## ORIGINAL

FILED

SEP 21 2009

#### IN THE TENNESSEE COURT OF THE JUDICIARY

Clerk of the Courts Rec'd By\_\_\_\_\_

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

Docket No. M2009-<u>01938</u>-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

### **REQUEST FOR ADMISSIONS**

COMES NOW Joseph S. Daniel, Disciplinary Counsel for the Tennessee Court of the Judiciary, pursuant to Tennessee Rule of Civil Procedure 36, and propounds the following request for admissions to Honorable Gloria Dumas:

1. That you were at all times relevant herein (as described in the original Complaint in this action), a full time judge of the General Sessions Court of Davidson County, Tennessee, as described in TCA Section 16-15-502.

**RESPONSE:** 

2. That at all times relevant to the Complaint filed in this action, the Judicial Canons of Ethics or Code of Judicial Conduct applied to you.

**RESPONSE:** 

3. That on over 100 occasions since January 1, 2007 you have used or appointed special or substitute judges to perform your duties and responsibilities as Judge of the General Sessions Court of Davidson County, Tennessee.

**RESPONSE:** 

4. That on each and every occasion when you have used or appointed special or substitute judges to perform your duties and responsibilities as Judge of the General Sessions Court of Davidson County, Tennessee, since January 1, 2007, you have continued to receive your full compensation as Judge.

#### **RESPONSE:**

5. That at no time since January 1, 2007, you have complied with the following provision of TCA Section 16-15-209 (a)(1), which reads as follows:

(1) If a special judge is necessary in a county or district with more than one (1) general sessions or juvenile judge, the judge shall interchange within such judge's county, pursuant to  $\underline{\$ 17-2-208}$ . If a judge cannot serve by interchange, a judge may seek to find any current, former, or retired judge, who will, by mutual agreement, sit as special judge. Such designation shall be made by the chief justice of the supreme court.

**RESPONSE**:

6. That at no time since January 1, 2007, you have complied with the following provision of TCA Section 16-15-209 (a)(3), which reads as follows:

(3) If the judge is unable to secure a judge under subdivision (a)(1) or (2), the judge may apply to the administrative office of the courts for assistance in finding a judge to sit by designation as special judge.

#### **RESPONSE:**

7. That at no time since January 1, 2007, you have complied with the following provision of TCA Section 16-15-209 (a)(4), which reads as follows:

(4) Only after exhausting the procedures set out in subdivisions (a)(1), (2) and (3), a judge may appoint a lawyer from a list, on a rotating basis, of lawyers that have been previously approved by the judge or judges of the district or county who are constitutionally qualified, in good standing, and possess sufficient experience and expertise. A lawyer appointed is subject to the following limitations:

#### **RESPONSE:**

8. That you have been advised, requested, or notified in any fashion since January 1, 2007, that your appointment practices failed to comply with state law and that you should alter, modify or amend accordingly your appointment methods, practices, or conduct in the appointment of special or substitute judges.

#### **RESPONSE:**

9. That you have taken no action to alter, modify or amend in any fashion your appointment methods, practices, or conduct in the appointment of special or substitute judges following or as a result of any advise request or notification described in Request No. 8.

#### **RESPONSE:**

10. That the general sessions courts of Davidson County, Tennessee have an established policy of rotating between their various dockets with each general sessions judge off every tenth week or for at least five week per year in addition to any vacation, holiday, leave, sick days or any other absences permitted by employment status or position such as conferences, judicial meetings and so forth.

#### **RESPONSE:**

11. That your selection and employment of your daughter to work in the general sessions was made without competitive employment application processes and due to her family relationship with you.

#### **RESPONSE:**

# DISCIPLINARY COUNSEL WILL E-MAIL THIS DOCUMENT TO THE RESPONDENT UPON REQUEST IF IT WILL FACILITATE THE RESPONSE.

Dated: September 2, 2009 JOSEPH S. DANIEL #002799 DISCHPLINARY COUNSEL 503 North Maple Street Murfreesboro, TN 37130 Phone (615) 898-8004

#### **CERTIFICATE OF SERVICE**

I, JOSEPH S. DANIEL, certify that a true and exact copy of the foregoing was served upon Honorable Gloria Dumas by depositing same in the U.S. Mail along with sufficient postage thereon to insure delivery.

This day of September, 2009 JØSEPH S. DANIEL