 State rather than the AOC? Mine comes from the State.

16 THE WITNESS: Probably does.

17 MR. McHALE: Just for clarification for what
18 it's worth.

19 BY MR. JONATHAN FARMER:

20 Q. I'm sorry if I'm being repetitive, but can you
21 explain to me what it is you do for disciplinary
22 counsel?

23 A. Disciplinary counsel tasks me to go gather
24 information regarding complaints that he has received,
25 and I do so.

1 Q. Okay. You consider yourself to be in the
2 business of doing that?

3 A. Yes.

4 Q. So one of the things you do is secure evidence to
5 be used before a court?

6 A. Yes.

7 Q. Okay. Do you also secure evidence to be used
8 before a board?

9 A. A panel.

10 Q. Okay. A commission?

11 A. A panel.

12 Q. Okay. What about an investigative committee?

13 A. An investigative panel.

14 Q. Okay. In your mind, is there a difference
15 between a panel and a committee?

16 A. I have -- I don't know any difference and I don't
17 present that information. I submit it to disciplinary
18 counsel who in my -- to my knowledge, presents that
19 evidence to the panel.

20 Q. Okay. How did you come to know Mr. Daniel?

21 A. I swore Mr. Daniel in the U.S. Army Reserve in
22 1968.

23 Q. Have you known him since 1968?

24 A. I have.

25 Q. Did he serve under your command?

1 A. He did.

2 Q. Okay. Until when?

3 A. I'm sorry?

4 Q. Until when.

5 A. Gosh, I don't remember. He left his association
6 with the Army Reserve in Knoxville probably sometime in
7 the late '70s.

8 Q. Okay. And so I'm clear, your duties for your
9 other clients are you do background work for the FBI?

10 A. I do.

11 Q. Is there anything else that you do?

12 A. No.

13 Q. Are you familiar with the Tennessee Private
14 Investigators Licensing and Regulatory Act?

15 A. I am.

16 Q. Have you reviewed it?

17 A. Have I reviewed it?

18 Q. Uh-huh --

19 A. I have.

20 Q. -- at any time? Do you believe that that act
21 applies to you?

22 A. I do not.

23 Q. And why is that?

24 A. Was not a condition of my employment.

25 Q. Okay. That's not my question. My question is,

1 does that act apply to you? My question is not are you
2 required to be licensed.

3 A. I believe that the federal standards that I
4 uphold far exceed those of the Tennessee Private
5 Investigator Act.

6 Q. When was the last time you reviewed the Tennessee
7 Private Investigators Act?

8 A. Probably 2003.

9 Q. Okay. Is Mr. Daniel aware that you don't have a
10 private investigator license?

11 A. He is.

12 Q. How does he know that? Did you tell him that?

13 A. I told him that.

14 Q. Okay. And you're aware that violating the
15 Private Investigators Licensing and Regulatory Act is a
16 Class A misdemeanor?

17 A. I'm not aware of that.

18 Q. Okay. Do other investigators work for
19 disciplinary counsel besides you, to your knowledge?

20 A. Not to my knowledge.

21 MR. JONATHAN FARMER: Just a minute, please.

22 (Brief pause.)

23 BY MR. JONATHAN FARMER:

24 Q. Did you have any discussion with Mr. Daniel about
25 the need to get a license or your -- about licensing?

1 A. I did not.

2 Q. Okay. Well, then explain to me the context that
3 the fact that you didn't have a license came up.

4 A. It came up when Judge Daniel presented my
5 credentials to the panel, and someone on the panel, I
6 don't know who, asked that question, and it was answered
7 negative, he does not have that, and I subsequently was
8 hired.

9 Q. Okay. Was there any further explanation given as
10 to the licensing issue?

11 A. No, not to my knowledge.

12 Q. It was simply a, does he have a license, no, and
13 then everyone moved along, is that your testimony?

14 A. I was not present at that meeting.

15 Q. Okay. Mr. Daniel reported this to you?

16 A. Mr. Daniel said the issue came up and that was
17 his only comment.

18 Q. What have you done to prepare for this deposition
19 today?

20 A. I'm sorry?

21 Q. What have you done to prepare for this deposition
22 today?

23 A. I reviewed some documents and I had a discussion
24 with Mr. McHale.

25 Q. What documents did you review?

1 A. Reports that I had submitted to Judge Daniel.

2 Q. What were those reports?

3 A. Reports of the results of an interview with
4 Judge Dumas, reports of an interview with Norman
5 Robinson, reports that were a compilation of statistics
6 from data that I had gathered.

7 Q. Anything else?

8 A. No, sir.

9 Q. Do you have those reports with you today?

10 A. I do.

11 Q. Okay. May I see them, please?

12 MR. MCHALE: We will object to one of them
13 and that will be the interview with Norman Robinson
14 because it has information concerning matters that are
15 not public within the Court of the Judiciary, and I have
16 looked at this, but if you'll give me another moment to
17 take a look at it...

18 MR. JONATHAN FARMER: Do you need a minute
19 to do that?

20 MR. MCHALE: No. I had looked at this
21 earlier and the problem is it names another judge, and
22 we feel that under our confidentiality rules we can't do
23 that. I'm inclined to redact it if you have a
24 Sharpie-type pen and submit it then.

25 MR. JONATHAN FARMER: Can we go off the

1 record?

2 (Brief break observed.)

3 MR. JONATHAN FARMER: Did you make the
4 redactions?

5 MR. McHALE: We did. Would you like me to
6 identify what we're giving you?

7 MR. JONATHAN FARMER: Please do.

8 MR. McHALE: We are giving you three items
9 that Mr. LaRue has with him. The first is a two-page
10 document entitled Report of Interview involving
11 Mr. LaRue and Judge Gloria Dumas.

12 MR. JONATHAN FARMER: Okay. I'm going to
13 mark that as Exhibit 1.

14 (Report of Interview with Judge
15 Gloria Dumas marked Exhibit
16 Number 1 and filed as a part of
17 this deposition.)

18 MR. McHALE: The second item is a Report of
19 Interview with Norman W. Robinson, Director of Court
20 Security, which was the subject of a conversation we had
21 resulting in a copy being made and a redaction being
22 made by me in that the name of another judge not
23 involved in this controversy is mentioned. With that
24 redaction, that is being handed now to counsel.

25 MR. JONATHAN FARMER: Okay. I'll mark that

1 as Exhibit 2.

2 (Report of Interview with Norman W.
3 Robinson marked Exhibit Number 2
4 and filed as a part of this
5 deposition.)

6 MR. MCHALE: The third item is a five-page
7 document entitled Judge Dumas in Court, 6/1/2007 to
8 12/31/2008, that -- and you may want to ask the witness
9 about this. My understanding is that it was a
10 compilation provided from some other material that had
11 been furnished to Mr. LaRue.

12 MR. JONATHAN FARMER: Okay.

13 MR. MCHALE: And you may have seen that
14 previously. I don't know.

15 MR. JONATHAN FARMER: We'll mark this as
16 Number 3.

17 (Judge Dumas in Court, 6/1/2007 to
18 12/31/2008, marked Exhibit Number 3
19 and filed as a part of this
20 deposition.)

21 BY MR. JONATHAN FARMER:

22 Q. Mr. LaRue, before we move along, I wanted to
23 touch very briefly on the training you got. Did you say
24 you received ethics training?

25 A. Correct.

1 Q. And evidence training?

2 A. Correct.

3 Q. And procedure training?

4 A. Correct.

5 Q. Okay. Did you receive training -- in your
6 training, did you learn any rules or any practices about
7 revealing your investigation to third parties during the
8 investigation?

9 A. Not during my training.

10 Q. Okay. Do you have any opinions as to the
11 propriety of that?

12 A. It is my opinion that at a certain stage of an
13 investigation for the Court of the Judiciary it is
14 confidential information.

15 Q. I'm not asking about Court of Judiciary rules.
16 I'm asking about ethics in regard to investigating
17 matters. Do you understand the difference I'm making?

18 A. I do not.

19 Q. Okay. I understand the Court of Judiciary has
20 rules regarding confidential nature of their
21 investigations; is that correct?

22 A. Correct.

23 Q. Okay. What I'm asking you about is the ethics
24 training that you received prior to your employment as
25 an independent contractor for Judge Daniel. Do you have

1 any recollection of that training at all?

2 A. I do.

3 Q. Okay. You told me you had ethics training.

4 A. That is correct.

5 Q. Okay. Why don't we do it this way. Describe for
6 me what that ethics training consisted of.

7 A. Ethics training normally -- that I took in regard
8 -- was the Fair Debt Collection Act as it applied to
9 activities of the Internal Revenue Service and as it
10 applied other training to U.S. Army investigations that
11 essentially there was no confidentiality required of
12 those things. Those rules and procedures required in
13 the Fair Debt Collection Act, I don't recall the date of
14 that, are simply the rules that the Internal Revenue
15 Service requires you to adhere to.

16 Q. So is it your position that there is nothing that
17 would preclude an investigator from revealing the
18 results of his investigation to third parties?

19 A. Aside from Court of Judiciary investigations, I
20 don't recall any specific reference that would prevent
21 an investigator from disclosing what he was doing.

22 Q. To non-interested third parties?

23 A. I wouldn't think a non-interested third party
24 would be privy to that information.

25 Q. But that's not responsive to my question. My

1 question is, in your mind, is it permissible to divulge
2 results of your investigation to non-interested third
3 parties, whether or not they want to know or not?

4 A. I'm confused by that question.

5 Q. Okay. Let me ask it another way. I understood
6 you to tell me just now that other than the
7 confidentiality provisions of the Court of the
8 Judiciary, you saw no problem with divulging information
9 stemming from an investigation to third parties. Did I
10 misunderstand you?

11 A. I can put it in a context that would hopefully
12 clarify the situation. In other investigations, it is a
13 practice to give information to get information.

14 Q. Okay. That doesn't clarify for me at all.

15 A. I may reveal to a third party that I am
16 conducting a background investigation on a subject for
17 the FBI, may I talk to you about it, and that
18 individual, in many instances, may say, I don't know the
19 person well enough to respond to your questions. I've
20 revealed it to a third party.

21 Q. Okay. And what you're talking about there is
22 revealing the existence of the investigation. I'm
23 talking about revealing any of the underlying facts that
24 you've learned during the investigation.

25 A. I may reveal underlying facts in order to confirm

1 information that I've previously received.

2 Q. Okay. And then my original question is, in your
3 training, you are not aware of anything that prohibits
4 you from doing that or discourages you from doing that?

5 A. I don't specifically recall that.

6 Q. Okay. Your procedure training and your evidence
7 training, is that the Federal Rules of Evidence, the
8 state rules of evidence?

9 A. Federal Rules of Evidence procedure.

10 Q. The rules of criminal procedure?

11 A. Criminal and civil.

12 Q. Okay. Again, federal?

13 A. Correct.

14 Q. Okay. Are you familiar with the Tennessee Rules
15 of Civil Procedure?

16 A. I am.

17 Q. Are you familiar with the Tennessee Rules of
18 Evidence?

19 A. I am.

20 Q. Okay. To your knowledge, how did the
21 investigation of Judge Dumas begin?

22 A. To the best of my knowledge, it resulted as --
23 resulting from a television article sometime in 2008.

24 Q. Okay. So you don't have any knowledge of any
25 investigation into Judge Dumas prior to a television

1 article in '08?

2 A. I do not.

3 Q. And was that a News Channel 5 television report?

4 A. I believe so.

5 Q. The Phil Williams special?

6 A. I believe so.

7 Q. Okay. Do you remember when in '08 that aired?

8 A. My initial work on that would be the date of the
9 interview with Judge Dumas.

10 Q. Okay. And the date of the interview, you're
11 referring to what we talked about as Exhibit 1, this
12 report of the interview --

13 MR. JONATHAN FARMER: Mr. McHale, did you
14 keep a copy?

15 MR. MCHALE: No, but we've got other ones.

16 BY MR. JONATHAN FARMER:

17 Q. Is this the interview you're talking about?

18 A. This interview dated November the 19th.

19 Q. Okay.

20 A. Yes.

21 Q. Okay. And this was how far after the news
22 report?

23 A. I don't recall.

24 Q. Was it weeks, months; do you know?

25 A. Judge Daniel made me aware of the news report and

1 then tasked me to come to Nashville and gather the
2 information.

3 Q. Okay. Did you watch the news report?

4 A. I saw a copy of it.

5 Q. Do you believe you saw a full copy of the report?

6 A. I have no idea.

7 Q. Who gave you the copy?

8 A. It was referred to me. I believe I looked at it
9 on the Channel 5 website.

10 Q. Who referred you to it?

11 A. Judge Daniel.

12 Q. Okay. And did he send you an email with a link
13 or did he call you and tell you, or how did he tell you
14 to do that?

15 A. I believe he told me it was on the internet.

16 Q. Okay. This is orally?

17 A. Yes.

18 Q. Okay. Over the telephone or in person?

19 A. Over the telephone.

20 Q. Okay. Did he have any other comment other than
21 that?

22 A. Not that I recall.

23 Q. Did he tell you the substance of the news report?

24 A. Not that I recall.

25 Q. Before you watched the news report, did you have

1 any idea which judges were depicted on the news report?

2 A. Absolutely not.

3 Q. Okay. So your testimony is that Mr. -- or that
4 Judge Daniel told you to just watch this news report
5 almost in a vacuum?

6 A. Judge Daniel informed me there were issues with a
7 judge in Nashville, and he wanted me to watch the news
8 report --

9 Q. Okay.

10 A. -- and then he would subsequently task me to go
11 find out what the facts are. In order to be fair with
12 the judge and not be biased by a news report, he said, I
13 want you to find out what happened in this matter.

14 Q. Okay. And I want to take this through very
15 slowly, okay?

16 A. Okay.

17 Q. I'm going to let you answer and tell me whatever
18 you want to tell me, but it is important that we keep
19 this in order, and I'm still talking about your initial
20 conversation with Judge Daniel -- maybe not your initial
21 conversation, but your conversation with Judge Daniel
22 wherein he said look at this news report. Is this when
23 he said there's a news report about a judge in
24 Nashville?

25 A. We're talking about the initial tasking from

1 Judge Daniel to me?

2 Q. No, I'm talking about when Judge Daniel told you
3 to look at the news report.

4 A. After he informed me that there were issues with
5 a judge in Nashville, he said, by the way, it's on the
6 internet, you may want to take a look at it.

7 Q. Okay. All right. And I want to talk about what
8 he told you. Okay. He said it was a judge. Did you
9 understand that to mean one judge?

10 A. There were a number of judges.

11 Q. I know there were a number of judges. My
12 question is, what did Mr. Daniel say? Did he say we're
13 looking at -- there's an issue with a judge or a number
14 of judges?

15 MR. MCHALE: I'll object as being matters
16 discussed in preparation of litigation, but go ahead and
17 answer.

18 A. I said a judge. Everyone in the room knows there
19 were several judges. In this context, I would comment
20 that Judge Dumas was the subject that I was instructed
21 to obtain information about.

22 BY MR. JONATHAN FARMER:

23 Q. Okay. Before you watched the video, did you
24 understand you were to look at the video to gather
25 background information for your investigation into

1 Judge Dumas specifically?

2 A. I did not.

3 Q. Okay. Well, then what do you mean by your prior
4 statement about I was supposed to look at Judge Dumas?

5 A. It was for information only, to give me a basis
6 of what the issue was that was in the public eye.

7 Q. The issue pertaining to Judge Dumas?

8 A. Correct.

9 Q. Okay. So to be clear, you didn't take that
10 conversation from Judge Daniel to mean that you were
11 supposed to look at issues surrounding judges, and I'm
12 not going to name anybody, but other judges other than
13 Judge Dumas; is that correct?

14 A. That is not correct.

15 Q. Okay. Well, explain that to me, then. Because
16 you're telling me on the one hand that you were supposed
17 to look at Judge Dumas, and then you're telling me on
18 the other hand that doesn't mean I wasn't supposed to
19 look at everybody else. Reconcile that for me.

20 A. I looked at other judges.

21 Q. Did Judge Daniel instruct you in that initial
22 conversation to look at other judges? Because you said
23 earlier that he instructed you to look at Judge Dumas.

24 A. In order to explain my previous remark and comply
25 without revealing other investigations that I have been

1 involved with, I did say Judge Dumas. For the record to
2 be clear, there were other judges involved in the same
3 period of investigations. Judge Dumas was not singled
4 out as an individual in this matter.

5 Q. So when you told me earlier that Judge Daniel
6 told you to look into Judge Dumas, what did you mean by
7 that?

8 A. I meant that Judge Dumas was in a group of other
9 judges that were also the subject of information that I
10 was to gather.

11 Q. So then --

12 A. Regarding different issues, excuse me.

13 Q. So then are you changing your previous testimony
14 then from telling me that Judge Dumas -- that
15 Judge Daniel told you to look at this and you understood
16 that to mean to go look at Judge Dumas, to now you're
17 saying Judge Daniel told me to look at this and you
18 understood that to mean I'm supposed to look at all the
19 judges on the tape?

20 MR. MCHALE: I'll object to the form. Go
21 ahead and answer.

22 A. I'm telling you, as I previously stated, that
23 Judge X, Y and Dumas were subjects that I was to
24 investigate, not Judge Dumas individually or
25 specifically as -- as a lone entity.

1 BY MR. JONATHAN FARMER:

2 Q. Okay. What were you tasked to do exactly from
3 Judge Daniel after reviewing the investigative report?

4 A. Gather the facts of information regarding
5 Judge Dumas.

6 Q. What did you take that to mean?

7 A. I took that to mean that I would find out if
8 Judge Dumas had a problem with being tardy to court or
9 court attendance.

10 Q. And it's your testimony that you were also tasked
11 to look into Judges X and Y as well?

12 A. Correct.

13 Q. Did you do that?

14 A. I did.

15 Q. Did you have any other information regarding
16 Judge Dumas prior to -- other than the News Channel 5
17 report?

18 A. No.

19 Q. Had Judge Daniel told you anything about
20 Judge Dumas --

21 A. No.

22 Q. -- at that point? Did you know who Judge Dumas
23 was at that point?

24 A. No.

25 Q. To your knowledge, had any individual made a

1 formal complaint at that time?

2 A. No.

3 Q. What is your understanding of a formal complaint?

4 A. I know a formal complaint is a person that fills
5 out the necessary documentation under oath and submits
6 it to the disciplinary counsel.

7 Q. To your knowledge, has that been done against
8 Judge Dumas?

9 A. I do not have that knowledge.

10 MR. JONATHAN FARMER: Can we go off the
11 record for just a second?

12 (Brief pause.)

13 BY MR. JONATHAN FARMER:

14 Q. I want to talk about Exhibit 1, your interview of
15 Judge Dumas. Would you like a copy of that, Mr. LaRue?

16 A. Please.

17 Q. I want to go through this with you. First, this
18 interview is not dated -- let me strike that. This
19 interview -- there's no indication on here when you
20 memorialized this interview; is that correct?

21 A. Correct.

22 Q. When did you memorialize this interview?

23 A. On November the 19th.

24 Q. Okay. The same day that you did the interview?

25 A. Correct.

1 Q. Okay. Looking at the second paragraph, it says,
2 I had previously visited the court at 10:00 a.m. while
3 proceedings were in progress for the docket. Is that
4 also on November 19, 2008?

5 A. Correct.

6 Q. Okay. And proceedings were in progress for the
7 docket. Is that referring to the one stop citation
8 docket?

9 A. Correct.

10 Q. Okay. Moving to the next paragraph, it says, I
11 waited approximately 30 minutes and asked Lammers
12 several questions about dockets, times and Dumas'
13 schedule. Do you have a separate report from your
14 interview with Ms. Lammers?

15 A. Not that I recall.

16 Q. In your training, were you trained to make
17 reports of all the interviews you conducted?

18 A. Not necessarily.

19 Q. So it's your position that you can interview
20 someone in the course of an investigation and then not
21 make a report from it?

22 A. Yes.

23 Q. Who is Ms. Lammers?

24 A. Ms. Lammers, it's my understanding, is the
25 administrative assistant to Judge Dumas.

1 Q. Did you assume that she would have information
2 regarding Judge Dumas' activities as a judge?

3 A. No.

4 Q. You wouldn't assume that her administrative
5 assistant wouldn't have information as to her activities
6 as a judge?

7 A. Her schedule, perhaps. Her activities as a judge
8 is a wider-encompassing question.

9 Q. What did you think she would have information
10 about?

11 A. I thought she might know when the judge was
12 scheduled to be in court.

13 Q. Okay.

14 A. If she was sick and not able to attend court.

15 Q. Okay.

16 A. Or if any other issues were there that would
17 cause her not to be present.

18 Q. And she also explained to you how the General
19 Sessions rotation worked; is that correct?

20 A. She explained to me how to read the schedule,
21 which she gave me.

22 Q. Did you consider her information to be valuable?

23 A. I considered her information correct.

24 Q. Did you consider it useful to your investigation
25 as to whether or not Judge Dumas was late that

1 Ms. Lammers would have knowledge as to her schedule and
2 comings and goings?

3 A. Yes.

4 Q. But you didn't bother to memorialize your
5 interview with her?

6 A. I did not.

7 Q. Did you record her?

8 A. That I can recall. That I can recall.

9 Q. Did you record the interview with her?

10 A. No.

11 Q. Do you recall any details as to the interview
12 with her?

13 A. Not specifically.

14 Q. Is there anything you can tell me about the
15 interview with Ms. Lammers?

16 A. Ms. Lammers was present when I -- and admitted me
17 into the private area and I inquired -- identified
18 myself, inquired about Judge Dumas, and she simply
19 stated, she is not here. And I asked was she supposed
20 to be in court, at which time I think she replied, yes,
21 it's on the schedule, and then she provided of her own
22 accord a schedule and showed me how to read that. That
23 was the extent of that. I left a card and requested her
24 to call me if I could have an appointment with
25 Judge Dumas.

1 Sometime later, she or Judge Dumas called me when
2 I was still in the courthouse and said that the judge
3 could see me at approximately 11:30. I waited in the
4 courthouse until that time and returned to that office.

5 Q. Okay.

6 A. That is the only time, aside from a telephone
7 call, that I have ever spoken to Ms. Lammers.

8 Q. Okay. How did you identify yourself to
9 Ms. Lammers when you first arrived

10 A. I presented her with a card.

11 Q. A business card?

12 A. And my identification, I believe. That was my
13 normal practice.

14 Q. What is your identification? Is it a badge?

15 A. It is not a badge.

16 Q. Okay. What is it?

17 A. It's a credential.

18 Q. A credential?

19 A. Correct.

20 Q. Do you have it with you?

21 A. I do not.

22 Q. Can you describe it for me?

23 A. It's similar to this with my picture, the logo of
24 the Court of the Judiciary and it identifies me as
25 special investigator authorized to conduct

1 investigations for the Court of Judiciary.

2 Q. And did you tell Ms. Lammers that you were a
3 special investigator?

4 A. I don't recall telling her that. I supplied her
5 with the information on a card.

6 Q. Is it your practice to tell people that?

7 A. It is.

8 Q. Okay.

9 A. My practice to properly identify myself.

10 Q. Looking at the fourth paragraph, it says you were
11 in the security office. What is the security office?
12 I'm looking at the second sentence of the fourth
13 paragraph.

14 A. Second sentence of the fourth paragraph. I was
15 in the security office when Judge Dumas called me
16 about... The security office is in the first floor of
17 the A.A. Birch Building where the Wackenhut Security
18 personnel make their headquarters and monitor the
19 cameras and the courtrooms, the hallways, I think, the
20 elevators.

21 Q. Is that an area open to the public?

22 A. It is not.

23 Q. How did you get in there?

24 A. I knocked on the door.

25 Q. And what did you say when you went in when they

1 opened the door?

2 A. I requested to speak to the chief of security.

3 Q. Did you speak to the chief of security?

4 A. I did.

5 Q. What did you tell him?

6 A. I asked him if he was concerned about the issues
7 of security.

8 Q. Why did you ask him that?

9 A. The issue of security had come up in a parallel
10 investigation that Mr. Williams had presented what was
11 thought to be security issues involving the entering and
12 leaving of the judges. I simply inquired of
13 Mr. Robinson if that was an issue with him.

14 Q. So you spoke with Mr. Robinson about that?

15 A. I'm sorry?

16 Q. You spoke with Mr. Robinson?

17 A. Oh, yes.

18 Q. Okay. And is that the report that we've marked
19 as Exhibit 2, your interview with Norman Robinson?

20 A. That would be it.

21 Q. Did that have anything to do with the
22 investigation into Judge Dumas?

23 A. Yes.

24 Q. I didn't hear you.

25 A. Yes.

1 Q. How?

2 A. By virtue of my conversation with Mr. Robinson, I
3 learned that there was a record of entry into the
4 courthouse by the judges.

5 Q. Okay. I want to talk all about that, but my
6 question is, when you went into the security office to
7 wait for Judge Dumas and started asking questions about
8 security, did that have anything to do with Judge Dumas
9 herself?

10 A. Not specifically.

11 Q. Okay. Are you trying to tell me that it had to
12 do with Judge Dumas in her status as a judge amongst the
13 eleven judges, or am I misinterpreting you?

14 A. Repeat the question.

15 Q. When you said not specifically, what do you mean
16 by that?

17 A. I was concerned about a security issue that had
18 been raised by other parties.

19 Q. When were these security issues raised?

20 A. In other interviews on the same day.

21 Q. Okay. Are these other parties judges?

22 A. They are.

23 Q. Okay. How many other judges did you interview?

24 A. Several.

25 Q. Okay. And that was related to the investigation

1 into Judge Dumas?

2 A. No.

3 Q. Who did you interview on this day?

4 A. I'm not going --

5 MR. McHALE: We're going to object and I'm
6 going to respectfully unfortunately direct Mr. LaRue not
7 to answer because we take the position that he was
8 working for disciplinary counsel at that time and
9 consequently he is bound, as disciplinary counsel is
10 bound, by the confidentiality provisions of Rule 8 of
11 the Court of Judiciary with respect to confidentiality,
12 and for that reason I'm going to direct that Mr. LaRue
13 not name names.

14 MR. JONATHAN FARMER: Is it your position
15 that these interviews were done pursuant to an
16 investigation into another judge?

17 MR. McHALE: Yes, or may. The short answer
18 is, yes, with respect to this specific area you're
19 questioning him about now.

20 MR. JONATHAN FARMER: Are you telling me
21 that Mr. LaRue did not gain any information related to
22 Judge Dumas in these interviews with other judges?

23 MR. McHALE: You can ask him that, and he
24 will not be instructed to not answer on that. I'm just
25 instructing him to not name names of other judges,

1 period.

2 MR. JONATHAN FARMER: Well --

3 MR. McHALE: Does that clarify it?

4 MR. JONATHAN FARMER: Well, it did until
5 that last comment. Are you telling me that if I ask him
6 if he interviewed other judges regarding Judge Dumas
7 that you are not going to allow him to tell me who those
8 judges are?

9 MR. McHALE: Oh, no, no, he can -- yes, that
10 is -- no, he can tell you who the judges are to the
11 extent it pertains to Judge Dumas.

12 MR. JONATHAN FARMER: Fair enough.

13 MR. McHALE: Do you understand?

14 THE WITNESS: Well, now I'm confused.

15 MR. McHALE: Okay. If you're asked a
16 question that said, did you ask a judge how long
17 Judge Dumas had been judge, you are instructed to answer
18 that question. If you are asked a question, for
19 example, do you have a concern about your security with
20 respect to anything, including an investigation you were
21 undertaking, I'm instructing you not to mention that
22 judge. But as I'm interpreting Rule 8, on anything that
23 pertains to your investigation of Judge Dumas, yes, you
24 may name names.

25 THE WITNESS: Clear.

1 MR. McHALE: Is that your -- is that what
2 you --

3 MR. JONATHAN FARMER: That's what I want.
4 And thank you for that.

5 BY MR. JONATHAN FARMER:

6 Q. Okay. I want to move back to the report of the
7 interview before -- well, actually, let's back up.
8 Let's just talk about November 19, 2008, in general.
9 What time did you come to the A.A. Birch Building on
10 that day?

11 A. Approximately 9:00 o'clock.

12 Q. Okay. Where did you go when you got there?

13 A. I don't recall.

14 Q. Do you have any documents, other than the two
15 that you provided me as Exhibit 1 and 2, regarding your
16 visit on November 19 of 2008?

17 A. I have documents regarding other interviews.

18 Q. Are you telling me that those interviews are not
19 related to Judge Dumas?

20 A. Correct.

21 Q. Okay. You got there at 9:00 o'clock, don't
22 remember where you went?

23 A. Don't recall.

24 Q. Okay. Exhibit 1 says that at 10:00 o'clock you
25 visited the court of Judge Dumas, the one stop docket.

1 A. Correct.

2 Q. Okay. Do you remember anywhere you were between
3 9:00 and 10:00?

4 A. The best of my knowledge, I was familiarizing
5 myself with the building and the makeup of the floors
6 and the courts. I looked at the board in the lobby area
7 which identifies the courts and the -- and, I guess, the
8 proceedings.

9 Q. Did you walk the floors?

10 A. I did.

11 Q. Every floor?

12 A. Not every floor, no.

13 Q. Did you go to the clerk's office before seeing
14 Judge Dumas -- before going to Judge Dumas' office?

15 A. I did not.

16 Q. Okay. Did you speak to any individual at all
17 prior to going to Judge Dumas' office at 10:00 o'clock?

18 A. Probably asked the receptionist in the lobby area
19 where the judges' offices were located.

20 Q. Okay. And that is the woman who sits in front of
21 the boards --

22 A. I think so, yes.

23 Q. -- that looks like the airplane arrivals and
24 departures?

25 A. Correct.

1 Q. Right as soon as you clear security?

2 A. Correct.

3 Q. Okay. How did you get back to the judges'
4 offices?

5 A. She informed me the correct floor of the judges
6 that I was interested in, and I pushed a button and a
7 voice asked what my business was. I responded, and the
8 door was electronically opened.

9 Q. What did you respond that your business was?

10 A. That I was Jim LaRue with the Court of the
11 Judiciary and I wanted to speak with Judge Dumas.

12 Q. Okay. At that point in time you didn't ask to
13 speak to anyone else?

14 A. No.

15 Q. Okay. And then I think we understand you talked
16 to Ms. Lammers and then you went to the security office
17 and that is when you spoke with Norman Robinson; is that
18 correct?

19 A. Yes.

20 Q. And that's memorialized in Exhibit 2?

21 A. Yes.

22 Q. And do you recall when you wrote this report?

23 A. It would have been the same day.

24 Q. Do you need to see a copy of this?

25 A. I do. It would have been the same day.

1 Q. Okay. Was it when you got back to your -- where
2 did you write these reports, this one and the one
3 pertaining to Judge Dumas?

4 A. Probably in my hotel room.

5 Q. Okay. You spent the night in Nashville?

6 A. Yes.

7 Q. Okay. Did you arrive the night before?

8 A. I don't recall.

9 Q. Okay. Did you do any work on this matter
10 previous to the 19th?

11 A. No.

12 Q. Okay. So you were in Nashville -- where did you
13 come from, Knoxville?

14 A. Kingston.

15 Q. Kingston, okay. And that's east of Knoxville,
16 isn't it?

17 A. No.

18 MR. JONATHAN FARMER: It's west of
19 Knoxville, okay.

20 BY MR. JONATHAN FARMER:

21 Q. Did you stay on the night of the 19th as well?

22 A. I would have to consult my calendar, but most
23 likely I did.

24 Q. All right. But your first investigation was on
25 the morning of the 19th?

1 A. Yes.

2 Q. Okay. All right. Looking at the second sentence
3 of this report, it says, Mr. Robinson provided the
4 access rosters. What are those?

5 A. The access rosters are documents that show the
6 key card entry for each judge, elevator entry for each
7 judge, and which specific elevator the judge may have
8 utilized.

9 Q. It's elevator only or is it garage as well?

10 A. It's garage.

11 Q. Garage and elevator?

12 A. Correct.

13 Q. Does it also record the entry into the garage or
14 just getting onto the elevator in the garage?

15 A. The entry into the garage, to the best of my
16 knowledge.

17 Q. Okay. How did Mr. Robinson come to provide that
18 to you?

19 A. I asked him if he had that record.

20 Q. Were you instructed to get that record?

21 A. I was not.

22 Q. You came up with that on your own?

23 A. When I became aware there was a record, yes.

24 Q. Okay. How did you become aware there was a
25 record?

1 A. Mr. Robinson informed me that there was such a
2 record.

3 Q. Okay. When you first entered the security
4 office, you asked to speak to the chief of security; is
5 that right?

6 A. I did.

7 Q. And that was Norman Robinson?

8 A. Yes.

9 Q. Okay. What did you say to Norman Robinson?

10 A. I asked him his opinion of the television
11 reports.

12 Q. And what did he say?

13 A. He said he was concerned about the television
14 reports with regard to security for all the judges.

15 Q. Did he provide any comment about the television
16 reports as it related to Judge Dumas?

17 A. He did not.

18 Q. Okay. So what did you say in response to that?

19 A. I don't specifically recall what I said in
20 response to that.

21 Q. How did it come up that there was such a thing as
22 access rosters?

23 A. I believe he informed me that Mr. Williams had
24 requested the access rosters because Mr. Williams was
25 aware there was a record, and I asked him if he would

1 supply me with a record.

2 Q. Now, did he say whether or not he had provided
3 Mr. Williams with access records?

4 A. He said he would not provide Mr. Williams with
5 the records.

6 Q. Did he say why?

7 A. He said he thought it was a violation of their
8 security procedures.

9 Q. Okay. Yet you asked for the record?

10 A. Yet I did.

11 Q. Did you -- let me back up. I think you said
12 this. When you entered, you explained to him who you
13 were and you were working for, as was your custom; is
14 that right?

15 A. That's correct.

16 Q. Did you have a subpoena for these records at this
17 point?

18 A. I did not.

19 Q. Did you have any court authorization to obtain
20 these records at this point?

21 A. I informed him I was conducting an investigation
22 to obtain information regarding specific dates.

23 Q. Okay. A couple of questions on that. One, do
24 you remember the specific dates?

25 A. I do.

1 Q. Are they on here? Is that what's in Paragraph 2?
2 And 3, I guess.

3 A. The specific date that I requested regarding
4 Judge Dumas was the date that was indicated on the
5 television video where she was filmed doing other
6 activities.

7 Q. Okay. But to be clear, your authority to get
8 these records -- you're not telling me these are public
9 records; is that correct?

10 A. I don't know if they're public or not.

11 Q. You don't know that?

12 A. No.

13 Q. Well, Mr. Robinson told you that he wouldn't give
14 them to the media.

15 A. That's correct.

16 Q. You knew that?

17 A. That's correct.

18 Q. And you knew that you didn't have a subpoena for
19 them?

20 A. That's correct.

21 Q. What you did have was a -- let me ask a different
22 question. Did Mr. Daniel tell you to get those records?

23 A. He did not.

24 Q. Did anyone tell you to get those records?

25 A. No.

1 Q. So what you had was a task from Mr. Daniel to go
2 investigate --

3 A. Yes.

4 Q. -- into these matters? Did you have any other
5 authority at that point?

6 A. No.

7 Q. Was your scope of work any broader than what I
8 have described at that point?

9 A. Was my -- I'm confused by your question.

10 Q. Okay. Were you doing anything other than what I
11 have described at that point in time?

12 MR. McHALE: Well, I'm going to object to
13 the form. The quote, what I described, end quote, is
14 broad. So it's a form objection.

15 MR. JONATHAN FARMER: Okay.

16 A. What I was doing was gathering information and
17 following up on that information that I obtained.

18 BY MR. JONATHAN FARMER:

19 Q. Okay. No subpoena, no court order, correct?

20 A. No subpoena, no court order.

21 Q. Okay. You got the entire month of September for
22 Judge Dumas? It's in Paragraph 3, if you want to look.

23 A. Yes.

24 Q. Did you have any reason to believe that these
25 records that Mr. Robinson was referring to, the access

1 rosters, that they would be destroyed?

2 A. No, I had no reason to believe that.

3 Q. Did you inquire into Mr. Robinson as to how long
4 they kept the records?

5 A. Yes, I did.

6 Q. How long do they keep them?

7 A. I believe he said three years.

8 Q. Three years, okay. So there was certainly no
9 urgency in getting the records at that point?

10 A. Mr. Robinson volunteered the records, and I did
11 not refuse it.

12 Q. Okay. Mr. Robinson volunteered the records. But
13 you asked to see them?

14 A. I did.

15 Q. Okay. The last sentence says, Mr. Robinson
16 stated his request, and he's referring to Mr. Williams'
17 request, to view the records was in the legal department
18 of the City, and it was Mr. Robinson's opinion they
19 would be required to furnish the information to
20 Williams. Do you know if they ever did furnish that
21 information to Mr. Williams?

22 A. I do not specifically know.

23 Q. Has anyone ever discussed that with you?

24 A. Not specifically.

25 Q. Okay. Has anyone ever generally discussed that

1 with you?

2 A. No.

3 Q. Well, when you say not specifically, is that just
4 another way of saying no?

5 A. I don't recall a specific conversation regarding
6 those records at that time.

7 Q. Do you generally recall a conversation?

8 A. I do not.

9 Q. Okay. All right. Back to Exhibit 1, do you
10 still have that?

11 A. I do.

12 Q. Okay. I'm sorry, let me jump back to the
13 security office. Did you tell me that you only wanted
14 the dates on the Phil Williams reports? You did tell me
15 that?

16 A. I did.

17 Q. Do you recall telling me that? Why, then, did
18 you get the entire month of September for Judge Dumas?

19 A. Because of the allegations in the Phil Williams
20 report that Judge Dumas was consistently late, I thought
21 a month's records might clarify that issue, and it was
22 available.

23 Q. Okay. No one instructed you to get that?

24 A. No one instructed me.

25 Q. And explain to me again why you went to Norman

1 Robinson in the first place.

2 A. Because he was the security chief. May I have a
3 bathroom break?

4 Q. Yes.

5 MR. JONATHAN FARMER: Let's go off the
6 record.

7 (Brief break observed.)

8 BY MR. JONATHAN FARMER:

9 Q. We're jumping around just a touch. I do want to
10 jump briefly back to Norman Robinson's office, the
11 security office, and that is Exhibit 2. Do you know how
12 Mr. Robinson came to have these records?

13 A. No, I don't.

14 Q. In what format did he provide those records to
15 you?

16 A. Wrote it on a sheet of paper.

17 Q. Was it already printed when you arrived?

18 A. I believe so. I believe he had some of those
19 records. He requested and received the month's records.

20 Q. Okay. Explain that to me, he had some of those
21 records. Which records did he have?

22 A. I obtained records on other --

23 Q. Okay.

24 A. -- individuals.

25 Q. All right. So the records he had were not

1 related to Judge Dumas?

2 A. That's correct.

3 Q. Did he have any records related to Judge Dumas?

4 A. Mr. Farmer, I believe he had some records
5 relating to Judge Dumas, but not the entire month.

6 Q. Okay.

7 A. And when I requested that total month, he
8 indicated that he would have that sent to him and he
9 did.

10 Q. Okay. So he didn't give the whole month to you
11 that day, then?

12 A. I believe he did that day.

13 Q. He did. All right. You think he had it sent to
14 him that day?

15 A. I believe so.

16 Q. Okay. Do you know where he had it sent from?

17 A. Not at that time I did not, no.

18 Q. In what format did the entire month's records
19 come to you?

20 A. Just a sheet, a printout on a sheet.

21 Q. Okay. Do you believe that you got all of the
22 access rosters that he had in his possession?

23 A. I would have no idea.

24 Q. Okay. Did you see any access rosters in the
25 office that you did not get a copy of?

1 A. I didn't observe any.

2 Q. Okay. All right. Moving back then to Exhibit 1.
3 When Judge Dumas called you, you were still in the
4 security office?

5 A. Yes.

6 Q. Did she call your cell phone?

7 A. Yes.

8 Q. And she told you at that time that she had to go
9 in and handle the cases in her courtroom?

10 A. Yes.

11 Q. Okay. Did you guys schedule to meet at 11:30?

12 A. I believe so.

13 Q. Okay. It says, I asked about the issues raised
14 by the Phil Williams video. What specific issues are
15 you referring to? And I'm looking at the last sentence
16 of Paragraph 5, Exhibit 1.

17 A. Say again what paragraph you're relating to.

18 Q. The fifth paragraph, it's two sentences long, I'm
19 asking about the second sentence. It says, I asked
20 about the issues raised by the Phil Williams video.

21 A. The issues about her being late to court and off
22 during official time conducting other activities.

23 Q. During official time?

24 A. That was what was alleged by the report.

25 Q. Okay. Did you interview her about anything other

1 than those two issues?

2 A. I did not.

3 Q. Okay. Judge Dumas agreed to the interview?

4 A. Yes.

5 Q. Did you consider her to be open in her responses
6 to you during the interview?

7 A. Very much so.

8 Q. Was she cooperative?

9 A. Absolutely.

10 Q. Was she forthcoming?

11 A. Absolutely.

12 Q. Was she honest?

13 A. Absolutely.

14 Q. Do you believe that she concealed anything to you
15 in any way?

16 A. I do not.

17 Q. Okay. Let's talk about the late to court issue.

18 You say in the next paragraph, Paragraph 6, that she
19 says she has a problem with being late, 10 to 30 minutes
20 late to almost every event in her day. This has been
21 her problem for years. She cannot seem to correct this
22 performance. Is that correct?

23 A. That's what she told me.

24 Q. Okay. Did she explain to you the mechanisms of
25 the docket call?

1 A. She did.

2 Q. Okay. What did she tell you?

3 A. She told me it was her practice to wait until
4 issues that could be settled were settled and then those
5 that were not settled she would then take the bench,
6 dispose of those, and then retire until an additional
7 bevy of cases were ready for her attention.

8 Q. So did you understand her to mean that it was her
9 practice to allow the parties in court to attempt to
10 resolve the disputes prior to her appearing in court?

11 A. That's what she told me.

12 Q. Okay. Do you have any reason to believe that
13 that's incorrect that she does that?

14 A. I have no reason to believe otherwise.

15 Q. Did you have any other discussions about her
16 being late?

17 A. She volunteered to me that she was consistently
18 late to everything.

19 Q. Now, I note that you don't put in here anything
20 about her docket call in this report. Can you look
21 through the report and tell me where you recorded what
22 she said about her docket call?

23 A. In what regard is her docket call?

24 Q. You recall that we just discussed the docket
25 call?

1 A. Her procedure?

2 Q. Uh-huh.

3 A. Right. It is not in this report.

4 Q. All right. Why is it not in the report?

5 A. I don't know why it's not in the report.

6 Q. Do you consider her explanation -- do you
7 understand the word exculpatory?

8 A. No.

9 Q. Okay. You've never heard the term "exculpatory
10 evidence"?

11 A. No.

12 Q. Have you ever heard of a court case called Brady
13 versus Maryland?

14 A. No.

15 Q. When I say exculpatory, what I mean by
16 exculpatory is evidence that tends to support the
17 judge's position.

18 A. I'm sorry, repeat that.

19 Q. Evidence that is favorable to the judge.

20 A. Yes.

21 Q. That's what I mean by exculpatory.

22 A. Yes.

23 Q. Would you consider her explanation as to her
24 practice of the docket call exculpatory to her?

25 A. Yes.

1 Q. Okay. Is there anything in this report that is
2 exculpatory to Judge Dumas that you see? Take your time
3 and read it if you need to.

4 A. I think the statement where she had completed her
5 docket and duties at the courthouse and she subsequently
6 visited some other places is exculpatory. I think the
7 issue that I had --

8 Q. Let's talk about that. So you're talking
9 about --

10 MR. McHALE: Well, let him finish.

11 MR. JONATHAN FARMER: Okay. I'm sorry. I'm
12 going to let you finish. I just don't want to lose that
13 point, so my apologies.

14 MR. McHALE: We're of an age we don't want
15 to lose our train of thought.

16 MR. JONATHAN FARMER: Fair enough. That was
17 one of my rules and I'm breaking my own rules, and I'm
18 sorry about that.

19 A. The fact that Judge Dumas explained to me her
20 procedures in the one stop citation issue does not mean
21 that I did not reveal this orally to Judge Daniel. When
22 he questioned me about any other issues that had come
23 up, I did orally talk to the judge. I don't recall the
24 date. But whenever I submit a record, he usually has
25 questions about issues that he feels are pertinent and

1 if I have covered those, then I explain them to him
2 orally.

3 BY MR. JONATHAN FARMER:

4 Q. Okay. Did her explanation as to her docket
5 management, did that make sense to you?

6 A. It did to me.

7 Q. You understood it?

8 A. I understand it.

9 Q. Seems reasonable? At the time did it seem
10 reasonable?

11 A. It was a reasonable explanation, yes.

12 Q. Would you agree that it's up to a judge as to how
13 to run their docket?

14 A. I wouldn't presume to figure out how a judge runs
15 his docket.

16 Q. Okay. And the second complaint from Phil
17 Williams is that she was off during official time, and
18 those are your words; is that correct?

19 A. I think that's what the documentary alleged.

20 Q. Okay. Did it also allege that she was at a
21 facial clinic and a veterinarian while people were
22 waiting to hear cases, the documentary?

23 A. I believe that's true.

24 Q. It's true that that's what the documentary said?

25 A. I believe that's what the documentary said.

1 Q. And you were concerned about that as a Court of
2 Judiciary investigator?

3 A. I thought it was a point that needed to be
4 explained.

5 Q. Okay. And did she -- and I'm now looking at
6 Paragraph 7, which starts on the bottom of the first
7 page and continues onto the second, and it says, and
8 I'll quote, she stated that on the dates of her video at
9 the facial clinic and veterinarian, which was the same
10 day, she had completed her dockets and duties at the
11 courthouse. Do you read where I say that -- or where
12 you say that?

13 A. That's what she told me, yes.

14 Q. Okay. Did she provide you any documentation in
15 that regard?

16 A. She did not.

17 Q. At no point in time?

18 A. At no point in time.

19 Q. She never gave you a docket showing what time her
20 docket was over that day?

21 A. No, she did not.

22 Q. Did she ever give you an appointment showing when
23 she was supposed to be at the facial clinic?

24 A. She did not.

25 Q. Did she ever give you an appointment showing when

1 she was supposed to be at the veterinarian?

2 A. She did not.

3 Q. Did you come back and pick up any documents from
4 Judge Dumas the day after this interview?

5 A. I never again had contact with Judge Dumas.

6 Q. And you're sure about that?

7 A. To the best of my knowledge.

8 Q. Did you believe her explanation that she provided
9 to you about the veterinarian and the facial clinic?

10 A. Yes.

11 Q. Did that explanation satisfy your concerns?

12 A. I felt she responded honestly.

13 Q. Okay. I didn't ask if she was honest. I asked
14 if her explanation satisfied your concerns about people
15 waiting to have their cases heard?

16 A. I didn't have a concern about it. I had an issue
17 that she -- I thought she fully explained. I documented
18 her response, and as far as being satisfied, I had no
19 other questions.

20 Q. Okay. After her explanation, did you believe
21 that she had or had not left people waiting in her
22 courtroom while she went and tended to her --

23 A. I had no opinion.

24 Q. You had no opinion. So you believe that she was
25 honest?

1 A. I do.

2 Q. And you believe that she was telling you the
3 truth about what happened?

4 A. Correct.

5 Q. But you had no opinion about whether or not what
6 she said is actually true or not?

7 A. I did not draw a judgment of whether or not she
8 was truthful with me or not.

9 Q. Have you found anything then or any point
10 otherwise that contradicts her explanation to you?

11 A. No.

12 Q. The next paragraph, the second to last paragraph
13 of the document, she is speaking about the environmental
14 court judge. Now, why did you talk about that? Because
15 that doesn't have anything to do with late to court or
16 being off during official time.

17 A. Judge Dumas brought this issue up, as I recall,
18 and explained when explaining her schedule and duties
19 and what she was required to do, and I simply included
20 it as she stated.

21 Q. Do you recall if the Phil Williams report had
22 anything to do with the environmental court judge?

23 A. I recall that was mentioned, but I don't recall
24 the specifics of it.

25 Q. But you weren't down there concerned about that?

1 A. No.

2 Q. Do you know who the environmental court judge is?

3 A. I do not specifically know, other than

4 Judge Dumas told me she was.

5 Q. Did she explain to you about receiving funding to
6 hire essentially a magistrate to handle environmental
7 court cases?

8 A. She told me that.

9 Q. That's in the last paragraph; is that right?

10 A. Correct.

11 Q. It's actually environmental court referee. And
12 did she explain to you that she hears the appeals from
13 that court?

14 A. She did.

15 Q. Okay. Did you investigate her explanation?

16 A. I did not.

17 Q. Did she provide you with any documents to support
18 her explanation?

19 A. She did not.

20 Q. She never showed you the budget or where that
21 money was allocated?

22 A. She did not.

23 Q. Anyone from her office ever show you a budget?

24 A. I've never requested a budget.

25 Q. Okay. Do you recall any other discussions with

1 Judge Dumas?

2 A. I do.

3 Q. Okay. Tell me about those.

4 A. Judge Dumas when explaining her tardiness and
5 lateness called my attention to her bookcase which was
6 filled with clocks.

7 Q. With clocks?

8 A. Clocks.

9 Q. Okay.

10 A. She said that friends of hers and associates
11 often give her clocks, but that it doesn't help. I did
12 not include that in this report either, but I verbalized
13 it to Judge Daniel.

14 Q. Okay.

15 A. I didn't feel like it was necessary that it be
16 documented when I could orally tell him that.

17 Q. Was there anything else that was discussed
18 between you and Judge Dumas that isn't documented in
19 this report --

20 A. Not that I recall.

21 Q. -- that you recall? And I misspoke earlier. I
22 was asking you about anyone showing you the budget for
23 the environmental court referee. Actually, it's a
24 statute for the environmental court referee. Did anyone
25 ever show you a statute in regards to an environmental

1 court referee?

2 A. No.

3 Q. Do you recall asking Judge Dumas at the end of
4 your interview who she pissed off?

5 A. I'm sorry?

6 Q. Do you recall at the end of the interview asking
7 Judge Dumas, quote, who did you piss off, end quote?

8 A. I don't recall specifically that.

9 Q. Do you recall telling Judge Dumas, quote, don't
10 expect to hear from us, end quote?

11 A. I do not recall specifically saying that.

12 Q. Okay. If someone were to testify that you did
13 make those statements, you wouldn't know to confirm or
14 deny that; is that fair?

15 A. No, I wouldn't.

16 Q. So that's fair?

17 A. What's fair?

18 Q. If someone were to testify that you made those
19 statements, you couldn't agree or disagree; is that
20 correct?

21 A. Correct.

22 Q. Okay. After you left her office on the 19th, do
23 you remember how long you spoke to her? You got in
24 about 11:30 according to your report.

25 A. It would have started around 11:30. I have no

1 idea how long the interview took.

2 Q. What did you do after that on the 19th?

3 A. I don't specifically recall.

4 Q. Do you recall anything you did after that on the
5 19th?

6 A. Yes.

7 Q. Okay. Anything as it relates to Judge Dumas?

8 A. No.

9 Q. Okay. So then when you left Judge Dumas' office
10 on the 19th, as far as you recall, you did no further
11 investigation of Judge Dumas on that day?

12 A. Not on that day.

13 Q. Okay.

14 A. Bathroom.

15 MR. JONATHAN FARMER: Off the record.

16 (Brief break observed.)

17 BY MR. JONATHAN FARMER:

18 Q. Okay. Jumping back to the interview of
19 Judge Dumas, I just want to touch on a couple more
20 things. Again, it's Exhibit 1, if you want to look.
21 I'm looking at the last sentence of Paragraph 5. Tell
22 me when you're there.

23 A. Yes.

24 Q. Fourth line up, she is not apologetic, but simply
25 states that's, quote, the way she is. Do you recall her

1 saying that?

2 A. She told me that.

3 Q. Did she tell you that she had apologized to Phil
4 Williams on video for the people -- if she had offended
5 people, but that that footage had been cut; do you
6 recall that?

7 A. I vaguely recall her saying that.

8 Q. Okay. That didn't make the report; is that
9 correct?

10 A. Correct.

11 Q. Did you tell her that she had learned not to talk
12 to him, him being Phil Williams?

13 A. Excuse me, say that again.

14 Q. Let me ask a better question. Did you say to
15 Judge Dumas something along the lines of, I guess you've
16 learned not to talk to Phil Williams?

17 A. To the best of my recall, I think I asked her why
18 she talked to Phil Williams.

19 Q. And did you say after her -- what did she say; do
20 you remember?

21 A. No, I don't.

22 Q. Okay. You don't recall one way or the other
23 whether you told her -- asked her -- told her she'd
24 learned her lesson about talking to Phil Williams, or do
25 you deny that you said that?

1 A. I don't recall saying that. I recall -- vaguely
2 recall her saying that she felt like he harassed her and
3 pursued her and that was the -- her comment at that
4 time.

5 Q. Okay. So when you left her office on that day,
6 November 19th, you did no further investigation of
7 Judge Dumas?

8 A. No.

9 Q. So what you had regarding Judge Dumas was the
10 Phil Williams report and an interview with her and her
11 assistant?

12 A. Yes.

13 Q. Okay. At that point in time, did you feel like
14 any of the allegations against her were founded?

15 A. That would not have been my judgment. I felt
16 comfortable with the information that she had provided,
17 which I subsequently provided to Judge Daniel.

18 Q. Okay. I'm going to get to that, but I'm asking
19 about what you had at that point. In your opinion, at
20 that point in time, on the afternoon of the 19th, after
21 you left Judge Dumas' office, did you have any
22 information or any facts that you felt indicated that
23 Judge Dumas had committed any kind of misconduct?

24 A. Mr. Farmer, I don't --

25 MR. McHALE: I'm going to the -- I'm going

1 to object to the extent it calls for any expert opinion
2 on what constitutes misconduct under any statute or any
3 rule with respect to Court of the Judiciary or
4 otherwise. That's outside his area. Go ahead and
5 answer.

6 A. I have read the Canons of Judicial Ethics and I
7 do so in order to use them as a guideline when I'm
8 conducting an investigation. My job, as identified by
9 Judge Daniel, is to gather the information and submit it
10 to him. I do not make judgments or opinions once I'm
11 satisfied that I have gathered information.

12 BY MR. JONATHAN FARMER:

13 Q. Okay. So are you telling me you make no
14 recommendation to Judge Daniel?

15 A. I make no recommendations to Judge Daniel.

16 Q. Okay. But, in your mind -- you have received
17 these documents, you have conducted these interviews.
18 Regardless of what you told Judge Daniel, you were sent
19 there to investigate misconduct, and we can use the lay
20 meaning of misconduct. After you conducted these
21 interviews, did you feel like you had any facts that
22 supported, in your mind, misconduct?

23 MR. McHALE: I'm going to object to the
24 form. Go ahead.

25 A. I simply don't make that consideration.

1 BY MR. JONATHAN FARMER:

2 Q. So when you go and do an investigation, you form
3 no opinion in your own mind as to what the investigation
4 is revealing? Is that your testimony?

5 A. That is not what I'm saying to you. I'm saying
6 that if I get information that leads to other
7 information, I follow up on it. At the conclusion of
8 that day, I had information regarding Judge Dumas and
9 her statement of the interview, which I submitted to
10 Judge Daniel, and that I do not have an opinion of that
11 information.

12 Q. I realize you don't have an official opinion and
13 I realize you don't have any decision-making authority
14 as to that, but surely part of your duties as an
15 investigator is to evaluate the evidence that you've
16 collected; is that correct?

17 A. Yes.

18 Q. Okay. Well, in your evaluation of the evidence
19 that you'd collected as of November 19th, what was your
20 opinion as an investigator as to Judge Dumas?

21 A. I didn't have an opinion of Judge Dumas.

22 Q. Did you have any information that she had done
23 anything wrong at this point, November 19, 2008?

24 A. Not that I recall.

25 Q. Okay. When did you report your findings back to

1 Mr. Daniel?

2 A. Probably the evening of the 19th.

3 Q. Okay. At any point in time did you interview
4 Phil Williams?

5 A. No.

6 Q. At any point -- you say that with a laugh. Why
7 not?

8 A. Mr. Williams wouldn't speak with me.

9 Q. You attempted to interview Mr. Williams?

10 A. I inquired.

11 Q. Okay. Mr. Williams refused to talk to you?

12 A. He did.

13 Q. When did you inquire to speak with Mr. Williams?

14 A. I don't specifically recall.

15 Q. Before or after the 19th?

16 A. I believe I made a phone call prior to the 19th.

17 Q. Okay. And he wouldn't speak to you?

18 A. He would not.

19 Q. Did you have any knowledge prior to the 19th as
20 to who the veterinarian or the hair -- or the
21 hairdresser, I think?

22 A. Facial clinic.

23 Q. Facial clinic. Did you have any knowledge prior
24 to the 19th who those people were?

25 A. I did not.

1 Q. After you left Judge Dumas' office, did you have
2 any knowledge as to who those people were?

3 A. I did not.

4 Q. Did you not consider it important to interview
5 those people?

6 A. I was not interested in interviewing those
7 people.

8 Q. Why not?

9 A. Because Judge Dumas told me it was at the
10 conclusion of her day, and I believed it.

11 Q. Okay. You believed her. You didn't see any
12 reason to verify that?

13 A. I saw no reason to do otherwise.

14 Q. Okay. All right. Let's talk about your report
15 on the 19th. Was this done by telephone?

16 A. Probably some of it was, yeah, and then the 19th
17 report, you know, as you see, it was later either
18 transmitted to him by email or faxed or delivered, I
19 don't recall.

20 Q. Well, tell me what happened on the 19th in your
21 communications with Mr. Daniel or his office.

22 A. Gosh, I don't recall specifically.

23 Q. Did you speak to him by phone?

24 A. We speak frequently by phone.

25 Q. Do you think you spoke to him on the 19th about

1 this matter?

2 A. Most likely I did.

3 Q. And you also recall that you typed this up on the
4 19th?

5 A. I believe I typed this up on the evening of the
6 19th.

7 Q. You're not sure of that, but you think you did?

8 A. I believe I previously said, yes, I did it on the
9 19th.

10 Q. All right. I didn't know if you were certain of
11 that or if you were telling me that's just your
12 practice. Did you keep notes -- written notes as to
13 these conversations?

14 A. I jot down notes, yes.

15 Q. Do you still have your notes as to these
16 conversations?

17 A. Wow. I may have.

18 Q. Will you look for me?

19 A. I will.

20 Q. And if you do, will you provide those notes to
21 Mr. McHale?

22 A. I will.

23 MR. JONATHAN FARMER: Mr. McHale, would you
24 review those and get those to me absent any objections?

25 MR. McHALE: Assuming that they exist and he

1 can locate them.

2 MR. JONATHAN FARMER: Certainly.

3 BY MR. JONATHAN FARMER:

4 Q. What about time records -- you said you were paid
5 hourly.

6 A. Yes.

7 Q. Do you submit a time sheet?

8 A. I do.

9 Q. Okay. What is on the time sheet?

10 A. I'm sorry?

11 Q. What information is on the time sheet?

12 A. The number of hours and the cases that I happen
13 to be working on.

14 Q. Do you give a narrative as to what you did during
15 those hours?

16 A. I do not.

17 Q. You do not?

18 A. No.

19 Q. So if I were to look at your time sheet, there's
20 no way I could tell what you did or didn't do?

21 A. You could identify the case that I worked on.

22 Q. Okay. Do you keep those time sheets or is that
23 kept at the AOC?

24 A. I have a copy.

25 Q. You do have a copy?

1 A. Yes.

2 Q. Okay. Will you get those to Mr. McHale as well,
3 and I think you'll probably need to redact those,
4 Mr. McHale. Just as related to Dumas is what I'm
5 interested in.

6 MR. McHALE: All time sheets regarding
7 Dumas?

8 MR. JONATHAN FARMER: Yes.

9 MR. McHALE: From the first contact on?

10 MR. JONATHAN FARMER: Yes.

11 MR. McHALE: Anything about the case?

12 MR. JONATHAN FARMER: Yes.

13 MR. McHALE: Do you understand?

14 THE WITNESS: I understand.

15 MR. McHALE: Do you think you can -- you've
16 kept all your time sheets?

17 THE WITNESS: I have a copy of my invoices.

18 MR. McHALE: I know Judge Daniel has --

19 THE WITNESS: I have a copy of my invoice
20 that I submitted to Judge Daniel.

21 MR. McHALE: Sure, that's not a problem.

22 BY MR. JONATHAN FARMER:

23 Q. Did you provide your handwritten notes to anyone?

24 A. No.

25 Q. You made no recommendation to Judge Daniel, is

1 that what you said?

2 A. That's what I said.

3 Q. Okay. At this point in time, had you done any
4 other investigation into Judge Dumas that we haven't
5 discussed?

6 A. No.

7 Q. Okay. Did you look at your time sheets in
8 preparation for this deposition?

9 A. I did not.

10 Q. What was the next thing you did after the 19th as
11 related to Judge Dumas?

12 A. I don't recall.

13 Q. What was the next -- you don't remember the next
14 step in your investigation?

15 A. (Witness moves head side to side.) I don't.

16 Q. Do you remember if or when Mr. Daniel gave you
17 any further instructions in regards to Judge Dumas?

18 A. At some time later Judge Daniel advised me that
19 he was interested in the records that would show the
20 attendance of Judge Dumas.

21 Q. Okay. How much later?

22 A. I do not specifically recall. The first issues
23 came up in 2008 in the fall, so I believe it would have
24 been in the early part of 2009.

25 Q. Okay. So between November of '08 and early '09,

1 do you recall having conversations with a Brian Boyd
2 about this matter?

3 A. Yes.

4 Q. What did you tell Mr. Boyd?

5 A. What did I tell Mr. Boyd?

6 Q. Yes, sir.

7 A. I asked Mr. Boyd if he had ever been
8 inconvenienced by waiting in Judge Dumas' court.

9 Q. And what did he say?

10 A. He said he had.

11 Q. Okay. What prompted you to ask Mr. Boyd that
12 question?

13 A. I was following up on those allegations that
14 people were kept waiting. Judge Daniel had said find
15 some lawyers that practice in that court and since they
16 are the people that are getting paid, find out how that
17 works with them.

18 Q. Okay. Now you're referencing a conversation you
19 had with Judge Daniel.

20 A. A tasking. A tasking by Judge Daniel.

21 Q. Okay. Well, when did that tasking happen?

22 A. I don't specifically recall.

23 Q. Okay. So you told me earlier that from November
24 19th of '08 until early '09 you had no further
25 investigation.

1 A. Not that I recall.

2 Q. Okay. But now you're telling me that also during
3 that time you got a tasking from Judge Daniel.

4 A. No, it was after that time.

5 Q. After that time.

6 A. Early in 2009. The reason I remember that is
7 that I think I had that on my calendar.

8 Q. Okay. So -- on your calendar?

9 A. Uh-huh.

10 Q. Do you still have your calendar?

11 A. Gosh, for 2009, I don't know.

12 Q. Will you look?

13 A. I will, yes.

14 Q. And if you have it, will you give it to
15 Mr. McHale?

16 A. I will.

17 MR. McHALE: Subject to the same redaction
18 issue. This would be anything pertaining to the part of
19 the investigation with respect to Judge Dumas. Do you
20 understand?

21 THE WITNESS: There are other issues on that
22 calendar.

23 MR. McHALE: Well, I understand and we'll
24 have to make a copy and redact anybody else, but
25 specifically --

1 THE WITNESS: I'll furnish you the calendar.

2 MR. McHALE: -- you're being required, and
3 that's assuming you still have it.

4 THE WITNESS: If I have it, that's correct.
5 It would be the same indication as my invoice.

6 BY MR. JONATHAN FARMER:

7 Q. So from November 19th of '08, did you do any
8 other investigation not at the direction of Mr. Daniel?

9 A. I do not do investigations without the direction
10 of Judge Daniel.

11 Q. Is that a no?

12 A. That's a no.

13 Q. Okay. Did you have any communications with
14 anyone that wasn't as a result of the direction of Judge
15 Daniel?

16 A. I don't recall.

17 Q. Okay. Your daughter practices in front of
18 Judge Dumas; is that correct?

19 MR. WILLIAM FARMER: No, Judge Dumas.

20 MR. JONATHAN FARMER: Judge Dumas. Did I
21 say Judge Daniel?

22 MR. McHALE: I thought you said Dumas.

23 BY MR. JONATHAN FARMER:

24 Q. Does your daughter practice in front of Judge
25 Dumas?

1 A. What does this have to do with my daughter?

2 MR. McHALE: You have to answer that one.

3 Go ahead. We'll see where it goes, but, yeah, you
4 answer that one.

5 A. I believe my daughter practices in the General
6 Sessions Courts of Davidson County.

7 BY MR. JONATHAN FARMER:

8 Q. Have you discussed your investigation into
9 Judge Dumas with your daughter?

10 A. I have not.

11 Q. Okay.

12 A. My daughter is aware of what I do and that
13 Judge Dumas is under investigation.

14 Q. Has she discussed it with you?

15 A. She knows better than to discuss it with me. No.

16 Q. So your testimony is you've had no conversations
17 with your daughter about Judge Dumas?

18 A. My daughter has asked me about Judge Dumas, and I
19 have advised her that I would not respond with any
20 specifics about Judge Dumas. However, she has read the
21 AOC website.

22 Q. Okay. I want to talk about the interviews you
23 conducted in this matter. Did you ever interview any
24 district attorneys?

25 A. I did.

1 Q. Okay. Who did you interview?

2 A. I do not recall specifically her name -- two
3 assistant district attorneys. One, I think her name is
4 Mindy Moore.

5 Q. Okay.

6 A. The other one, I believe her name is Jennifer --

7 Q. Jennifer Smith?

8 A. -- but I don't recall her last name.

9 Q. Would it be Jennifer Smith?

10 A. It could have been.

11 Q. Do you recall when you interviewed them?

12 A. I do not.

13 Q. Do you recall if this was before the charges were
14 filed or after the charges were filed?

15 A. Not specifically, I don't recall.

16 Q. Okay. Did you take any notes or make any reports
17 as to the substance of the interviews?

18 A. I recorded those.

19 Q. You recorded the interviews?

20 A. I recorded them on paper. I made a report.

21 Q. Okay. Do you have that report?

22 A. I do not.

23 Q. Where is that report?

24 A. I'm not sure. It's maybe on my computer.

25 Q. All right. When I said do you have it, I don't

1 mean do you have it here. I mean, do you have
2 possession of it?

3 A. I think so.

4 Q. Okay. Did you give that to disciplinary counsel?

5 A. Yes.

6 Q. Did they both agree to speak with you?

7 A. Yes.

8 Q. Did disciplinary counsel instruct you to
9 interview district attorneys themselves?

10 A. No.

11 Q. Okay. What was the instructions to you?

12 A. To the best of my recall, he said find out if
13 there's any truth to these people being inconvenienced
14 by Judge Dumas not being timely in her appearance at
15 court.

16 Q. And what did Mindy Moore tell you?

17 A. I don't recall the specifics of what Ms. Moore
18 told me.

19 Q. Do you recall the generalities of what Ms. Moore
20 told you?

21 A. I don't recall them well enough to state.

22 Q. Did Ms. Moore -- was her report to you favorable
23 or disfavorable -- or unfavorable to Judge Dumas?

24 A. More neutral.

25 Q. Do you have the report on your computer?

1 A. I think so.

2 Q. Did you say you have provided it to disciplinary
3 counsel?

4 A. Yes.

5 Q. Okay. Will you check to see if you have that
6 report and give it to Mr. McHale?

7 A. I will.

8 MR. JONATHAN FARMER: You don't have a copy,
9 Mr. McHale?

10 MR. McHALE: We're going to have to review
11 that one.

12 MR. JONATHAN FARMER: You can review all of
13 them?

14 MR. McHALE: Yeah, well, but we may level a
15 matter prepared in anticipation of litigation type of
16 privilege if it was transmitted to Judge Daniel. So
17 let's just -- I mean, yes, we will seek that information
18 out subject to a potential objection. I'm going to have
19 to talk to Disciplinary Counsel Daniel about if he has
20 it and so forth.

21 BY MR. JONATHAN FARMER:

22 Q. Same with Jennifer Smith, do you remember the
23 substance of the conversation with her?

24 A. I do.

25 Q. What did she say?

1 A. I believe Jennifer Smith told me that it was an
2 inconvenience to wait in Judge Dumas' court.

3 Q. What else did she say?

4 A. She commented on the -- I guess the chaotic
5 environment of General Sessions Court, is the best way I
6 could describe it. But it was not an inconvenience --
7 it was an inconvenience to her, but she considered it
8 just part of the job. I paraphrase that based on my
9 recollection of my conversation with Jennifer.

10 Q. Did you discuss with her Judge Dumas' explanation
11 as to her docket call?

12 A. No.

13 Q. Did Jennifer Smith say anything exculpatory about
14 Judge Dumas, favorable to Judge Dumas?

15 A. Yes.

16 Q. What did she say?

17 A. She thought Judge Dumas was a good, fair judge.

18 Q. Okay. Did you ask either Jennifer Smith or Mindy
19 Moore about other judges' practice in calling the
20 docket? I'm not asking for specific other judges, I'm
21 just asking the general question.

22 A. Yes.

23 Q. You did?

24 A. Yes.

25 Q. What did they say?

1 A. They said other judges took the bench and stayed
2 on the bench until it was over.

3 Q. Is all that in your report?

4 A. I don't recall.

5 Q. Do you recall anything else about your
6 conversations with Mindy Moore or Jennifer Smith?

7 A. No.

8 Q. Did you attempt to interview any other district
9 attorneys?

10 A. No.

11 Q. No district -- you didn't attempt -- no district
12 attorney told you that they weren't going to agree to
13 talk to you?

14 A. No.

15 Q. Did you tell any district attorneys they would be
16 subject to disciplinary action if they did not talk to
17 you?

18 A. No.

19 Q. Have you ever heard of Chris Buford? Chris
20 Buford?

21 A. Chris Buford? Doesn't ring any bells.

22 Q. What about Sarah Davis?

23 A. Doesn't ring any bells.

24 Q. No one has told you to interview them?

25 A. No.

1 Q. Did you ever have any discussions with Torry
2 Johnson?

3 A. Glory Johnson?

4 Q. Torry.

5 A. Say it again.

6 Q. Torry.

7 A. No.

8 Q. Do you know who that is?

9 A. No.

10 Q. Did you interview or discuss Judge Dumas with any
11 attorneys who aren't district attorneys?

12 A. Yes.

13 Q. Okay. Do you remember who?

14 A. You mentioned Brian Boyd.

15 Q. Okay. Who else?

16 A. Several other attorneys. I don't recall
17 specifically their names.

18 Q. Do you recall any of their names?

19 A. I do not.

20 Q. Do you have any of their names memorialized?

21 A. I think I have two of their names memorialized
22 and I may have names in some notes that I have.

23 Q. Will you get those to Mr. McHale?

24 A. I will do that.

25 Q. And you didn't review those prior to today?

1 A. I'm sorry?

2 Q. You didn't review those in preparation for today?

3 A. No.

4 Q. Did you not think it important to look back
5 through your notes before you came and gave a deposition
6 in this matter?

7 A. I was not compelled to do so.

8 Q. That wasn't my question. Did you think it was
9 important to look back through your notes in preparation
10 for the deposition this morning?

11 A. I did look back through my notes.

12 Q. But you didn't look back through your interviews?

13 A. No.

14 MR. McHALE: I've written that down as
15 memorialized names of attorneys discussed in any written
16 form.

17 MR. JONATHAN FARMER: Well, and also any
18 reports. I mean, I can see where we're going here. You
19 know, we've got lots of lawyers and lots of people that
20 have said general things about Judge Dumas and we don't
21 remember and we have notes, and so what I'm going to
22 look for is those notes.

23 MR. McHALE: His notes?

24 MR. JONATHAN FARMER: Right.

25 MR. McHALE: Correct. That would be

1 inclusive, I assume, in any written form.

2 THE WITNESS: Can we clarify the notes and
3 the lawyers' issues?

4 MR. MCHALE: Well, you ask Mr. Farmer if you
5 can clarify.

6 MR. JONATHAN FARMER: Sure, you can clarify
7 anything you want to.

8 THE WITNESS: The notes that I have
9 regarding a couple of attorneys, the names of which I do
10 not recall, are in the form of a similar report. Those
11 attorneys have asked to remain confidential. Other
12 attorneys I have contacted by telephone and inquired if
13 they would be cooperative in providing a statement at
14 some time in the future. Some have indicated they
15 would. Others have indicated they don't have any
16 information. I have a list of names that is on probably
17 a note paper, maybe several pages of note paper, that I
18 had called. I derived those names in trying to
19 determine people who practice in General Sessions Court.

20 BY MR. JONATHAN FARMER:

21 Q. Did you take notes of every person -- of your
22 interviews of every person you spoke to?

23 A. No.

24 Q. How did you elect which people to take notes from
25 and which people not to take notes from?

1 A. Probably I had asked -- early on I took notes
2 from the district attorneys, early on I took notes and
3 made reports of the attorneys that I contacted. I made
4 no subsequent determination other than people had told
5 me, well, I don't practice in that court, you need to
6 call this guy, he's the guy there. I don't recall
7 specifically, but there is a chain of events that these
8 people practice in Sessions Court, these people would
9 have that knowledge. I obtained their phone numbers and
10 placed calls. Sometimes they called me back, sometimes
11 they didn't.

12 Q. Are you telling me that you talked to people and
13 then didn't take notes of that conversation?

14 A. I'm telling you --

15 Q. With attorneys?

16 A. I'm telling you that I talked to people and
17 obtained names and phone numbers, yeah.

18 Q. And made notes?

19 A. In my notebook.

20 Q. Are you telling me that you spoke to attorneys
21 and didn't take notes from your conversations?

22 A. I'm telling you that the notes that I took from
23 the conversation were in the form of names and phone
24 numbers.

25 Q. All right. Let me ask again, sir, my question.

1 Did you ever talk to any attorney about Judge Dumas and
2 not make notes? I'm looking for a yes or no.

3 A. No.

4 Q. Okay. Did you type up reports for every attorney
5 that you talked to related to Judge Dumas?

6 A. No.

7 Q. Okay. Did you type up reports for any attorney
8 you talked to related to Judge Dumas?

9 A. Yes.

10 Q. Okay. Who are those attorneys?

11 A. The two assistant district attorneys.

12 Q. Okay.

13 A. And I believe two or three other attorneys.

14 Q. Whose names you can't recall?

15 A. Whose names I do not recall.

16 Q. Okay. What was the substance of those reports?

17 A. Were they inconvenienced by Judge Dumas being
18 tardy in the General Sessions Courts.

19 Q. And what did they say?

20 A. They said they were.

21 Q. What did you ask them when you called them?

22 A. That I wanted to ask them about their practice in
23 General Sessions Court before Judge Dumas.

24 Q. Who did you tell them you were?

25 A. I told them I was James LaRue, Special

1 Investigator with the Court of the Judiciary.

2 Q. Did you tell them that you were investigating
3 Judge Dumas?

4 A. I told them that I was gathering information on
5 Judge Dumas at that time.

6 Q. Did you tell them why you were doing that?

7 A. No.

8 Q. Did you tell them what the subject of the
9 investigation was?

10 A. No.

11 Q. You said I'm gathering information as to Judge
12 Dumas and then you said are you inconvenienced by her
13 being late?

14 A. Yes.

15 Q. Did anyone expand on what they meant by
16 inconvenienced?

17 A. Specifically they said the times that they spent
18 waiting, potentially they could be in other courts
19 making money.

20 Q. Did you ask those people about other judges and
21 their docket practices?

22 A. I did not.

23 Q. Why not?

24 A. I didn't feel it was pertinent.

25 Q. So whether Judge Dumas is doing anything

1 different than the other judges you don't feel is
2 pertinent?

3 A. They did not volunteer any information --

4 Q. That wasn't my question.

5 A. Say the question again.

6 MR. JONATHAN FARMER: Will you read back the
7 question?

8 (Requested portion of record read.)

9 A. I don't feel it's relevant what other judges do
10 in regard to what Judge Dumas does.

11 BY MR. JONATHAN FARMER:

12 Q. So if Judge Dumas' practices are the same as
13 other judges, you don't think that's relevant into
14 wading into a disciplinary proceeding against her?

15 MR. McHALE: Objection.

16 A. I would not make that determination.

17 BY MR. JONATHAN FARMER:

18 Q. Did Judge Daniel ask you to look into the
19 practices of other judges?

20 A. Negative.

21 Q. As a comparison to Judge Dumas?

22 A. No, he did not.

23 Q. Did Judge Daniel instruct you to take any steps
24 to see if Judge Dumas' practices were different from
25 other judges?

1 A. He did not.

2 Q. So we've got two DAs with written reports, we've
3 got three lawyers whose names you don't recall with
4 written reports --

5 MR. McHALE: I think he said two or three.

6 MR. JONATHAN FARMER: Okay. I'm not going
7 to marry him to the number.

8 BY MR. JONATHAN FARMER:

9 Q. Are those the only reports we have of attorneys'
10 written reports that you've offered?

11 A. I believe so.

12 Q. Okay. How many other attorneys would you say you
13 interviewed?

14 A. Five -- whoa, none.

15 Q. None?

16 A. None.

17 Q. So you talked to five lawyers total?

18 A. No.

19 Q. Okay. Then how many other lawyers did you
20 interview?

21 A. I don't recall, several.

22 Q. Several.

23 A. As many as five.

24 Q. As many as five more?

25 A. Yes.

1 Q. Okay. So you talked to at least five and as many
2 as ten lawyers?

3 A. Correct.

4 Q. Okay.

5 A. Time out.

6 (Brief break observed.)

7 BY MR. JONATHAN FARMER:

8 Q. All right. Still talking about lawyers, you've
9 got two district attorneys, Mindy Moore and Jennifer
10 Smith. You have two or three other lawyers for whom
11 you've written reports of, correct?

12 A. Correct.

13 Q. Then you've got up to five more lawyers that you
14 spoke to?

15 A. Yes.

16 Q. Okay. But you have no reports for them?

17 A. No reports for them.

18 Q. Okay. Do you recall the substance of the
19 conversations with any of them or any of their names,
20 for that matter?

21 A. I do not recall any of their names. I probably
22 have their names and phone numbers written down. The
23 substance of the conversation would have been a phone
24 call to them by me identifying myself and inquiring if
25 they or their clients had been inconvenienced by the

1 lack of attendance or tardiness of Judge Dumas.

2 Q. And do you recall what was their consensus in
3 their answers?

4 A. There was a -- not a -- not a reply to that,
5 other than the fact that they would be willing to
6 discuss it if I felt it was necessary. We did not
7 discuss it on the phone.

8 Q. Did you ever feel it was necessary?

9 A. I have not to this day followed up on those.

10 Q. Okay. Those people didn't give you an opinion
11 one way or the other as to Judge Dumas?

12 A. They did not.

13 Q. Okay. So of the lawyers, you've gotten four or
14 five opinions?

15 A. Yes.

16 Q. Okay. Is Mr. Boyd one of the lawyers, Brian
17 Boyd?

18 A. Mr. Boyd is one of the lawyers. You previously
19 mentioned him.

20 Q. Okay. Now, is he one that you wrote a report
21 about?

22 A. Made a note about.

23 Q. Okay. He's one of the ones that you have written
24 notes on?

25 A. Yes.

1 Q. So he talked to you about Judge Dumas?

2 A. He did.

3 Q. And he said what? What did he say?

4 A. He indicated that there was a substantial delay
5 in Judge Dumas' court.

6 Q. Okay. What is your relationship to Mr. Boyd?

7 A. Mr. Boyd is a friend of my daughter.

8 Q. How long has he been a friend of your daughter?

9 A. I don't recall.

10 Q. How long have you known him?

11 A. I don't recall.

12 Q. Has he been to your home?

13 A. He has.

14 Q. Have you seen Mr. Boyd in a social setting?

15 A. Yes.

16 Q. Did you take any steps to determine if there was
17 any bias amongst the four to five lawyers that you spoke
18 to who said negative things about Judge Dumas?

19 A. I took no steps to determine if they were biased.
20 I simply took their information.

21 Q. How long did you speak to them?

22 A. Ten to 15 minutes apiece.

23 Q. Face to face?

24 A. Yes.

25 Q. Did you ever speak to Nick Bailey? Nick Bailey?

1 Have you ever heard that name?

2 A. Don't know that name.

3 Q. Have you ever heard -- in your experience as an
4 investigator, have you ever heard of a lawyer having a
5 bias against a judge?

6 A. Yes.

7 Q. Do you think it will be important to do anything
8 to exclude that -- the lawyers you're relying on without
9 bias against Judge Dumas?

10 MR. McHALE: I'll object to the form.

11 A. If I thought a lawyer had a bias against
12 Judge Dumas, I would have advised Judge Daniel of that,
13 but in this case, everybody I talked to indicated that
14 Judge Dumas was a good and fair judge.

15 BY MR. JONATHAN FARMER:

16 Q. Okay.

17 A. So I did not feel there was any bias regarding
18 her.

19 Q. Because they said she was a good judge?

20 A. The only issue they ever had was her attendance.

21 Q. Okay. And you told me that you didn't ask about
22 other judges' docket practices of any of these people;
23 is that correct?

24 A. I did not.

25 Q. Okay.

1 MR. WILLIAM FARMER: You did tell him that
2 or you didn't?

3 BY MR. JONATHAN FARMER:

4 Q. You didn't tell me that or you didn't ask?

5 A. I didn't ask about any other judges.

6 Q. Okay. All right. Did you forward all of the
7 written reports to disciplinary counsel?

8 A. To the best of my knowledge.

9 Q. As with the other reports we've talked about,
10 Exhibits 1 and 2, was there information that was related
11 to you that didn't make its way to the report?

12 A. Probably not. Notes that I made about specific
13 lawyers, that you ought to contact this lawyer, you
14 ought to contact that lawyer, that sort of thing.

15 Q. To your knowledge, has Judge Daniel contacted any
16 of these lawyers?

17 A. Oh, no.

18 Q. Was there anything in your report exculpatory to
19 Judge Dumas, favorable to Judge Dumas?

20 A. All the people I interviewed throughout this have
21 indicated to me that Judge Dumas is an exceptionally
22 good jurist and fair and well thought of --

23 Q. Okay.

24 A. -- with the --

25 Q. I'm sorry.

1 A. With the exception of her attendance.

2 Q. And you told that to Judge Daniel?

3 A. Yes.

4 Q. Okay. That's in your report?

5 A. Verbally.

6 Q. All right. You didn't put that in your report?

7 A. I did tell him. I probably didn't put it in the
8 report, no.

9 Q. Why wouldn't you put that in the report?

10 A. I don't recall specifically putting it into the
11 report, but I transmitted it to him orally.

12 Q. Okay. So what you're telling me is, what I'm
13 hearing you say is that for all your reports you put all
14 the bad things in there and then would tell him all the
15 good things orally?

16 A. No, I put good things in there if there's a...

17 Q. But you didn't put that she's a good judge in the
18 report?

19 A. I probably did. I just don't recall that.

20 Q. Now you think maybe you did?

21 A. I don't know.

22 Q. It should be in the report; is that correct?

23 A. It could be.

24 Q. It should be?

25 A. It could be.

1 Q. Did you interview other judges about Judge Dumas?

2 A. Yes.

3 Q. Who?

4 MR. McHALE: Do you need to talk to me?

5 MR. JONATHAN FARMER: This is the area we
6 discussed earlier.

7 MR. McHALE: That being the area where he --
8 he can talk about or we seem to have -- for today have
9 an agreement that he can tell you who he talked to but
10 only to the extent of his investigation of Judge Dumas?

11 MR. JONATHAN FARMER: Correct.

12 MR. McHALE: Do you understand the
13 boundaries here? If you talked to Judge X about
14 Judge Dumas' situation, that's fair game today. With
15 that proviso, let's go ahead. Okay?

16 MR. JONATHAN FARMER: That is correct. Let
17 me ask the question again.

18 BY MR. JONATHAN FARMER:

19 Q. Did you speak to any judges regarding the
20 investigation of Judge Dumas?

21 A. Other judges spoke to me about Judge Dumas.

22 Q. Who were those other judges?

23 MR. McHALE: If it's information related to
24 this investigation of Judge Dumas, go ahead and tell
25 him.

1 A. Judges Robinson and Moreland.

2 BY MR. JONATHAN FARMER:

3 Q. Did Judge Eisenstein ever speak to you?

4 A. Judge Eisenstein spoke to me on the telephone.

5 Q. Okay. Did Judge Higgins ever speak to you?

6 A. Negative.

7 Q. Judge Evans?

8 A. Negative.

9 Q. Judge Ruben?

10 A. Negative.

11 Q. Judge Mondelli?

12 A. Negative.

13 Q. You spoke to Dumas, right, you spoke to Moreland,
14 Robinson and Eisenstein. What about
15 Judge Holt?

16 A. No.

17 Q. Did I say Mondelli?

18 A. I spoke to no other judges.

19 Q. Okay. Judge Turner, Judge Dalton?

20 A. I spoke to no other judges.

21 Q. Okay. Do you know Judge Dalton?

22 A. No.

23 Q. Tell me about your conversation with Judge Gale
24 Robinson as related to Judge Dumas.

25 A. At approximately the same time as the interview

1 with Judge Dumas, the media was going on and
2 Judge Robinson inquired if I was involved with an
3 investigation of Judge Dumas.

4 Q. And what did you say?

5 A. I replied to him that I was gathering information
6 on a lot of different subjects.

7 Q. What did he say in response to that?

8 A. He said I understand, and then he had other
9 comments, most of which were just casual conversation.

10 Q. Did he ever say anything else about Judge Dumas?

11 A. No.

12 Q. Did you ever say anything else to him about
13 Judge Dumas?

14 A. No.

15 Q. To your knowledge, have Judge Robinson and
16 Judge Daniel ever discussed Judge Dumas?

17 A. I would not have that knowledge.

18 Q. So when you tell me that Judge Robinson talked to
19 you about Judge Dumas, what he said is, are you
20 investigating Judge Dumas?

21 A. He asked.

22 Q. And that's it?

23 A. He asked.

24 Q. And that's it?

25 A. That's correct.

1 Q. What about Judge Moreland?

2 A. Basically the same conversation.

3 Q. Was this on the same day?

4 A. Yes.

5 Q. Okay. Explain that conversation to me.

6 A. I was engaged in conversation with
7 Judge Moreland, and he asked at the conclusion of a
8 previous conversation, what about the issue with
9 Judge Dumas, and I said, I'm gathering information in
10 that regard. Do you have anything to provide, which I
11 probably asked Judge Robinson the same question, and
12 neither of them replied with anything of any substance.

13 Q. Well, what did they reply with?

14 A. They replied that they were sorry all this had
15 come out, it looked bad for the judiciary, and that Phil
16 Williams was a butthole for doing all this. They felt
17 like they had been singled out, all of them in that
18 regard, and that they wished that it would go away.

19 Q. Did either of them say anything negative about
20 Judge Dumas?

21 A. Neither of them said anything negative about
22 Judge Dumas.

23 Q. Did either of them say anything positive about
24 Judge Dumas?

25 A. Judge Dumas? No, no, they didn't.

1 Q. Did you feel like they were trying to get you to
2 investigate Judge Dumas?

3 A. No.

4 Q. What about Judge Eisenstein?

5 A. I wouldn't know Judge Eisenstein if I met him in
6 a phone booth.

7 Q. Well, you said you talked to him.

8 A. I talked to him on the telephone.

9 Q. Okay. Well, so what about that, tell me about
10 that?

11 A. Sometime later I was conducting some follow-up
12 issues in the courthouse. When I entered, I identified
13 myself seeking some docket information in both the
14 criminal and civil dockets of the General Sessions
15 Court. I was tasked by Judge Daniel to also get some
16 additional information from the personnel department
17 located in the courthouse. I talked to the civil court
18 clerk, identified myself and presented her a card,
19 talked to criminal court clerk, presented my card, all
20 in the public area, and then I went back to the security
21 office where I had left my hat, cold weather, obtained
22 my hat, visited with the personnel officer, and then I
23 returned to my hotel. The phone rang and it was Judge
24 Eisenstein, stein, whatever his name is, who was most
25 upset that I had been in the courthouse waving my badge

1 around, leaving my card, what was I up to. He had been
2 greatly inconvenienced because I had interrupted his
3 dentist appointment because someone in the courthouse
4 had called him and told him that I was in the vicinity.
5 Then -- this was the previous day. Then he was
6 evidently interrupted in court again by my presence in
7 the courthouse. He requested that I meet him the
8 following morning in his courtroom, to which I said, I
9 will be glad to do that, Judge, and I hung up the phone.
10 I then verbally reported this to Judge Daniel who said,
11 you're not going and I will take care of this, and that
12 was my last contact with Judge Eisenstein.

13 Q. Were you around when Judge Daniel called Judge
14 Eisenstein?

15 A. Judge Daniel informed me he would call him.

16 Q. Did you hear the conversation?

17 A. I did not.

18 Q. Were you waving your badge around?

19 A. No.

20 Q. Why do you think Judge Eisenstein thought that?

21 MR. McHALE: I'll object to the form.

22 A. I would have no idea why he thought that.

23 BY MR. JONATHAN FARMER:

24 Q. Think he just made that up?

25 A. He must have made that up.

1 Q. What were you looking for? You were down there
2 two days, it sounds like. What records were you
3 collecting?

4 A. Docket information for specific days to -- or the
5 procedure to find out what docket. I was also seeking
6 the appointment orders for special judges that
7 Judge Dumas may have indicated.

8 Q. Was this all related to Judge Dumas?

9 A. Yes.

10 Q. And you said you were seeking personnel records
11 as well?

12 A. Yes.

13 Q. What was that related to?

14 MR. McHALE: If I might inquire, don't we
15 have a confidentiality agreement with someone pertaining
16 to personnel records and didn't you have some dealings
17 with that?

18 MR. JONATHAN FARMER: With Bill Ramsey.

19 MR. McHALE: Yes. Yes.

20 MR. WILLIAM FARMER: Is that what we're
21 talking about here?

22 MR. McHALE: Well, I'm asking.

23 MR. JONATHAN FARMER: We have a protective
24 order that we're a party to as to the records.

25 MR. McHALE: And does this questioning, in

1 your judgment, breach that?

2 MR. JONATHAN FARMER: No, that --

3 MR. WILLIAM FARMER: We're not going to ask
4 what records -- what's in the records.

5 MR. JONATHAN FARMER: No. That order
6 protects private information of Judge Dumas' daughter,
7 social security number, date of birth, banking records.
8 I'm certainly not going to ask this gentleman those
9 questions.

10 MR. McHALE: Okay. Go ahead, Jim, and
11 answer it.

12 THE WITNESS: What's the question?

13 MR. McHALE: Well, yeah.

14 THE WITNESS: Why was I at the personnel
15 office?

16 MR. JONATHAN FARMER: Yes.

17 A. I went to the personnel office to determine who
18 the personnel officer was.

19 BY MR. JONATHAN FARMER:

20 Q. Who was the personnel officer?

21 A. I believe her name is Gina Fox.

22 Q. Okay. And did you speak with Ms. Fox?

23 A. I did.

24 Q. And what did you talk to her about?

25 A. Prior to talking with me, she went and got

1 another employee as a witness, and then she proceeded to
2 inform me that she would not even tell me what day it
3 was, nor the time of the day, nor would she answer any
4 question that I had.

5 Q. Why did she do that?

6 A. By order of Judge Eisenstein.

7 Q. Oh. Did you have any -- did you ever tell her
8 what you were looking for?

9 A. I did not.

10 Q. Okay.

11 A. I asked her if she would simply identify the
12 personnel keeper of the records.

13 Q. And this is after the complaint has been filed;
14 is that correct?

15 A. Oh, yes.

16 Q. Okay. And you didn't have a subpoena?

17 A. Not that day.

18 Q. Okay. You didn't have any court order
19 authorizing you to go down there and get anything; is
20 that correct?

21 A. My objective was to obtain the name of the
22 custodian of the records.

23 Q. And my question is, did you have a court order
24 authorizing you to go down there and get anything?

25 A. No.

1 Q. Did you question Leslie Lammers on that day,
2 either of those days?

3 A. No.

4 Q. Okay. Did Judge Eisenstein tell you anything
5 about Judge Dumas during your conversation with him?

6 A. No.

7 Q. Did you ask him anything?

8 A. No.

9 Q. As related to your investigation into
10 Judge Dumas, did you ask any of the judges that you did
11 talk to about their docket management?

12 A. No.

13 Q. Have you interviewed any litigants or courtroom
14 observers that appear before Judge Dumas?

15 A. Not yet.

16 Q. Have you ever sat in her courtroom?

17 A. I've never seen her in court.

18 Q. Have you ever been into a courtroom when she was
19 supposed to be there?

20 A. I have.

21 Q. Okay. Is that on November 19th of '08?

22 A. And later.

23 Q. Okay. Tell me about later.

24 A. I previously had obtained the schedule of the
25 court and I came to see on the day that I was seeking

1 the docket and special judge appointments, I noted that
2 Judge Dumas was supposed to be in a court, I don't
3 recall specifically which one, and so I went to the
4 court.

5 Q. This is the day that Judge Eisenstein accused you
6 of flashing your badge around?

7 A. That would be the day.

8 Q. Okay. And this would be the day that Ms. Fox
9 said she wasn't going to talk to you?

10 A. That would be the day.

11 Q. Okay. And you don't remember which court you
12 went to?

13 A. No, I don't.

14 Q. Do you remember what time it was?

15 A. Early.

16 Q. What time?

17 A. I believe court was scheduled to start at 9:00
18 o'clock. I was there at 9:00 o'clock.

19 Q. Okay. How long did you sit there?

20 A. Until court convened.

21 Q. What time was that?

22 A. At approximately 9:05.

23 Q. She came on the bench at 9:05?

24 A. No, she wasn't there.

25 Q. Okay. What does court convening mean?

1 A. The guy sits down and says we're open for
2 business.

3 Q. Did a judge come out?

4 A. He did.

5 Q. Okay. A special judge came out?

6 A. Yes.

7 Q. But to date you haven't talked to any litigants
8 or courtroom observers?

9 A. No.

10 Q. Have you sat in Judge Dumas' courtroom any other
11 times?

12 A. No.

13 Q. Have you talked to anyone at the clerk's office?
14 Have you interviewed anyone at the clerk's office?

15 A. I've interviewed someone in the civil clerk's
16 office and in the criminal clerk's office.

17 Q. Okay. Let's talk about the civil clerk. Who did
18 you interview?

19 A. Gosh, I don't remember her name.

20 Q. Okay. Did you take notes of that?

21 A. I did not.

22 Q. Did you write a report of that?

23 A. I did not.

24 Q. What was the substance of the interview?

25 A. I requested the records of the special judges.

1 Q. Did she provide those to you?

2 A. She didn't have any.

3 Q. Okay. Did you talk about anything else?

4 A. No.

5 Q. Did you ever talk to Ricky Rooker?

6 A. Is that a female?

7 Q. No, sir.

8 A. I talked to -- no, not that I recall.

9 Q. So you spoke to one person in the clerk's office
10 -- in the civil court clerk's office?

11 A. Yes.

12 Q. And that was to request special judge forms as
13 related to Judge Dumas?

14 A. Yes.

15 Q. And that's all?

16 A. Yes.

17 Q. What about the criminal court clerk's office?

18 A. Same thing, spoke to Tommy Brantley or Bartley.
19 I don't remember his last name.

20 Q. Bradley?

21 A. Bradley.

22 Q. Okay. Tell me about that.

23 A. I spoke with him in the public area, identified
24 myself, told him what I would like to have, and he
25 agreed to provide it.

1 Q. What is it that you wanted?

2 A. That I wanted to see the appointments of special
3 judges in the criminal court and if he could provide me
4 with information that would show me who the judge was on
5 specific dates.

6 Q. Was he able to provide that?

7 A. He said that he would if I requested it.

8 Q. Well, did he give you anything that day?

9 A. No.

10 Q. Okay. Did he ever give you anything?

11 A. He sent me some email of specific court dockets.

12 Q. Okay.

13 A. But he explained to me his procedure for
14 identifying who the special judge would be.

15 Q. Okay. So you were asking Tommy Bradley about
16 special judge records as well?

17 A. Two things.

18 Q. Okay. Special judge records and what's the other
19 thing?

20 A. Records of dockets for specific dates.

21 Q. Do you recall the specific dates?

22 A. I do not.

23 Q. Do you recall why you were interested in those
24 specific dates?

25 A. I wanted to see who was on the bench that day.

1 Q. Who was scheduled to be on the bench?

2 A. I knew who was scheduled to be on the bench. I
3 wanted to see who was on the bench that day.

4 Q. Were these dates that Judge Dumas was scheduled
5 to be on the bench?

6 A. Judge Dumas was scheduled to be in those courts
7 that day, yes.

8 Q. Okay. What records were you interested in?

9 A. I was interested in seeing the records of who was
10 appointed and what days special judges were appointed to
11 see if they sat in court that day because my records --
12 other records indicated that Judge Dumas was not there
13 that day.

14 Q. When you say not there, do you mean that she had
15 a special judge or that no one was there?

16 A. That she had not entered the building using a key
17 card entry.

18 Q. Okay. But did your investigation reveal that a
19 special judge was there?

20 A. There were instances that special judges were
21 there. There were instances where there were not
22 special judges.

23 Q. Okay. We're going to come back to that. Anybody
24 else in the clerk's office that you interviewed?

25 A. No.

1 Q. Did you forward any interview notes to
2 Judge Daniel regarding anyone from the clerk's office?

3 A. I advised him by telephone that Mr. --

4 Q. Bradley?

5 A. Bradley had the capability to respond with the
6 information that we wanted.

7 Q. Anything else?

8 A. No.

9 Q. What about security personnel? You talked to me
10 about Norman Robinson. Did you ever speak to him again?

11 A. I did.

12 Q. Okay. When was that?

13 A. Not really sure what it was, probably the day
14 that I left my hat in his office, sometime in early
15 2009.

16 Q. Okay. What was the nature of the discussion?

17 A. Mr. Robinson was concerned about the issues of
18 confidentiality of those records and that -- and all of
19 the, I guess, internal -- internal havoc that was going
20 on.

21 Q. What internal havoc?

22 A. Well, he indicated that there was quite an uproar
23 over the investigation of Judge Dumas.

24 Q. Of your investigation of Judge Dumas?

25 A. Yes.

1 Q. So what did he want?

2 A. He was not specific. He didn't want anything.

3 He just indicated that if I needed any other

4 information, I needed to be armed with a subpoena.

5 Q. When did that conversation take place; do you

6 recall?

7 A. Gosh, it would have been early in 2009, the

8 best --

9 Q. Before the complaint was filed?

10 A. No, it would have been after the complaint. Time

11 frame, I just -- I just don't --

12 Q. After the complaint was filed?

13 A. I have not sat down and compiled a time line of

14 this, which I will do prior to trial. But I have not

15 done that yet, so the bits and pieces that we're talking

16 about occurred in like quarterly increments to me and

17 I'm just not able to recall.

18 Q. Did he provide you with any other documents?

19 A. No.

20 Q. The only documents Norman Robinson ever gave you

21 were the documents on November 19, 2008?

22 A. Right.

23 Q. Did he provide Judge Daniel with any documents,

24 to your knowledge?

25 A. Not to my knowledge.

1 Q. Did anyone in Norman Robinson's office provide
2 you or Judge Daniel any records?

3 A. Not to my knowledge.

4 Q. Anyone Norman Robinson supervises provide any
5 documents?

6 A. Not to my knowledge.

7 Q. Do you know what Wackenhut is?

8 A. I do.

9 Q. Okay. Who is that?

10 A. Wackenhut is a contract guard employer.

11 Q. Did you speak to any of their employees?

12 A. I had casual conversations with the people inside
13 the security.

14 Q. Did you speak to any of them in regards to
15 Judge Dumas?

16 A. No.

17 Q. To your knowledge, has Judge Daniel spoken to any
18 Wackenhut employees?

19 A. I would think not.

20 Q. Why were you in the security office? Did you set
21 up camp there when you came?

22 A. If you want to put it that way, yeah.

23 Q. Why?

24 A. Because it was available.

25 Q. Were you invited in?

1 A. Yes.

2 Q. By who?

3 A. Whoever manned the door.

4 Q. You showed up and showed your badge and they said
5 come on in?

6 A. Knock on the door, open the door, can I come in,
7 oh, yeah, come on in. I want to leave my hat here,
8 okay, put it on that filing cabinet.

9 Q. Did you show them any credentials?

10 A. No.

11 Q. They just let some guy off -- did you know these
12 guys?

13 A. They recognized me.

14 Q. From your earlier time?

15 A. From my earlier time.

16 Q. When you came in and showed your credentials?

17 A. Correct.

18 Q. How many times did you set up camp in the
19 security office?

20 A. Two, three.

21 Q. Did you talk to any other security personnel?

22 A. No. Well, I take that back.

23 Q. Okay.

24 A. I have talked to other security personnel.

25 Q. As related to Judge Dumas?

1 A. No, as related to directions in the courthouse.

2 Q. Have you ever spoken with anyone in Judge Dumas'
3 office?

4 A. Leslie Lammers.

5 Q. Okay. You told me you talked to her on November
6 19th, and you think you talked to her when you had your
7 interaction with Judge Eisenstein.

8 A. No, I didn't say I had a conversation. I called
9 Judge Dumas' office for the purpose of, having
10 previously decided that she was the only person that had
11 a record of appointment of special judges and there must
12 have been a phone malfunction, because nothing ever
13 happened. I was never -- I identified myself and no
14 response came, and then Judge Eisenstein called. I
15 don't know how that may have happened.

16 Q. Are you saying that she refused to speak to you?
17 I would appreciate it if you would --

18 A. I'm saying that no one answered the phone.

19 Q. Oh, okay. The phone rang and no one answered?

20 A. The phone was picked up, but no one answered the
21 phone.

22 Q. No one said anything?

23 A. No.

24 Q. Okay. What about Judge Dumas' court officer?

25 A. Have no idea who that is.

1 Q. Okay. Do you know what a court officer is?

2 A. I do.

3 Q. What is it?

4 A. It's a person who attends court with the judge
5 and carries documents back and forth, provides them
6 security.

7 Q. Do you think that a court officer would have
8 knowledge as to a judge's comings and goings?

9 A. I would think so.

10 Q. Were you ever instructed to interview a court
11 officer?

12 A. Not yet.

13 Q. And to date you haven't interviewed a court
14 officer?

15 A. I have not.

16 Q. Have you ever conducted any interviews of anyone
17 with the AOC related to Judge Dumas?

18 A. No.

19 Q. Have you ever conducted interviews or had
20 discussions with anyone in the audit department?

21 A. Metro Audit?

22 Q. Uh-huh.

23 A. Say the question again.

24 MR. JONATHAN FARMER: Will you repeat the
25 question?

1 (Requested portion of record read.)

2 A. No, I have conducted no interviews with anybody
3 in the Metro Audit Department.

4 BY MR. JONATHAN FARMER:

5 Q. Have you had any discussions with anyone in the
6 Metro Audit --

7 A. I've had no discussions with anybody in the Metro
8 Audit Department.

9 Q. Have you had any discussions or interviews with
10 anyone in any audit department?

11 A. I have not.

12 Q. Have you ever reviewed any documents that came
13 from an audit department?

14 A. I have.

15 Q. What were those documents?

16 A. Those documents, I believe, are the key card
17 entry register from 2007 to 2009 regarding Judge Dumas.

18 Q. Did you review a document called an Internal
19 Draft Audit?

20 A. I have not.

21 Q. I want to pass you a letter. I only have one
22 copy. Have you ever seen that?

23 A. Negative.

24 Q. Okay. Judge Daniel never told you about this
25 letter?

1 A. Yes.

2 Q. He has told you about it?

3 A. Yes.

4 Q. What did he tell you about it?

5 A. He told me he was in receipt of the preliminary
6 audit and that information that he obtained we needed to
7 follow up on, which I think was the genesis of him
8 requesting the key card entry data for Judge Dumas along
9 with some of the conduct of the special judges that had
10 been appointed, not specifically by Judge Dumas but, I
11 think, in all areas of the General Sessions Court.

12 Q. So what did he tell you to do?

13 A. He told me to find out the custodian of the
14 records.

15 Q. Okay. And you're telling me this -- you read
16 this letter?

17 A. I just now read it.

18 Q. Okay. Do you know what audit they're talking
19 about?

20 A. I know there was an audit generated by virtue of
21 the Phil Williams report, I think.

22 Q. Are you telling me that you've never seen that
23 audit?

24 A. I have never seen that audit.

25 Q. And all you know about that audit is that

1 Judge Daniel told you that it existed?

2 A. Judge Daniel told me it existed.

3 Q. Did Judge Daniel tell you that he had received a
4 letter saying that it was confidential and that he
5 needed to return the audit.

6 A. Judge Daniel told me that he had received a
7 letter which he believed -- gosh, I don't remember
8 specifically. I think he -- he told me that he was in
9 receipt of the audit and that they now wanted to revise
10 the audit.

11 Q. Did Judge Daniel return the audit, to your
12 knowledge?

13 A. I have no idea.

14 Q. Did he make any comments about whether he was
15 going to or not going to return the audit?

16 A. Not to me.

17 Q. Were the records you received as a result of this
18 audit about the garage records, were they the same
19 records that Norman Robinson provided to you?

20 A. They were in the same form, but a much more
21 complete record.

22 Q. Okay. So Judge Daniel reviewed the audit and
23 then sent you out to gather underlying data from the
24 audit; is that correct?

25 A. Judge Daniel sent me out to do specific things.

1 I don't know if it was derived from his review of the
2 audit or not.

3 Q. And the specific things were to find out the
4 custodian of the records?

5 A. The custodian of the records.

6 MR. JONATHAN FARMER: Can we mark this as
7 the next exhibit, please?

8 (December 10, 2008 letter marked
9 Exhibit Number 4 and filed as a
10 part of this deposition.)

11 BY MR. JONATHAN FARMER:

12 Q. Did you ever talk to Carlos Holt?

13 A. Say the name again.

14 Q. Carlos Holt.

15 A. Wow. Not that I can recall.

16 Q. Mark Swann?

17 A. Mark Swann, I did.

18 Q. Okay. Tell me about that conversation.

19 A. Mark Swann is evidently an employee of the
20 General Services Administration of Davidson County. He
21 indicated to me that he had the capability to recover
22 the key card entry records for the time period that I
23 was interested in.

24 Q. So did he?

25 A. After I served a subpoena on him.

1 Q. Okay. When did that happen?

2 A. I may need to retract that.

3 Q. Okay.

4 THE WITNESS: Did I serve that subpoena or
5 did you serve it?

6 MR. McHALE: I haven't served any.

7 A. I served a subpoena on Mark Swann for those
8 records.

9 BY MR. JONATHAN FARMER:

10 Q. When did that happen? After the filing of the
11 complaint?

12 A. Oh, yeah.

13 Q. Okay. Did you interview anyone else that we
14 haven't talked about in relation to Judge Dumas?

15 A. Not that I can recall.

16 Q. Did you ever talk to any of the lawyers who sat
17 as special judges for Judge Dumas?

18 A. I did not.

19 Q. Did you ever discuss those lawyers with
20 Mr. Daniel?

21 A. I did not.

22 Q. Do you know anything about the lawyers that sat
23 special for Judge Dumas?

24 A. I know nothing specific about any of those
25 lawyers.

1 Q. Do you know who they are?

2 A. I do not. I have seen the names indicated on a
3 report, but I don't know those names.

4 Q. Whose report was that?

5 A. I believe that came from a report furnished by
6 the Metro auditors.

7 Q. Okay. You think that was in the audit?

8 A. I think so.

9 Q. Okay. So you've seen documents in the audit?

10 A. If that was a part of the audit -- the audit
11 Judge Daniel -- that's not true. I have not seen any
12 documents in the audit.

13 Q. So you had seen documents in the audit until I
14 asked you if you had seen documents -- until I asked you
15 that, and then you realized that the audit was
16 confidential and had been withdrawn and now you haven't
17 seen documents?

18 MR. MCHALE: I'll object to form.

19 A. Mr. Farmer, I saw information from the docket. I
20 have never seen the docket -- the audit. I have never
21 seen --

22 BY MR. JONATHAN FARMER:

23 Q. So you've seen information from the audit?

24 A. It is my assumption that information that I was
25 furnished to do an analysis of came from that audit --

1 Q. Okay.

2 A. -- but I served those subpoenas.

3 Q. Okay. And no one ever told you you had to return
4 that information?

5 A. The document with the information that I got came
6 from Judge Daniel.

7 Q. Mr. Daniel -- that's what I'm asking. Mr. Daniel
8 told you, that stuff is confidential, you've got to give
9 it back, it's yes or no?

10 A. No.

11 Q. If you have possession of a confidential draft
12 document, in your experience as an investigator, and the
13 party who gave it to you said it was released in error,
14 shouldn't you return it?

15 A. If I had that information.

16 Q. You should?

17 A. You should.

18 Q. Did you ever collect any dockets from the clerk's
19 office for a judge not related to Judge Dumas -- for a
20 judge that was not Judge Dumas?

21 A. No.

22 Q. Were you ever asked to do that?

23 A. No.

24 Q. How many dockets did you collect from the clerk's
25 office?

1 A. Don't specifically -- no more than two or three.

2 Q. Do you think more than ten?

3 A. Excuse me?

4 Q. You said no more than two or three?

5 A. No more than two or three.

6 Q. Do you remember the dates of the dockets?

7 A. I do not.

8 Q. Okay. Did you review the dockets?

9 A. Yes.

10 Q. Okay. What did your review find?

11 A. I couldn't make heads or tails out of it.

12 Q. You didn't know what it was?

13 A. I knew what it was. It didn't provide me any
14 information.

15 Q. What information were you looking for?

16 A. Who the special judge was or who was on the
17 bench.

18 Q. Did you ask anyone?

19 A. I asked Mr. -- Brantley?

20 Q. Bradley.

21 A. Bradley.

22 Q. What did he tell you?

23 A. He simply provided me the docket that I
24 requested.

25 Q. Did you ask him how to tell who was on the bench?

1 A. I did.

2 Q. And what did he say?

3 A. He said it should be indicated. I just couldn't
4 find it.

5 Q. Okay. These are the dockets from Mr. Bradley,
6 that's who we're talking about?

7 A. Mr. -- it was an email --

8 Q. Okay.

9 A. -- attachment which was rather distorted, and I
10 frankly decided I was going about that the wrong way,
11 that I needed to present myself and go through the
12 exercise of reviewing the dockets and making any copies
13 that I needed to make and get them certified.

14 MR. JONATHAN FARMER: Can you read that
15 answer back, please?

16 (Requested portion of record read.)

17 BY MR. JONATHAN FARMER:

18 Q. Okay. You say going about that the wrong way.
19 Going about what the wrong way?

20 A. Obtaining the information from the dockets.

21 Q. I don't understand what you mean.

22 A. My objective was to determine on specific dates
23 who was holding court in the courtroom that Judge Dumas
24 was scheduled to be, because my records indicated that
25 she was not in the building.

1 Q. Okay.

2 A. I then attempted to determine who held court that
3 day. The only way to do that was to review the docket.
4 Mr.?

5 Q. Bradley.

6 A. Bradley indicated his records would show that.
7 If I would request a specific date, he would provide it.
8 He did -- I did, he did. I simply could not make heads
9 or tails out of it, so I decided the proper way to do it
10 would be to present myself, manually go through the
11 dockets, determine which ones I felt were relevant, make
12 a copy, get them certified.

13 Q. Did you do that?

14 A. I did not.

15 Q. Why not?

16 A. I've not been tasked to do that yet.

17 Q. Okay. So you thought that you should do that,
18 but no one has told you to do that so you haven't done
19 it?

20 A. I thought that might be relevant at some time in
21 the future.

22 Q. But at this point you haven't been tasked to do
23 it. Okay. So you've reviewed two or three dockets?

24 A. I've looked at two or three dockets.

25 Q. And you can't make heads or tails of them?

1 A. I cannot.

2 Q. Okay. Garage records. Now, I see garage
3 elevators and I also have elevator swipes. To you, are
4 those the same records?

5 A. They are depicted on the same sheet of paper.

6 Q. Okay. And you got those from the auditors?

7 A. I got them as a result of the subpoena served on
8 Mr. Swann.

9 Q. Okay. Did you request any garage records or --
10 I'm going to call them elevator records, okay. And when
11 I say elevator records, I'm referring to the records of
12 judges going in and out of the garage and up and down
13 the secure elevator.

14 A. Okay.

15 Q. Is that fair?

16 A. That's fair with me.

17 Q. Is that what we've been talking about?

18 A. That's what we're talking about.

19 Q. Okay. Did you get elevator records of any judge
20 other than Judge Dumas?

21 A. I did not.

22 Q. Okay. Did you review those elevator records?

23 A. I did.

24 Q. Okay. And what did they show?

25 A. They indicated the times and dates that

1 Judge Dumas entered the garage. Sometimes they
2 indicated when she entered the elevator. Sometimes they
3 indicated only an elevator entry.

4 Q. Okay. And did you compile Exhibit 3 based on the
5 elevator records? You're looking at Exhibit 2.

6 A. Yes.

7 Q. We're going to come back to that. Special judge
8 forms, did you collect any of those?

9 A. No.

10 Q. Okay. Were you asked to collect any of those?

11 A. Yes.

12 Q. Why didn't you collect them?

13 A. Nobody has them.

14 Q. Okay. Personnel records, you collected those?

15 A. I did not.

16 Q. Okay. Were you asked to collect those?

17 A. I was.

18 Q. Why didn't you?

19 A. Because the subpoenaed information was provided
20 to Judge Daniel and not me.

21 Q. Okay. Were you asked to collect special judge
22 forms or personnel records for any judge other than
23 Judge Dumas?

24 A. No.

25 Q. Were you asked to collect any other documents

1 related to Judge Dumas that we haven't discussed?

2 A. Yes.

3 Q. Okay. What were those?

4 A. I collected a certificate of live birth, the
5 birth of her daughter's child.

6 Q. And why did you collect that?

7 A. Because Judge Daniel asked me to.

8 Q. Do you see any relevance in a certificate of live
9 birth for her granddaughter?

10 MR. McHALE: Object to the form.

11 A. I do.

12 BY MR. JONATHAN FARMER:

13 Q. What is it?

14 A. As it relates to the employment of Judge Dumas'
15 daughter.

16 Q. How so?

17 A. It would be a concept that Judge Dumas' daughter
18 worked there during her pregnancy and subsequent birth,
19 and then soon afterwards she retired.

20 Q. Did you investigate that?

21 A. I did not. I looked at the dates.

22 Q. Do you know anything about that --

23 A. No.

24 Q. -- other than the dates?

25 A. No.

1 Q. Were you asked to look into that?

2 A. No. I didn't collect the live birth information.
3 I simply made application and had it mailed to the
4 disciplinary counsel. I have no knowledge of what it
5 said.

6 Q. Do you know what the presiding judge is in
7 Davidson County General Sessions Court?

8 A. I know that -- I believe that Judge Eisenstein is
9 the presiding judge, and that's a rotating duty.

10 Q. Do you know who was the presiding judge during
11 your investigation?

12 A. I do not.

13 Q. Do you know who was the presiding judge during
14 the time frame that you were investigating?

15 A. It would be my assumption that it would be
16 Eisenstein.

17 Q. Okay. Do you know what the presiding judge does?

18 A. No.

19 Q. Okay. Did anyone ask you to find out who the
20 presiding judge was?

21 A. No.

22 Q. Did anyone ask you to find out what the presiding
23 judge does?

24 A. No.

25 Q. Would it matter to your investigation if you knew

1 that Judge Dumas was the presiding judge?

2 A. Not a bit.

3 Q. Would it matter to your opinion as to her
4 presence at dockets if you knew she had other duties to
5 attend to as the presiding judge?

6 A. No.

7 Q. Why not?

8 A. Because if she had other duties, it would be my
9 assumption she would have found some way to sufficiently
10 take care of those issues.

11 Q. So if she had -- bear with me here. If we assume
12 Judge Dumas was the presiding judge and we presume that
13 she had official duties related to being a presiding
14 judge and she went and got a special judge to cover her
15 docket, would that be acceptable?

16 MR. McHALE: Object to the form.

17 A. It would not be my -- as far as I'm concerned, it
18 would be acceptable.

19 BY MR. JONATHAN FARMER:

20 Q. All right. Did you observe any other -- did you
21 sit in court and observe any other judges to determine
22 their docket patterns?

23 A. Yes.

24 Q. Whose?

25 A. Judge Robinson, Judge Moreland. I don't recall

1 the other judge's name.

2 Q. Why did you do that?

3 A. I was curious.

4 Q. Curious as to what issue?

5 A. As to the way Judge Dumas had indicated to me she
6 conducted her activities in the citations court.

7 Q. Did you observe those judges in the citations
8 court as well?

9 A. On one occasion I did.

10 Q. And you don't remember the name of the other
11 judge?

12 A. It was a lady judge.

13 Q. Okay. Was she older or younger?

14 A. Turner?

15 Q. Dianne Turner?

16 A. Turner.

17 Q. Okay.

18 A. Okay. By observing, I only stuck my head in, sat
19 there for a few minutes, left.

20 Q. Okay. When did this happen?

21 A. Gosh, I don't recall.

22 Q. Was it all in the same day?

23 A. Various times when I had lapses in the schedule.

24 It was a simple matter to walk down and see what court
25 was in session, and I would go in, sit for a few minutes

1 and leave.

2 Q. Do you remember which courtroom you went to?

3 A. No.

4 Q. Do you remember what time you went?

5 A. No. Made no record of it, just casual
6 observation.

7 Q. Did you draw any conclusions from it?

8 A. No.

9 Q. Were the judges on the bench?

10 A. Excuse me?

11 Q. Were the judges on the bench?

12 A. Yes. Oh, yes.

13 Q. Was Judge Robinson on the bench?

14 A. Yes.

15 Q. Was Judge Moreland on the bench?

16 A. Yes.

17 Q. Was Judge Turner on the bench?

18 A. Yes.

19 Q. But you don't have any recall and no notes as to
20 which docket it was, what time you observed?

21 A. I did observe one time in the citations because I
22 felt that was relevant because that's the only issue
23 that Judge Dumas had seemed fit to explain to me how she
24 conducted her courts. I did not observe her, nor did
25 she explain to me anything about how she conducted

1 civil, criminal, mental health or any of those other
2 issues, nor did I observe any other judges in those
3 venues, although two judges, two judges, I do recall
4 observing them, but I don't recall which court they were
5 in.

6 Q. Which two was that?

7 A. Judge Robinson I did see in the citations.

8 Q. But you don't know what time?

9 A. No, I do not.

10 Q. Okay. Did you ask Judge Dumas about her docket
11 process through other courts that you referenced, the
12 criminal, the civil, the mental health, the
13 environmental, did you ask her?

14 A. No.

15 Q. You're not suggesting she was under some sort of
16 affirmative duty to volunteer that to you, are you?

17 A. If she thought it was pertinent, I would imagine
18 she would have mentioned it.

19 Q. Did you think it was pertinent?

20 A. I did not.

21 Q. Do you think it's pertinent today?

22 A. Yes, it would be today.

23 Q. Okay. Have you done any other investigation into
24 Judge Dumas' docket management on this issue of lateness
25 that we haven't discussed already?

1 A. I've performed the analysis based on the records
2 that were provided to me by the subpoena. I have
3 completed the dockets -- the documents that you see in
4 front of me, which I believe are accurate and show
5 attendance figures, late figures, special judges
6 appointed.

7 Q. That's Exhibit 3?

8 A. Yes.

9 Q. Okay. Have you done anything else related to the
10 lateness issue?

11 A. I didn't hear the last part of your question.

12 Q. Have you done any other investigation related to
13 the lateness issue that we haven't discussed already?

14 A. We've talked about the key card records. No.

15 Q. Okay. Have you generated any documents that we
16 haven't discussed -- we haven't talked about already?

17 A. Yes.

18 Q. All right. Relating to Judge Dumas?

19 A. Yes.

20 Q. What are they?

21 A. A series of calendars.

22 Q. A series of calendars?

23 A. Yes.

24 Q. Okay. What do these calendars show?

25 A. The calendars are color-coded to show certain

1 data with regard to her attendance.

2 Q. Where are those calendars?

3 A. Where are they?

4 Q. Uh-huh.

5 A. I don't know. I have a copy of them on my
6 computer.

7 Q. Okay. Would you give those to Mr. McHale?

8 MR. McHALE: Sure.

9 THE WITNESS: It's my understanding you've
10 already seen them.

11 MR. McHALE: Let's take a break. Can we?

12 MR. JONATHAN FARMER: Do you want to take a
13 lunch break?

14 MR. McHALE: How do you feel about eating,
15 Jim?

16 THE WITNESS: I would rather get this over
17 with.

18 MR. McHALE: I asked Judge Daniel about that
19 specific issue and he led me to believe, if I understood
20 correctly, that he gave you those color-coded things at
21 the mediation.

22 MR. JONATHAN FARMER: He let us look at
23 them.

24 MR. McHALE: He thought you made a copy.

25 MR. JONATHAN FARMER: Huh-uh, we were told

1 we couldn't make a copy.

2 MR. WILLIAM FARMER: Is that what we're
3 talking about, the mediation?

4 MR. McHALE: Yeah, yeah, yeah.

5 MR. WILLIAM FARMER: We've seen them, but we
6 don't have copies.

7 MR. McHALE: Okay. So specifically you want
8 those?

9 MR. JONATHAN FARMER: Yes.

10 MR. WILLIAM FARMER: Your computer is not
11 here?

12 THE WITNESS: No.

13 MR. McHALE: Is everyone willing to go
14 forward.

15 MR. JONATHAN FARMER: Sure.

16 MR. McHALE: Let's take a couple of minutes.

17 (Lunch break observed.)

18 BY MR. JONATHAN FARMER:

19 Q. Okay. Mr. LaRue, before we broke for lunch, we
20 were talking about whether or not you had generated any
21 documents that we hadn't already discussed, and you were
22 referencing a color-coded calendar. Are there any other
23 documents?

24 A. Only the documents associated with the calendar,
25 how to read it, what the color codes mean, things like

1 that.

2 Q. What documents are associated with the calendar?

3 A. I think I furnished like a sheet with an email
4 attachment that says red means not there, blue means
5 here.

6 Q. A code on how to read --

7 A. Yeah.

8 Q. -- the calendar?

9 A. That's what it was, correct.

10 Q. Did you generate any other documents?

11 A. No, not that I can recall.

12 Q. Do you know when Judge Daniel met with the
13 investigative panel in the case?

14 A. No, I do not.

15 Q. You didn't appear?

16 A. I did not.

17 Q. Have you ever appeared before an investigative
18 panel?

19 A. No.

20 Q. Did Judge Daniel request that you prepare a
21 report for him to take to the investigative panel?

22 A. No.

23 Q. Have you ever done that in the past?

24 A. No.

25 Q. Did Judge Daniel request that you make a

1 recommendation?

2 A. No.

3 Q. Have you ever done that in the past?

4 A. You don't know Judge Daniel.

5 Q. Is that a no?

6 A. That's a no.

7 Q. Are you aware of what information he presented?

8 A. I am not.

9 Q. Are you aware if he presented any favorable
10 evidence about Judge Dumas?

11 A. I'm not aware of any information he presented.

12 Q. Do you believe you provided him with all the
13 favorable evidence that you knew about Judge Dumas?

14 A. Provided or briefed him on that, yes.

15 Q. And that includes the reports from the attorneys
16 who unanimously said she was a good judge?

17 A. Most specifically, yes.

18 Q. After the complaint was filed in this matter --
19 do you remember when that was?

20 A. I do not.

21 Q. Okay. I believe it was September of '09.

22 A. Okay.

23 Q. Does that sound about right?

24 A. Okay.

25 Q. You continued to collect evidence, is that

1 correct, after the complaint was filed?

2 MR. McHALE: I'll object to the form. The
3 word "evidence" is my problem with that.

4 A. I collect information to this day.

5 BY MR. JONATHAN FARMER:

6 Q. You collected information?

7 A. To this day.

8 MR. McHALE: See, that's why lawyers aren't
9 allowed to talk in part of their objections.

10 BY MR. JONATHAN FARMER:

11 Q. And there was a period of time after the
12 complaint was filed until you started gathering
13 information pursuant to court-issued subpoenas; is that
14 correct?

15 MR. McHALE: I'll object to the form.

16 A. Please say the question again.

17 MR. JONATHAN FARMER: Will you read the
18 question?

19 (Requested portion of record read.)

20 A. That's correct.

21 BY MR. JONATHAN FARMER:

22 Q. Okay. In that period of time, that window, were
23 you still gathering information?

24 A. I would have to consult my calendar to be able to
25 answer that positively, but I don't think we had any

1 data to work with, so I worked other issues during that
2 period of time.

3 Q. Did you serve administrative subpoenas during the
4 window that I'm referring to?

5 A. Gosh, I don't remember what dates the subpoenas
6 were, but I served subpoenas on Gina Fox, Mark Swann. I
7 believe those are the only two subpoenas I served.

8 Q. And we're talking about in the window that I'm
9 talking about, or do you know?

10 A. I'd have to rely on your dates because I don't
11 recall. The subpoenas themselves would reflect the
12 proper date.

13 Q. Were they court-ordered subpoenas or what I'm
14 calling administrative subpoenas?

15 A. I believe they were administrative subpoenas.

16 Q. Okay. And you think those were issued after the
17 filing of the complaint?

18 A. I think so.

19 Q. Now, you told me earlier that you were familiar
20 with the Federal Rules of Civil Procedure.

21 A. I am.

22 Q. And the Tennessee Rules of Civil Procedure as
23 well?

24 A. I am familiar.

25 Q. Okay. Are you aware of the rules relating to

1 serving a subpoena after a complaint is filed?

2 A. Yes, I am.

3 Q. What are those rules?

4 A. I don't have the rules in front of me and I don't
5 make it a practice to memorize the rules and try to
6 recite them to some attorney.

7 Q. What is the essence of the rule?

8 A. The rule is notice.

9 Q. Okay. Did you provide notice of these
10 administrative subpoenas that we're discussing?

11 A. I complied with my instructions. I did not feel
12 obligated to provide notice.

13 Q. What were your instructions?

14 A. Serve the subpoenas.

15 Q. Were you aware that the documents collected
16 weren't being provided to the adverse party?

17 A. Say that again.

18 Q. Were you aware that the documents you collected
19 weren't being provided to the adverse party?

20 A. First, I didn't collect any documents. Secondly,
21 the disposition of the documents, I have no knowledge.

22 Q. Okay. Is it fair to say that your investigation
23 was going on in secret at this point?

24 A. Charges had been filed?

25 Q. Uh-huh.

1 A. No, gloves were off.

2 Q. Gloves were off, what does that mean?

3 A. Not confidential anymore.

4 Q. I'm going to show you a letter dated February
5 18th of 2010.

6 A. Is this the same letter?

7 Q. No, sir.

8 MR. McHALE: I'm sorry, are these two the
9 same?

10 MR. JONATHAN FARMER: Oh, yes, those are the
11 same. Those are the same.

12 BY MR. JONATHAN FARMER:

13 Q. Have you read it?

14 A. Yes.

15 Q. Have you ever seen that letter before?

16 A. I have not.

17 Q. Has Judge Daniel ever discussed the contents of
18 that letter before?

19 A. No.

20 Q. Or the substance of that letter with you before?

21 A. No.

22 Q. As you sit here and read it today, do you believe
23 that letter is in response to your collecting
24 information outside the Rules of Civil Procedure?

25 A. I believe it is in response to my collecting of

1 information if this date is after inquiry was made at
2 the courthouse.

3 Q. Well, I'll represent to you that the complaint
4 was filed in September of 2009.

5 A. Okay.

6 Q. And I'll represent to you that you were at the
7 courthouse inquiring as to the collection of information
8 prior to the date of this letter. Okay. Now, if those
9 representations are correct, does it appear to you then
10 that this letter was written in response to your
11 collection of information outside the Rules of Civil
12 Procedure?

13 A. Well, it would appear to me that this letter is
14 an attempt by the law director to assist Judge Daniel in
15 determining who -- certain individuals that have
16 information and their ability to, I guess, put those
17 people together. As to outside the Rules of Civil
18 Procedure, I'm not going to comment on that.

19 Q. Has Judge Daniel ever received a letter in any
20 other cases regarding your collection of information?

21 A. No.

22 Q. Has he ever received a complaint, to your
23 knowledge, in any other cases regarding your collection
24 of information?

25 A. Complain every day.

1 Q. I'm sorry?

2 A. They complain every day.

3 Q. Who does?

4 A. Everybody that I happen to be working.

5 Q. So every person that you investigate complains?

6 A. Not every person, but Judge -- for instance,
7 Judge Bell didn't like it because I made information
8 calls at the barber shop, left my card at the barber
9 shop. He thought that was somehow unethical maybe, I
10 don't know.

11 Q. So is it fair to say there's lots of complaints?

12 A. It's fair to say that other people resent us
13 asking for information.

14 Q. Okay. And your method specifically? And your
15 method specifically?

16 A. No.

17 Q. No?

18 A. No, not my method specifically, our investigation
19 generally.

20 Q. Do you chalk that up to sour grapes?

21 A. Probably.

22 (Letter dated February 18, 2010
23 marked Exhibit Number 5 and filed
24 as a part of this deposition.)

25 BY MR. JONATHAN FARMER:

1 Q. Okay. Let's talk about Exhibit 3. Will you look
2 at that for me, please?

3 A. Okay.

4 Q. This is the chart. Now, is this information
5 generally the same information that's reflected on the
6 color-coded calendar?

7 A. Correct.

8 Q. And I want you to explain this chart to me. It
9 says --

10 A. Do you have a specific question?

11 Q. So as I read this chart, you go from June of '07
12 through December of '08; is that right?

13 A. That's correct.

14 Q. And then again, you do all of '09?

15 A. Correct.

16 Q. Okay. And the Days Court Scheduled column, what
17 does that mean?

18 A. Those are the days that Judge Dumas was scheduled
19 to be in a specific court.

20 Q. Okay. And how did you learn which court she was
21 scheduled to be in?

22 A. I used the calendar, General Sessions Court
23 calendar, which is a matrix showing the schedules for
24 all the General Sessions judges.

25 Q. And you believe you're able to read that?

1 A. Yes, I believe I'm able to read that.

2 Q. Okay. And using June 7th as an example, then you
3 have a Dumas in Court column. What does that mean?

4 A. She was not there.

5 Q. And then you have a Specially Appointed column
6 that for at least the year '07 is blank. What is the
7 Specially Appointed column?

8 A. No specials were appointed that I could find a
9 record of.

10 Q. Okay. So if I look at June of '07, does this
11 chart mean that she was scheduled to be in --
12 Judge Dumas was scheduled to be in court 21 days and
13 appeared in court zero days?

14 A. According to the key entry register, that is
15 correct.

16 Q. Okay. And then of '07, July of '07, again,
17 scheduled for 21 days and appeared in 8 days?

18 A. That's correct.

19 Q. And so if you add from June of '07 to December of
20 '07, and you've done this, it says, from June 1st of '07
21 to December 31st of '07, she was scheduled to be in
22 court 138 days and was in court 66 days.

23 A. That's what the key card entry reflected.

24 Q. Okay. Well, let's talk about that. What
25 information did you use to make this, to make this

1 chart?

2 A. I used the information provided by virtue of the
3 subpoena which shows the entry into the garage or the
4 entry into an elevator on days that Judge Dumas was
5 reflected to be in court. What is not included is days
6 that she was in mental health, which is an off-site
7 facility, and I don't have any record of that. So I
8 believe that I indicated that I counted on the calendar
9 that you will see, I indicated that I could not prove or
10 disprove whether or not she conducted those courts, so I
11 included that as favorable information --

12 Q. Okay.

13 A. -- that she was there.

14 Q. My question, though, and you started to answer it
15 and then you kind of go off somewhere else.

16 A. Okay.

17 Q. I'm trying to figure out the information you used
18 to make this chart, and you said the elevator swipes or
19 the elevator information.

20 A. Garage entry records.

21 Q. Okay.

22 A. Elevator indicated to me she was present in the
23 building that day.

24 Q. Okay.

25 A. The figures where it says Dumas in Court, for

1 instance, in July of '07, there were eight entries,
2 either key card entry to the garage, key card entry to
3 the elevator, either going up or going down, there were
4 eight instances, eight days where she was there. I know
5 she was there because she used her card -- or somebody
6 used her card. In August, she was scheduled to be in
7 court --

8 Q. All right. I don't mean to interrupt you --

9 A. All right.

10 Q. -- but you're getting off track. I understand
11 what the numbers mean. What I'm asking you is, did you
12 use any other information to gather the numbers? You
13 used the elevator cards and the garage cards. Did you
14 use anything else?

15 A. No.

16 Q. Okay. What did you do to verify the accuracy of
17 the garage card swipes?

18 A. I took that as correct information.

19 Q. So is that nothing?

20 A. It was provided to me as the official record. I
21 assume that it is the official record.

22 Q. Okay. So when I asked you what you did to verify
23 the garage card records, would it be safe to say you
24 didn't do anything?

25 A. I didn't do anything.

1 Q. Okay. What about the elevator records, what did
2 you do to verify those records?

3 A. I did nothing.

4 Q. Okay. If you look at June of '07 and you have
5 Dumas in court zero times, is it your position that
6 Judge Dumas didn't show up in June of '07?

7 A. No.

8 Q. What is your position?

9 A. My position, without looking at that record, is
10 that there was a malfunction in their system in June of
11 '07 and it was not active during that period of time.

12 Q. Does it say that anywhere on here?

13 A. No.

14 Q. What system are you referring to?

15 A. The key card entry system.

16 Q. Did you give this document to Judge Daniel?

17 A. Sure.

18 Q. Prior to the institution of these charges?

19 A. I don't know when I gave the docket to him --
20 this information to him.

21 Q. Well, was it '09 or '010?

22 A. I don't recall when we -- information was
23 compiled from the record -- from the subpoenas that were
24 served. Is that this year?

25 Q. The administrative subpoenas?

1 A. Yes.

2 Q. After the complaint was filed?

3 A. Yes.

4 Q. Okay. So you did this after the complaint was
5 filed?

6 A. I did it after I received the information.

7 Q. How long ago do you think you did it? I'm not
8 going to marry you to it --

9 A. I don't recall.

10 Q. -- but give me an estimate.

11 A. I don't recall.

12 Q. So, again, in July of '07, if Judge Dumas was
13 scheduled to be in court 21 times and was only in court
14 8 times, has it been your position that 13 dockets just
15 simply weren't covered?

16 A. Well, because there's no record -- I could find
17 no record of specials being appointed, that would be my
18 position.

19 Q. Did you do anything to verify if there were 13
20 dockets in July, and possibly 21 dockets in June of '07,
21 that just simply weren't covered?

22 A. I did nothing to verify that except attempt to
23 find the information on the appointed specials.

24 Q. Are you aware if disciplinary counsel or any
25 other body has received a complaint saying, hey, we got

1 a judge that didn't show up in June of '07?

2 A. No.

3 Q. Would you think you would get one of those if a
4 judge didn't show up in June of '07?

5 A. I would think.

6 Q. Is it your position then that 21 times in June of
7 '07, 13 times in July of '07 that people showed up for
8 court to have their cases heard, sat in the courtroom,
9 no judge ever appeared and just wandered off and no one
10 ever said anything about it?

11 A. It is my opinion that the key card entry system
12 does not show Judge Dumas in the building in June of
13 '07. I do believe there was an anomaly in the system
14 that Mr. Swann attempted to explain that there were no
15 records for that. I simply reflect on here the court
16 schedule starting in June of '07 because that's when the
17 calendar started.

18 Q. I'm not talking about the court being scheduled.
19 I'm talking about her being there.

20 A. I agree.

21 MR. JONATHAN FARMER: Will you read back my
22 question?

23 (Requested portion of record read.)

24 A. That is my position.

25 MR. JONATHAN FARMER:

1 Q. Is that your position?

2 A. Yes.

3 Q. Okay.

4 A. Based on the information I have been provided.

5 Q. Okay. Have you taken any steps to verify that
6 position?

7 A. I've not felt compelled to take any steps to
8 verify that position.

9 Q. You mentioned that Mark Swann told you there was
10 a glitch in the computer. Did you say that, a glitch in
11 the --

12 A. That is my recollection, and I think the record
13 indicates there was -- there is a malfunction or a lack
14 of recording during that period of time and maybe one
15 other time in the records.

16 Q. And so I'm clear, 138 days in '07, your count
17 indicates she was in court 66 days, so 72 days there was
18 no judge on the bench?

19 A. Is that a question?

20 Q. Yes, sir.

21 A. I can't say there was no judge on the bench
22 because I've not been provided the specials appointments
23 or someone sitting in for her or days when court was
24 cancelled. I have no idea. I'm telling you the record
25 indicates those were the days.

1 Q. Okay. Well, what are we supposed to take from
2 this record? What is the conclusion to be drawn from
3 this record?

4 A. The conclusion you can draw from this record is
5 there's an attendance problem reflected in the records.

6 Q. Can that attendance problem be quantified based
7 on these records? Are you telling me I can look at this
8 and tell how many times she wasn't in court?

9 A. She was in court?

10 Q. Was not in court.

11 A. That's the information I've been provided.
12 That's what I've derived the data from, yes.

13 Q. And you did this because somebody told you to do
14 this; is that right?

15 A. Sure.

16 Q. Because Judge Daniel told you to do it?

17 A. Sure.

18 Q. In your opinion, should there be more information
19 to go into this chart?

20 A. The information on specials should be included,
21 yes.

22 Q. Okay. And it is included from June of '07 on?

23 A. That's when I was provided information that
24 included the specials.

25 Q. Okay. Anything else? Should you have reviewed

1 any other document that you can think of that should
2 have -- that would give a more accurate picture of
3 Judge Dumas' attendance?

4 A. I could have reviewed each and every docket, yes.

5 Q. You didn't do that?

6 A. I have not yet.

7 Q. Is there anything else you can think of you could
8 have done?

9 A. No.

10 Q. Do you know if this was submitted to the
11 investigative panel?

12 A. I do not.

13 Q. Did you think it was important to understand the
14 Davidson County General Sessions rotation to compile
15 this data?

16 A. The General Sessions?

17 Q. Scheduling rotation.

18 A. Scheduling rotation?

19 Q. Uh-huh.

20 A. Yes.

21 Q. You referred to it as a matrix?

22 A. Yes.

23 Q. Said you could read it?

24 A. Yes.

25 Q. Did someone explain that to you?

1 A. Norman Robinson.

2 Q. Okay. Is that in November of '08?

3 A. Yes.

4 Q. Okay. What is your understanding of the one stop
5 docket?

6 A. I don't have an understanding of the one stop
7 docket.

8 Q. You don't know anything about it?

9 A. No.

10 Q. What is your understanding of the MTMHI docket?
11 MTMHI?

12 A. Middle Tennessee Mental Health Institute?

13 Q. Yes.

14 A. I understand it's conducted off site.

15 Q. Where is it conducted?

16 A. I have no idea.

17 Q. How often does it meet?

18 A. Wednesday and Friday of the weeks the judge is
19 scheduled.

20 Q. What is your understanding of the order of
21 protection docket?

22 A. Don't have an understanding of it.

23 Q. Don't know anything about it?

24 A. I know when it's scheduled.

25 Q. The environmental docket?

1 A. I know it's on the schedule.

2 Q. That's all you know about it?

3 A. That's correct.

4 Q. What about the environmental appeals, are those
5 on the schedule?

6 A. No.

7 Q. What is your understanding of how those are set?

8 A. I have no understanding of that.

9 Q. The traffic docket, do you have any understanding
10 of that?

11 A. I only know when it's scheduled.

12 Q. Same for criminal and civil docket?

13 A. Correct.

14 Q. Is it fair to say you know -- other than the time
15 scheduled, that you know nothing about the dockets of
16 Davidson County General Sessions Court?

17 A. Yes.

18 Q. Did you review the holiday schedule?

19 A. I did not.

20 Q. Okay. Now, your chart indicates that you counted
21 the months of November and December. That's when the
22 holidays are generally; is that correct?

23 A. Correct.

24 Q. But you didn't think to review the holiday
25 schedule?

1 A. I reviewed the court schedule I was provided.

2 I'm not aware of the holiday schedule.

3 Q. Do you know if the court is closed during the
4 holidays?

5 A. I do not.

6 Q. In your other chart, I do believe there's a
7 difference between the color-coded calendar and this
8 chart, and the color-coded calendar shows lateness as
9 well; is that right?

10 A. It does.

11 Q. And if I recall, the basis of that lateness is,
12 again, the elevator swipes and the garage records?

13 A. Yes.

14 Q. Okay. And again, if I recall, what you did is
15 that you looked at the time you felt the docket started
16 and then the first garage swipe and if it was after the
17 time of the docket, then you counted that as late; is
18 that correct?

19 A. I did.

20 Q. Looking at this now and understanding that you
21 could have done other things to verify this, do you have
22 faith in the integrity of the garage records?

23 A. I have no reason to doubt the garage records'
24 integrity.

25 Q. Do you have any reason to accept the garage

1 records' integrity?

2 A. I accept them as sufficient data to prepare this
3 report.

4 Q. But if you're evaluating the overall veracity of
5 the report, do you think the garage records are enough
6 to prove what you're trying to prove with this report?

7 A. I think the garage records are accurate.

8 Q. But you took no steps to verify that?

9 A. No.

10 Q. Did you pull garage records for any other judges
11 for a comparison?

12 A. No.

13 Q. Have you done a comparison of Judge Dumas to
14 other judges based on this data?

15 A. No.

16 Q. Based on any data?

17 A. No.

18 Q. Did you look at the number of cases handled by
19 Judge Dumas?

20 A. No.

21 Q. Did you look at the number of cases handled by
22 any judge?

23 A. No.

24 MR. JONATHAN FARMER: Give me just a minute.
25 Can we go off the record just a second?

1 (Brief pause.)

2 BY MR. JONATHAN FARMER:

3 Q. Looking at the special judges on the chart on
4 Exhibit 3 still, did you distinguish whether a special
5 judge was appointed for an entire day or for a specific
6 docket?

7 A. The information I was furnished showed me judges
8 that were appointed on specific days.

9 Q. On days?

10 A. And sometimes there were multiple judges and
11 other times there were special judges appointed and
12 Judge Dumas was also present.

13 Q. Did you go back and -- on the days where you felt
14 like you had special judge forms that covered an entire
15 day, did you do anything to verify that that was
16 accurate?

17 A. I have attempted to reconcile that with the
18 docket, but I have not done so at this time and I have
19 not been provided the subpoena records. I was provided
20 a handwritten listing showing days that specials were
21 appointed, which I believe was derived from the
22 subpoenaed information.

23 Q. Okay. And that's because you couldn't make heads
24 or tails of the dockets, I believe is what you said?

25 A. In the docket that I was furnished by email.

1 Q. If you'll flip to Page 3 of Exhibit 3, please.

2 A. Page 3?

3 Q. Yes, sir. I'm looking at '09.

4 A. Okay.

5 Q. I have no records. Explain that to me, your
6 notation there were no records.

7 A. As I previously stated, I think there were no
8 records from the 23rd of September through the 30th of
9 September. I have no explanation of why there are no
10 records.

11 Q. These are garage records --

12 A. Yes.

13 Q. -- still? In all of October and all of November?

14 A. That is correct.

15 Q. Do you know if there were records of anyone for
16 those days?

17 A. I do not.

18 Q. You also have no records -- in October and
19 November of '09, you don't have any records of the days
20 court was scheduled?

21 A. Correct.

22 Q. Why is that?

23 A. I don't have anything to compare it to.

24 Q. So you do have records of the days court was
25 scheduled, you just didn't have anything to offset it

1 against?

2 A. Correct.

3 Q. Why didn't you indicate that on the chart?

4 A. I don't have a reason why I didn't indicate it.

5 Q. What is your understanding to have off rotation
6 week? Are you aware they have a week where the judges
7 are off?

8 A. Is that listed as office on the schedule?

9 Q. Okay, office. What is your understanding of
10 that?

11 A. Office time.

12 Q. Okay. What does that mean? Are they supposed to
13 be in court that day?

14 A. It would be presumptuous of me to try to figure
15 out what a judge does during his office time. I have no
16 idea. I know it says office.

17 Q. Okay.

18 A. It is Judge Daniel's representation to me that a
19 judge is supposed to be in the office.

20 Q. Okay. Did Judge Daniel indicate what time the
21 judge is supposed to be in the office --

22 A. Negative.

23 Q. -- on the office day?

24 A. Negative.

25 Q. Is there an off week on the rotation schedule?

1 A. Not to my knowledge.

2 Q. Okay. Are you aware that judges aren't allotted
3 any scheduled off time, what would be called a vacation
4 day?

5 A. I'm aware of that.

6 Q. Okay. Is it your position that judges aren't
7 allowed to take vacation or to be off?

8 A. That is not my position.

9 Q. Okay. Do you think that judges are supposed to
10 be in court during their office days?

11 A. No, I don't think judges should be in court on
12 their office days.

13 Q. Okay. Do you have any opinion at all what a
14 judge should -- a General Sessions judge should be doing
15 in their office on a week when they don't have court?

16 A. I frankly don't give a damn.

17 Q. Has anyone ever expressed to you what they should
18 be doing?

19 A. Office time.

20 Q. But what does that mean?

21 A. It beats the hell out of me, I don't know.

22 Q. You don't know what that means, all right. Have
23 you seen this?

24 A. Yes, I saw this sometime ago.

25 Q. Okay. This is the formal charges filed against

1 Judge Dumas?

2 A. Yes.

3 Q. And it's the charging document as to why we're
4 here today; is that correct?

5 A. Correct.

6 Q. Okay. If you look on the second page, Paragraphs
7 3 and 4, Counts I and II, do you see those?

8 A. I'm getting there. Yes.

9 Q. Count I, Judge Dumas is persistently late in
10 attending court sessions and fails to open court at 9:00
11 a.m. or other designated times for the litigants that
12 appear before her. Do you know of any fact or have any
13 information supporting this count that we haven't
14 already talked about?

15 A. Not that we have not already discussed.

16 Q. Okay. Let's look at Count II. Has consistently
17 failed to attend her dockets and extensively used
18 special judges to hold her dockets. Same question?

19 A. I would not have a comment on whether or not her
20 appointments comply with the law.

21 Q. What about the extensive use of special judges?

22 A. It would appear that a significant number of
23 special judges have been appointed.

24 Q. Okay. And how many; do you know?

25 A. The records would reflect the total numbers.

1 Q. This record that -- you're talking about Exhibit
2 3?

3 A. Correct.

4 Q. Okay.

5 A. For those specified periods of time, that would
6 be the records that I have been able to obtain that she
7 appointed special judges.

8 Q. And also failing to attend, you don't have any
9 facts other than what's reflected on this Exhibit 3; is
10 that correct?

11 A. Yes, that would be fair.

12 Q. Okay. Going to the next page is a statute about
13 special judges. Next page.

14 A. I'm there.

15 Q. Okay. You've told me you're not going to comment
16 on that statute, and that's fine. My question to you,
17 though, is, if Judge Dumas was found to be in violation
18 of that statute, do you believe she's committed a crime?

19 A. It is beyond my pay grade to determine whether
20 Judge Dumas committed a crime.

21 Q. Well, forget Judge Dumas, then. If a judge
22 violates that statute, have they committed a crime?

23 A. I would say that's a fair statement.

24 Q. You think they have committed a crime?

25 A. If a judge violates a statute, then likely they

1 have committed a crime, but I don't make those
2 decisions, nor draw those conclusions.

3 Q. Okay. Let's look at Paragraph 5.

4 A. Paragraph 5.

5 Q. Okay. That's another Tennessee Code Annotated
6 section. Do you see that?

7 A. I do.

8 Q. If a judge is found to have violated that
9 statute, have they committed a crime?

10 A. If a judge has violated a statute, it's likely
11 they have committed a crime. I don't draw those
12 conclusions in the performance of my duties.

13 Q. I'm not asking you to draw a conclusion in the
14 performance of your duty. I'm asking you a question.

15 MR. MCHALE: I'll object to the form.

16 BY MR. JONATHAN FARMER:

17 Q. Let's read subsection (a). All general sessions
18 judges in Class 1, 2 or 3 counties shall devote full
19 time to the duties of such office and shall be
20 prohibited from the practice of law or any other
21 employment which conflicts with the performance of their
22 duties as judge. Do you have any facts to support a
23 charge that Judge Dumas didn't devote full time to the
24 duties of such office?

25 A. I have only the facts that I've presented to

1 Judge Daniel resulting from the information that I was
2 provided. Whether or not that constitutes full time or
3 not, I am unqualified to say.

4 Q. Well, in your lay opinion, and you don't have to
5 be an expert to talk about what full time is or isn't.
6 Do you have any facts that, in your lay opinion, support
7 a charge that Judge Dumas isn't a full-time job judge?

8 A. No.

9 Q. Do you have any facts that Judge Dumas is engaged
10 in the practice of law?

11 A. I see nothing that would indicate that
12 Judge Dumas is practicing law.

13 Q. Have you seen anything that would indicate
14 Judge Dumas is engaged in any other employment other
15 than being a judge?

16 A. I have seen nothing that to me would indicate
17 Judge Dumas is anything other than a General Sessions
18 judge.

19 Q. Okay. Let's go to the next paragraph, Paragraph
20 6 and Subsection A, Canon 1.

21 A. Yes.

22 Q. Then there's another A and it says, "An
23 independent and honorable judiciary is indispensable to
24 justice in our society. A judge should participate in
25 establishing, maintaining and enforcing high standards

1 of conduct and shall personally observe those standards
2 so that the integrity of independence of the judiciary
3 will be preserved." Are you with me?

4 A. Yes, sir.

5 Q. Do you have any facts to indicate Judge Dumas
6 violated that canon in your lay opinion?

7 A. In my lay opinion, yes.

8 Q. Okay. What are those?

9 A. She failed to properly appear at the appointed
10 time and place for court. She hired her daughter in
11 direct violation of what I perceive to be the nepotism
12 law.

13 Q. Any other facts?

14 A. No.

15 Q. Okay. She failed to properly appear. Now, do
16 you base that statement on Exhibit 3 --

17 A. I do.

18 Q. -- on what you compiled in Exhibit 3?

19 A. I do.

20 Q. Do you have any other basis for that statement?

21 A. Only the comments made by the people that I
22 interviewed about her being late on the bench.

23 Q. Okay. Any other basis?

24 A. None that I can recall.

25 Q. Okay. Did you investigate her hiring her

1 daughter?

2 A. I did not.

3 Q. Okay. Do you have any firsthand knowledge of
4 that?

5 A. I have secondhand knowledge of that.

6 Q. Okay. Mr. Daniel told you that?

7 A. Correct.

8 Q. Okay. Did Mr. Daniel tell you that Judge Dumas
9 self reported that violation?

10 A. Yes.

11 Q. Did he tell you that it happened two years prior
12 to this investigation?

13 A. No, I believe he indicated it happened two years
14 after she was hired.

15 Q. After who was hired?

16 A. The daughter.

17 Q. What happened two years after she was hired?

18 A. The self reporting.

19 Q. Okay. I understand. Regardless, two years
20 passed between -- the daughter's employment was two
21 years ago; is that correct?

22 A. I don't know when it was.

23 Q. Okay. Are you aware of any other nepotism cases
24 that have resulted in a public censure?

25 A. Gosh, say that again.

1 Q. Are you aware of any other nepotism cases that
2 have resulted in a public censure?

3 A. Not that resulted in a public censure.

4 Q. Are you aware of any other nepotism cases that
5 resulted in formal charges being filed?

6 A. Yes.

7 Q. But those did not result in a public censure?

8 A. They resulted in a cease and desist.

9 Q. What is a cease and desist?

10 A. Where the judge employed his brother-in-law to
11 run the probation service.

12 Q. That's not an answer to the question of what is a
13 cease and desist.

14 A. The Court ordered him to cease and desist using a
15 company that was owned by his brother-in-law.

16 Q. Is that Judge Bell?

17 A. That was Judge Bell.

18 Q. Okay. Let's look at Subsection B, Paragraph 6,
19 Canon 2 and then there's an A on the top of the next
20 page. A judge shall respect and comply with the law and
21 shall act at all times in a manner that promotes public
22 confidence in the integrity and impartiality of the
23 judiciary. Are you aware of any facts that, in your lay
24 opinion, indicate Judge Dumas did anything to compromise
25 the integrity of the judiciary?

1 A. I think the representation by Mr. Williams in a
2 public forum certainly would erode the public confidence
3 and the integrity of the judiciary.

4 Q. Anything else?

5 A. Not that I can recall.

6 Q. What about the impartiality of the judiciary, do
7 you think Judge Dumas --

8 A. I do not have any information that would reflect
9 that Judge Dumas is impartial.

10 Q. That she was not impartial?

11 A. She is fair.

12 Q. All your information is that she was fair?

13 A. That's what everyone has told me, good judge,
14 fair, makes good decisions.

15 Q. So your only potential complaint with this
16 sentence is that Phil Williams aired a report that might
17 look bad for the judges?

18 A. No, I think it definitely made it look bad for
19 the judges.

20 Q. But you also looked at that report and determined
21 much of it to be false; is that correct?

22 A. What do you base that on?

23 Q. Well, why don't you answer my question.

24 A. No.

25 Q. Did you believe that -- so you believe that she

1 left people on the bench while she went and did beauty
2 treatment and got her dog from the vet?

3 A. I believe that on that day she told me that she
4 had completed her duties in court.

5 Q. Okay. And you said you believe that?

6 A. I believe that.

7 Q. Okay. So then that representation by
8 Mr. Williams in his Channel 5 news report would
9 therefore be false.

10 A. That representation would be.

11 Q. Okay. So other than the Channel 5 report done by
12 Mr. Williams, is there anything else?

13 A. The overwhelming evidence in Exhibit 3 that she
14 has been tardy to court.

15 Q. Are you referring -- did you just refer to this
16 evidence in Exhibit 3 as overwhelming?

17 A. In my opinion.

18 Q. This evidence that's based on the garage records?

19 A. Yeah. It's my lay opinion. You wanted a lay
20 opinion. You got it.

21 Q. Canon C, do you see it?

22 A. Yes, sir.

23 Q. A, "The judicial duties of a judge take
24 precedence over all the judges' other activities." Do
25 you have any information that Judge Dumas violated that

1 canon?

2 A. No.

3 Q. B, "A judge shall hear and decide matters
4 assigned to the judge except for those in which
5 disqualification is required." Do you have any beef
6 with that?

7 A. No.

8 Q. "A judge shall dispose of all judicial matters
9 promptly, efficiently and fairly." Do you have any beef
10 with that?

11 A. I do not.

12 Q. D, "Extra-Judicial Activities in General. A
13 judge shall conduct all of the judge's extra-judicial
14 activities so that they do not cast reasonable doubt on
15 the judge's capacity to act impartially as a judge."
16 You already told me you don't think she was -- that you
17 think she was impartial. Do you stand by that, A(1)?

18 A. I do not think she does anything that would cast
19 reasonable doubt on a judge's capacity to act
20 impartially as a judge, in my lay opinion.

21 Q. Do you think she does anything to demean the
22 judicial office?

23 A. I think the representation of the -- in the
24 public domain would cause an impression that she demeans
25 the judicial office.

1 Q. And we're talking about extra-judicial activities
2 here. So you think going to get the dog and --

3 A. All those things represented by Phil Williams in
4 the various editions of his expose.

5 Q. Okay. Do you consider those to be extra-judicial
6 activities?

7 A. No, I don't consider them to be anything. I
8 consider that they demean the judicial office.

9 Q. But you have no opinion as to whether or not that
10 qualifies as extra-judicial activities?

11 A. No, I have no opinion.

12 Q. Do you know what that means, extra-judicial
13 activities?

14 A. I assume that it means, you know, playing golf
15 for a living when you should be on the bench or
16 something in that regard.

17 Q. You don't think Judge Dumas was doing anything
18 like that?

19 A. I don't think Judge Dumas does extra-judicial
20 activities, to the best of my knowledge.

21 Q. Okay. And you have no firsthand knowledge of the
22 nepotism count; is that correct?

23 A. No firsthand knowledge.

24 Q. Is that a yes?

25 A. No, I have no firsthand knowledge. Yes, I have

1 no firsthand knowledge.

2 Q. I've got a couple of questions I want to circle
3 back to. I think we're getting close. To your
4 knowledge, did Judge Daniel receive copies of dockets
5 from anyone other than you?

6 A. Not to my knowledge.

7 Q. To your knowledge, did Judge Daniel ever receive
8 any dockets from the civil court clerk?

9 A. Not to my knowledge.

10 Q. Okay. Did Judge Daniel not provide you with
11 special judge forms?

12 A. Special judge forms?

13 Q. Yeah.

14 A. No.

15 Q. Do you know what a special judge form is?

16 A. I'm familiar with the form.

17 Q. What is it?

18 A. It indicates that a judge cannot be there and
19 appoint -- and there's a whole bunch of humma humma,
20 it's signed and dated. It's a blank form. I'm not sure
21 if it's a standard form, but I have seen a
22 representation of that form.

23 Q. Okay.

24 MR. MCHALE: How would you spell humma for
25 the court reporter?

1 THE WITNESS: Humma, humma, humma. Ah, it's
2 a military term, I guess.

3 BY MR. JONATHAN FARMER:

4 Q. Have any attorneys -- when you were doing your
5 interviews of attorneys, did any of them refuse to speak
6 to you? Well, let me ask a better question. When you
7 were trying to interview attorneys, when you were
8 gathering information from attorneys, as to Judge Dumas,
9 did any of them refuse to speak to you?

10 A. They were very reluctant to speak to me.

11 Q. What did you do to get them to speak to you?

12 A. I convinced them they should speak to me.

13 Q. How did you do that?

14 A. My pleasing personality, I guess.

15 Q. Did you tell them that they might face sanctions
16 if they didn't?

17 A. No.

18 Q. Did you tell them that they would be obstructing
19 an investigation if they didn't?

20 A. I did not. I furnished them --

21 Q. Did you have --

22 A. I furnished them a copy of an ethics opinion.

23 Q. Okay. Do you have that?

24 A. I let them draw their own conclusions.

25 Q. Do you have that ethics opinion?

1 A. I do. (Tenders document.)

2 Q. When did you provide this -- well, let me ask
3 another question. Who did you show this to?

4 A. I don't recall specifically. I show it to a lot
5 of attorneys.

6 Q. How many do you think in this case?

7 A. In this case?

8 Q. Uh-huh.

9 A. Probably three.

10 Q. Did you show it to them before or after the
11 filing of the Complaint?

12 A. Before.

13 MR. McHALE: I get mixed up on the
14 terminology. Do you mean complaint or formal charges?

15 MR. JONATHAN FARMER: I mean formal charges.

16 A. Before. Maybe. Hell, I don't know, I can't -- I
17 can't read the date on this thing. I don't know whether
18 it was before or after.

19 BY MR. JONATHAN FARMER:

20 Q. Did you tell them that any action would be taken
21 against them if they didn't respond?

22 A. Certainly not.

23 Q. Okay. So if somebody says you did, that would be
24 sour grapes again?

25 A. They're allowed to draw their own conclusion by

1 reading that ethics opinion. So, yeah, that would be
2 sour grapes.

3 Q. Okay. Could someone reasonably conclude that by
4 you giving them this ethics opinion that you were
5 threatening them with sanctions if they don't cooperate?

6 A. I explained that I'm obligated to give them that
7 ethics opinion and they can make their own decision.

8 Q. Why do you think you're obligated to give them
9 this ethics opinion?

10 A. Because so they would know the circumstances if
11 they refused to talk to me.

12 Q. What obligates you to tell them that?

13 A. Nothing obligates me.

14 Q. Is there a rule? Did Judge Daniel tell you to do
15 that?

16 A. Judge Daniel provided me that form and said if
17 someone doesn't want to talk to you, please provide them
18 this form and let them draw their own conclusions.

19 Q. Have you used this form in any other cases
20 besides Judge Dumas'?

21 A. Yes.

22 Q. How many other cases?

23 A. Almost every case.

24 Q. Okay.

25 MR. JONATHAN FARMER: Can we mark this as

1 the next exhibit. Did you get the complaint?

2 MR. McHALE: Let's identify what that is, if
3 you don't mind.

4 MR. JONATHAN FARMER: What I'm marking as
5 Exhibit 7 is an Advisory Ethics Opinion dated the 13th
6 of January 2006.

7 MR. McHALE: And can you make a copy of that
8 so that Mr. LaRue can take one with him?

9 MR. JONATHAN FARMER: Sure.

10 MR. CANTRELL: It's his.

11 MR. JONATHAN FARMER: I'm making it an
12 exhibit.

13 MR. CANTRELL: It's his anyway.

14 THE WITNESS: I have several copies.

15 MR. McHALE: Okay. Well, then, never mind.

16 (Complaint marked Exhibit Number 6;
17 Advisory Ethics Opinion marked
18 Exhibit Number 7 and both were
19 filed as a part of this
20 deposition.)

21 BY MR. JONATHAN FARMER:

22 Q. We've talked a lot today about the
23 confidentiality of the investigation --

24 A. Yes.

25 Q. -- especially those that don't result in formal

1 charges.

2 A. Yes.

3 Q. In your opinion, when you told Judges Robinson
4 and Moreland that you were looking into Judge Dumas,
5 when you confirmed that for them, did you violate that
6 provision?

7 A. No.

8 Q. Why not?

9 A. Because I didn't tell them I was looking into
10 Judge Dumas.

11 Q. You didn't?

12 A. No.

13 Q. Did they ask you about Judge Dumas?

14 A. Yes.

15 Q. And what did you say?

16 A. I said that I was gathering information.

17 Q. In response to a question of are you looking into
18 Judge Dumas?

19 A. In response to?

20 Q. You heard me, Mr. LaRue.

21 A. I'm sorry, I didn't -- I heard you --

22 MR. JONATHAN FARMER: Would you read the
23 question back.

24 THE WITNESS: I heard you, but I didn't
25 understand you. I have difficulty hearing.

1 (Requested portion of record read.)

2 A. I believe my response was, I'm looking into
3 everything in regard to the public announcements by
4 Mr. Williams. They knew I was there in response to
5 those publicity items.

6 BY MR. JONATHAN FARMER:

7 Q. Do you feel like you confirmed for them in any
8 way that you were looking into Judge Dumas?

9 A. I don't think I confirmed for them in any way. I
10 think they knew it.

11 Q. They knew it because they asked you? They knew
12 it because they asked you?

13 A. No. I think it's logical to assume that if an
14 investigator shows up to talk to you, then there is an
15 issue and, in fact, it was public information, and we're
16 going close to the edge here, but I think it was logical
17 to assume that Judge Robinson and Judge Moreland knew
18 what was going on and they knew I was present there for
19 a reason and they assumed that I was also working on
20 Judge Dumas.

21 (Brief interruption.)

22 THE WITNESS: Judge Daniel. I guess he
23 wonders what I'm doing.

24 BY MR. JONATHAN FARMER:

25 Q. Is there any other way to take -- if an

1 investigator shows up and a person asks the
2 investigator, are you investigating Judge Dumas, and the
3 investigator replies, I'm looking into matters, is there
4 a way to take that other than as an affirmative?

5 A. I would imagine not, but it's an anomaly of the
6 system because I don't say I'm investigating until
7 formal charges have been done. I say, I am gathering
8 information, and most reasonable people would say, aha,
9 there's an investigation going. Well, I can't help that
10 assumption. But it is my practice to, until formal
11 charges are filed, to say that I am gathering
12 information. That is my direction from Judge Daniel.

13 Q. Are you familiar with the federal policy
14 regarding -- regarding whether or not a federal
15 investigator can comment as to whether an investigation
16 is pending or not?

17 A. I would neither confirm or deny that.

18 Q. Are you familiar with that policy?

19 A. I'm sorry?

20 Q. You're familiar with that policy?

21 A. I am. It's largely ignored, by the way.

22 Q. By you?

23 A. Not by me.

24 Q. Looking back at Exhibit 3, the compilation of
25 data, if you know that June '07 indicates a malfunction

1 in the system, doesn't that mean that the system is
2 inherently unreliable?

3 A. No, it doesn't. It means that for that period of
4 time they recognized that there were no recordings in
5 that machine.

6 Q. Okay.

7 A. And it was indicated to me that there were no
8 recordings on anybody in that machine.

9 Q. Okay.

10 A. That the system was not -- either not operable or
11 had failed to make any recordings during that period of
12 time.

13 Q. So the system was broken in June of '07, but as
14 long as they know that, the system is okay the rest of
15 the time?

16 A. I don't know that the system was working in June
17 of '07. I know the information they provided to me is
18 indicated here. Whether or not the machine functioned
19 properly or not, I'm not qualified to say.

20 Q. Okay. But you had told me earlier that you were
21 told and you believe that there was a malfunction in
22 June of '07.

23 A. I believe the machine -- I was told --

24 Q. Okay.

25 A. I was told that, that's correct.

1 Q. Now let's accept that as true --

2 A. Okay.

3 Q. -- for the purposes of this discussion.

4 A. Okay.

5 Q. If the machine is malfunctioning in June of '07,
6 do you believe that casts doubt on the integrity of the
7 machine generally?

8 A. No.

9 Q. Okay. And is that because they recognized that
10 the machine malfunctioned?

11 A. And corrected it.

12 Q. Okay. Who told you they corrected it?

13 A. It's my assumption.

14 Q. Okay. No one told you they corrected it?

15 A. No one told me they corrected it.

16 Q. Did you ask anyone if they corrected it?

17 A. No.

18 MR. JONATHAN FARMER: Can we go off the
19 record for just a second.

20 (Brief break observed.)

21 BY MR. JONATHAN FARMER:

22 Q. I just had a couple follow-up clarifications,
23 Mr. LaRue. Explain to me again, I don't think it was
24 clear to me, how you got Judge Dumas' granddaughter's
25 birth certificate.

1 A. I don't have her birth certificate.

2 Q. How did Judge Daniel get it?

3 A. I went to the bureau of vital records and made a
4 request.

5 Q. Okay.

6 A. Public request.

7 Q. A public request?

8 A. Yes.

9 Q. Who did you tell them you were?

10 A. I didn't tell them I was anybody.

11 Q. Did you sign the public request?

12 A. I don't recall whether I signed it or what. I
13 think I wrote them a check.

14 Q. You didn't have a court order for that?

15 A. No, it's a public record.

16 Q. Is it your position that I could go get your
17 birth certificate if I wanted to?

18 A. Absolutely -- negative. You can't get my birth
19 certificate, you can get my record of birth.

20 Q. Okay. Is that what we're talking about here, a
21 record of birth?

22 A. As far as I know, yes.

23 Q. Okay. So are you telling me you didn't request a
24 birth certificate, you requested a record of birth?

25 A. That's correct.

1 Q. And that those things are different?

2 A. As far as I know. They certainly make a
3 distinction at the bureau of vital statistics.

4 Q. What is on a record of birth?

5 A. I have no idea.

6 Q. You didn't look at it?

7 A. I've never seen one.

8 Q. You didn't have any trouble getting it?

9 A. To my knowledge, it was no trouble. I made the
10 application, paid the money and left.

11 Q. And were they supposed to mail it off?

12 A. Correct.

13 Q. Do you know if Judge Daniel got it?

14 A. I don't know.

15 Q. Do you know when Judge Dumas' daughter was
16 discharged from her employment as a court officer?

17 A. I do not.

18 Q. You don't have any knowledge whatsoever of that?

19 A. No.

20 Q. No one has told you?

21 A. No.

22 Q. Do you know if Judge Dumas' daughter took the
23 medical insurance while she was a court officer?

24 A. I do not.

25 Q. No one has told you?

1 A. No.

2 Q. You indicated that you had interviewed
3 Judges Robinson and Moreland in connection with this
4 matter. Will you clarify for me the date of those
5 interviews?

6 MR. McHALE: I'll object to the form. Go
7 ahead. Don't worry about the objection, just go ahead
8 and answer.

9 A. Did you say that I did interview them about
10 Judge Dumas?

11 BY MR. JONATHAN FARMER:

12 Q. Yes.

13 A. No, I did not interview --

14 Q. That you spoke to them about Judge Dumas.

15 A. I spoke to them and her name came up in the
16 conversation because of the circumstances.

17 Q. What date did that happen?

18 A. That would have been on or about the 19th of
19 November, 2008.

20 Q. Do you believe it was the same day you
21 interviewed Judge Dumas?

22 A. I'm relatively confident it was the same day.

23 Q. Had you spoken to either of them prior to that?

24 A. Negative. Never laid eyes on them before.

25 Q. Okay.

1 MR. JONATHAN FARMER: Those are my
2 questions.

3 THE WITNESS: There is one other thing.

4 MR. MCHALE: Is it responsive to one of his
5 questions?

6 THE WITNESS: It concerns those attorneys
7 that were interviewed.

8 MR. JONATHAN FARMER: Go ahead.

9 THE WITNESS: It would be my perception that
10 if this information in this proceeding was held in any
11 way to ostracize my daughter's practice of law, I
12 consider it very low form of human being and you brought
13 her up.

14 MR. JONATHAN FARMER: Would you read that
15 back to me, please?

16 (Requested portion of record read.)

17 MR. JONATHAN FARMER: Is that a threat to
18 me, Mr. LaRue?

19 THE WITNESS: That's my lay opinion.

20 MR. JONATHAN FARMER: Is it a threat?

21 THE WITNESS: Negative. It's my lay
22 opinion. You brought my daughter up and she practices
23 in this court, and I think the results of this is going
24 to be problematic for her. That's what I think.

25 MR. JONATHAN FARMER: Why do you think that?

1 THE WITNESS: Well, it is my opinion that
2 what I have done in this case will affect her ability to
3 practice law.

4 MR. JONATHAN FARMER: Has her ability to
5 practice law been affected up to this point?

6 THE WITNESS: I don't know. I don't discuss
7 the issues with her, but when it goes --

8 MR. JONATHAN FARMER: So you have no reason
9 to think that her ability to practice law has been
10 affected at this point?

11 THE WITNESS: I have reason to assume that
12 what I do may spill over onto her.

13 MR. JONATHAN FARMER: Well, despite your
14 assumptions, do you have any facts to support that?

15 THE WITNESS: I have no facts to support
16 that.

17 MR. JONATHAN FARMER: Has your daughter
18 complained about her ability to practice law because of
19 this?

20 THE WITNESS: She's expressed a concern.

21 MR. JONATHAN FARMER: Well, that's
22 different. Has she complained about an actual inability
23 to practice law?

24 THE WITNESS: She's expressed a concern, not
25 a complaint.

1 MR. JONATHAN FARMER: What was her concern?

2 THE WITNESS: Concern was that my activities
3 were going to cause her to be affected in procuring work
4 in General Sessions Court.

5 MR. JONATHAN FARMER: Did she say that
6 that's happened?

7 THE WITNESS: She did not say that had
8 happened. She was concerned about that.

9 MR. JONATHAN FARMER: So at this point there
10 have been no adverse effects on your daughter and her
11 ability to practice law in General Sessions?

12 THE WITNESS: Not that I know of.

13 MR. JONATHAN FARMER: So you felt it
14 appropriate to make a general threat based on some
15 assumptions that you have?

16 THE WITNESS: I felt it was appropriate to
17 say what I did and to make sure --

18 MR. McHALE: I'll object to the form of the
19 question. He answered the question as to whether or not
20 it's a threat.

21 THE WITNESS: What I did is make sure it got
22 on the record of a father's attempt to insulate his
23 daughter from his activities in an official performance
24 of my duties.

25 MR. JONATHAN FARMER: What will happen if

1 she does have trouble in General Sessions?

2 THE WITNESS: Not a thing.

3 MR. JONATHAN FARMER: What will happen to
4 me?

5 THE WITNESS: Not a thing. Not a thing.
6 There's no threat implied or anything. I just wanted it
7 to get on the record since you brought my daughter up.

8 MR. JONATHAN FARMER: Are you saying
9 Judge Dumas better not have a public hearing?

10 THE WITNESS: No, absolutely not. I'm
11 saying if it does go public, I think it's going to
12 affect my daughter.

13 MR. JONATHAN FARMER: What are we supposed
14 to do?

15 THE WITNESS: I don't know what you're
16 supposed to do.

17 MR. JONATHAN FARMER: Then why are you
18 telling me this?

19 THE WITNESS: I'm not asking you to do
20 anything.

21 MR. JONATHAN FARMER: Then what is the point
22 of your statement?

23 THE WITNESS: The point of the statement was
24 to get it on record so that she at one time would know
25 that my performance should not affect her.

1 MR. JONATHAN FARMER: So that who would know
2 that?

3 THE WITNESS: My daughter.

4 MR. JONATHAN FARMER: So the statement you
5 made to me was for your daughter's benefit?

6 THE WITNESS: For the general benefit of
7 everybody, my lay opinion.

8 JUDGE DUMAS: Is there something that I have
9 supposedly done to her?

10 MR. JONATHAN FARMER: Is there anything
11 Judge Dumas has done to your daughter?

12 THE WITNESS: I'm not aware of anything
13 Judge Dumas has done to my daughter.

14 MR. JONATHAN FARMER: In fact, Judge Dumas
15 appoints your daughter to cases even today. Did you
16 know that?

17 THE WITNESS: I'm sorry?

18 MR. JONATHAN FARMER: In fact, Judge Dumas
19 appoints your daughter to cases even today, did you know
20 that?

21 THE WITNESS: I have no idea. It would not
22 be Judge Dumas I'm concerned about.

23 MR. JONATHAN FARMER: Do you think it would
24 be best to look into these things before you make
25 statements like that?

1 THE WITNESS: My statement is based on my
2 conversations with Judge Eisenstein.

3 MR. JONATHAN FARMER: And what did
4 Judge Eisenstein say?

5 THE WITNESS: Judge Eisenstein --

6 MR. MCHALE: We're going to object to that
7 based on our confidentiality issues as part of your
8 investigation.

9 THE WITNESS: Yeah, let's cut this off.

10 MR. JONATHAN FARMER: Based on what?

11 MR. MCHALE: The Rule 8 confidentiality,
12 matters under investigation. Judge Eisenstein has got
13 an attorney.

14 MR. JONATHAN FARMER: So is it your position
15 that you can bring up a matter and then when questioned
16 about it, then turn around and assert a confidentiality
17 provision?

18 MR. MCHALE: No, sir. You named a specific
19 name -- he brought up the name and you followed up, and
20 I perhaps, had I known he was going to bring up the
21 name, would have made the objection otherwise. I regret
22 that this whole line of comment and discourse has
23 occurred. I think Mr. LaRue has indicated he has
24 nothing to suggest that Judge Dumas has done anything --
25 or suggested anything, implied anything, thought of

1 anything adverse to his daughter's interest. I'm
2 choosing to interpret this as a father's paternalistic
3 concern.

4 MR. WILLIAM FARMER: Can I add something to
5 that? I think the concern that I have in listening to
6 all this, is there some unexplained or misdirected or
7 undirected fear? And I have a daughter, too, Mr. LaRue,
8 I understand, and so does Judge Dumas and --

9 JUDGE DUMAS: And a granddaughter.

10 MR. WILLIAM FARMER: And so does Judge
11 Cantrell. You don't. I understand, I think, what
12 you're saying, but what I don't understand is how, and
13 what I'm very concerned about, is how that affects this
14 case to the point that you would bring that up, number
15 one. And number two -- let me finish. Number two, we
16 are deeply concerned about the way this case has been
17 investigated and brought, as you can tell, and the
18 evenhandedness of it compared to the way other judges
19 have been treated in this matter, as you know. And so
20 that, coupled with this concern you have about your
21 daughter's law practice, is extraordinarily troubling,
22 because you are the one who is charged by the Court of
23 Judiciary with the responsibility of conducting a fair,
24 even, accurate, complete factual investigation with or
25 without opinion. That's what we expected you to do.

1 That's what the Court expects you to do. And now we get
2 to the point where, well, you know, I'm concerned about
3 my daughter, and it just -- it raises serious concerns
4 on my part about Judge Dumas' -- the level of integrity
5 and completeness and accuracy of your investigation.
6 That's my concern, and I'll express it to you.

7 MR. McHALE: I'll respond to that, and we
8 appreciate the teachings. And again, Mr. Jonathan
9 Farmer asked a specific question to try to get to the
10 nature why Mr. LaRue made these gratuitous comments
11 concerning his daughter. Mr. LaRue named another name
12 at which point I interjected because that may involve
13 another matter under investigation. I'd like to believe
14 that Mr. LaRue has clarified he at no time received any
15 information of, from or about Judge Dumas concerning his
16 daughter. This came from another source which is
17 obviously, to me anyway, not having discussed this
18 previously with Mr. LaRue, but as I've heard the
19 dialogue today, the result of something that came to him
20 from another source and that source arose unfortunately
21 out of this matter, as previously detailed in the
22 testimony.

23 MR. WILLIAM FARMER: And that's the concern
24 I have, if it arose. And the other concern, frankly,
25 Mr. McHale, is that Judge Eisenstein is very likely to

1 be a witness in this case.

2 MR. McHALE: Well, maybe he will, maybe he
3 won't.

4 MR. WILLIAM FARMER: Yes, he will.

5 MR. McHALE: Well, maybe he will and maybe
6 he won't, but he can be tested on that issue if it were
7 considered even relevant, which I can't imagine, but
8 Mr. LaRue apparently is expressing that he has some
9 concerns as a result of his conversation with Judge
10 Eisenstein that he talked about earlier in his
11 deposition today. That, as I understand it, is the
12 motivation for his gratuitous comment.

13 MR. WILLIAM FARMER: I think it's been made
14 relevant. I mean, we know that Judge Eisenstein is
15 going to be a witness in this case in the way the
16 General Sessions Court works, operates, the way the
17 investigation was conducted, and that this is -- if this
18 is in the back of his mind about it and there's some
19 conversation that relates to it, that has to do with it,
20 then, you know, we need to understand what that is.

21 MR. McHALE: I don't think it has anything
22 to do with this case. And I think Jonathan --

23 MR. JONATHAN FARMER: It has to do with the
24 investigation of this case.

25 MR. McHALE: Well, I think Jonathan Farmer

1 asked him about this case and Mr. LaRue answered that
2 about this case and certainly that it has no -- he's not
3 concerned remotely, as I recalled his testimony, as to
4 anything Judge Dumas may or may not have done. And his
5 perception, whether or not it's accurate and whether or
6 not he's just being a father or an investigator or
7 whatever, doesn't at all emanate from Judge Dumas. It
8 came to him from another source at which point he
9 mentioned another name at which point I broke in and
10 interjected that that was another matter under
11 investigation, and we felt that there was the whole Rule
12 8 Court of the Judiciary problem. It's a bit of a
13 quagmire.

14 THE WITNESS: First, let me --

15 MR. McHALE: You know, maybe not. Maybe you
16 ought to talk to Judge Daniel before you do.

17 THE WITNESS: Let me just say one thing.
18 Let me apologize for bringing this up. I meant no
19 threat, I meant no harm. There was nothing indicated by
20 my daughter in regard to Judge Dumas has ever treated
21 her anything other than professionally. It is -- it was
22 my concern that if this goes further public and it's
23 common knowledge she's my daughter, I've been involved
24 in this, that some of the other judges may ostracize her
25 because of her association. I would hope not, I would

1 hope not, and that's why I said I think that would be
2 despicable if they did.

3 MR. JONATHAN FARMER: You also said I
4 brought it up.

5 THE WITNESS: You did bring up my daughter's
6 name.

7 MR. JONATHAN FARMER: So do I have blood on
8 my hands if something happens?

9 THE WITNESS: Oh, absolutely not, unless you
10 -- I've never heard her mention your name, Mr. Farmer.

11 MR. JONATHAN FARMER: I don't know your
12 daughter.

13 THE WITNESS: No -- absolutely no indication
14 toward you. I just wanted to make that statement
15 because I -- as far as professionalism goes, never been
16 treated more professionally by anybody, and the issue,
17 really sorry that I brought it up, but there's no
18 concern on my part about anything that you gentlemen
19 have done or may do. Fair game, my daughter, if you
20 face her in court, have at it. If she faces you in
21 court, have at it.

22 MR. WILLIAM FARMER: I've got maybe a
23 question and I hope it will put some sort of rest to
24 this thing.

25 THE WITNESS: Good.

1 MR. WILLIAM FARMER: Did you consider and
2 advise either Judge Daniel, the Court, that your
3 daughter, in fact, practices on a regular basis in these
4 courts that you're now investigating?

5 THE WITNESS: Judge Daniel taught my
6 daughter at the Nashville School of Law. He's known her
7 since she was born and he knows exactly what she does
8 and where she does it.

9 MR. McHALE: Well, that's not quite what he
10 asked.

11 THE WITNESS: Yeah, he knows she practices
12 in the General Sessions Court.

13 MR. WILLIAM FARMER: I mean, was that
14 discussed as a potential issue that might come up if
15 you're the one that's investigating --

16 THE WITNESS: Yeah.

17 MR. WILLIAM FARMER: -- this Court that your
18 daughter practices in? Was that a concern that you've
19 expressed to --

20 THE WITNESS: It was --

21 MR. WILLIAM FARMER: -- ever expressed to
22 Judge Daniel?

23 THE WITNESS: It was an expression between
24 the two of us.

25 MR. WILLIAM FARMER: What did he say about

1 that?

2 THE WITNESS: He said how do you think this
3 is going to affect Allison. I said, I have no idea. He
4 said, do you think that it might. Well, I don't know.
5 You know, potentially it could.

6 MR. WILLIAM FARMER: Judge Daniel said that?

7 THE WITNESS: We both said that.

8 MR. WILLIAM FARMER: At the very beginning
9 of this?

10 THE WITNESS: At the very beginning of this
11 we both said, hmm, this might be a problem.

12 MR. WILLIAM FARMER: And so the resolution
13 was, full speed ahead?

14 THE WITNESS: We determined to proceed in a
15 professional manner.

16 MR. WILLIAM FARMER: No consideration given
17 to hiring somebody that wouldn't affect your daughter?

18 THE WITNESS: I don't think that was an
19 option.

20 MR. WILLIAM FARMER: Because you're the only
21 investigator that the Court has?

22 THE WITNESS: Yes, sir.

23 MR. WILLIAM FARMER: Is that by law or is it
24 by contract or what?

25 MR. McHALE: It's by budget.

1 THE WITNESS: It's by budget.

2 MR. WILLIAM FARMER: Fifty dollars an hour
3 for you is the same as \$50 an hour for someone else,
4 isn't it?

5 THE WITNESS: It would involve the
6 administrative process and I wasn't involved in that
7 decision making.

8 MR. WILLIAM FARMER: We want to make the
9 record clear and I don't know how to do it, but that
10 Judge Dumas is still appointing your daughter to cases
11 and it's just -- you know, I don't know how else to do
12 it.

13 THE WITNESS: I believe Judge Dumas will
14 continue to act in a professional manner and I have no
15 other expectation, nor do I think my daughter who
16 doesn't discuss this issue with me. This was my
17 concern, not hers. She is -- she has not indicated that
18 she is anything other than concerned that if this goes
19 to full gamut that it might spill over on her. That was
20 my concern when she expressed it to me.

21 MR. JONATHAN FARMER: Mr. McHale, do you
22 have any questions?

23 MR. McHALE: No questions.

24 MR. JONATHAN FARMER: I think that's all.

25 FURTHER THIS DEPONENT SAITH NOT.

1 STATE OF TENNESSEE

2 COUNTY OF DAVIDSON

3 I, MARY THOM VANDERCOOK, Notary Public in and for
4 the State of Tennessee at Large,

5 DO HEREBY CERTIFY that the foregoing deposition
6 was taken at the time and place set forth in the caption
7 thereof; that the witness therein was duly sworn on oath
8 to testify the truth; that the proceedings were reported
9 by me in shorthand; and that the foregoing pages
10 constitute a true and correct transcription of said
11 proceedings to the best of my ability.

12 I FURTHER CERTIFY that I am not related to any of
13 the parties named herein, nor their counsel, and have no
14 interest, financial or otherwise, in the outcome or
15 events of this action.

16 IN WITNESS WHEREOF, I have hereunto affixed my
17 official signature and seal of office this ____ day of
18 _____, 2010, at Nashville, Davidson
19 County, Tennessee.

20

21

22

MARY THOM VANDERCOOK, CCR
State of Tennessee Notary Public

23

24 My Commission Expires: 11/07/2012

25