

**ORIGINAL**

IN THE TENNESSEE COURT OF THE JUDICIARY

FILED

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

APPELLATE COURT CLERK  
NASHVILLE

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

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**ANSWER OF JUDGE GLORIA DUMAS**

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Comes Judge Gloria Dumas (hereinafter Respondent) and for answer to the Formal Charges filed against her would show to the Court as follows:

1. Respondent admits that the Court has jurisdiction over her pursuant to Tenn. Code Ann. §17-5-102. The Respondent does not have sufficient knowledge of the remaining allegations contained in paragraph 1 to either admit or deny them and to the extent the allegations are relevant she would demand strict proof thereof.

2. The allegations contained in paragraph 2 are admitted.

**COUNT I**

3. Respondent denies that she is persistently late in attending court sessions. Respondent admits that she does not always open court at the time designated for the parties to appear. She would show to the Court that the General Sessions Judges in Davidson County sit on a rotating basis hearing civil and criminal dockets, requests for

orders of protection, traffic violations and other cases. The dockets may be set at 9:00 a.m., 10:00 a.m., 12:00 noon, 2:00 p.m. or at other designated times. The citation docket gives defendants a five-day window in which to appear, and they may appear as early as 7:30 a.m. But it takes time to process them and typically it is much later in the morning before any case is ready for a hearing or an announcement. Respondent would show that she takes up the cases as they are ready.

When assigned to a civil or criminal docket at a specific time, Respondent does not typically open court at the time designated, finding that it saves time to allow the parties to talk prior to opening court and then to take up the cases when they are ready to be tried or an announcement is to be made. This is especially true on the criminal docket, where the District Attorney has not had a chance to talk to the defense lawyer or the victim prior to the designated time.

## **COUNT II**

4. The Respondent denies that she has consistently failed to attend her dockets. She admits that she appointed special judges thirty-three times in 2008 to hear one or more of her dockets and that through March of 2009 she had made twelve such appointments. But she would show to the Court that she was not absent from court for a full day on each of these occasions. The appointment in many cases was for one specific docket or for the special judge to perform a wedding, or for a special judge to hear a case in which the Respondent had a conflict, or because the Respondent was prevented from attending an early docket because of the weather. Respondent denies that she ever left the courthouse before finishing her docket.

Other reasons for which Respondent may have been absent for a full day included illness, attending the judicial conference, or a doctor's appointment. Respondent would show that her division of the court consistently disposes of as many or more cases than the other divisions.

Respondent specifically denies the implication in this paragraph that she was guilty of any impropriety in appointing the same attorney on more than one occasion. She would show to the Court that the special judges are picked by her staff on a rotating basis from a list maintained in her office of qualified attorneys.

Respondent denies that she has violated any law or any of the provisions of the Code of Judicial Conduct based on the frequency with which she appointed special judges or the frequency with which any particular individual was chosen for appointment.

Respondent admits that the statutory language quoted in this paragraph is an accurate quote of Tenn. Code Ann. §16-15-209.

Respondent admits that in appointing special judges that she did not ask the Chief Justice to designate a special judge to serve for her in accordance with Tenn. Code Ann. §16-15-209(a)(1). She admits that she did not ask the Administrative Office of the Courts to find a special judge to fill in for her in accordance with Tenn. Code Ann. §16-15-209(a)(3).

Respondent would show to the Court that it is impossible to comply with those sections of the Code and obtain a special judge on short notice. So, the alternatives are to use §(a)(4) of the statute and appoint a special judge or continue all the cases on the docket with the attendant inconvenience to the lawyers and their clients. Respondent has chosen the former in the interest of serving the public more efficiently.

Respondent would further show to the Court that the practice she uses in appointing special judges is the practice used by virtually all the judges on her court and that the practice has been in use for many years predating the date she was first elected. She would further show that the same practice is in widespread use across the state.

The fact that Respondent is complying with the statute in the same way that numerous other judges in Davidson County and across the state are complying is well known to Disciplinary Counsel. Yet Disciplinary Counsel has not charged anyone else with non-compliance and has singled out Respondent for this Court's selective punishment.

Respondent would show to the Court that this arbitrary application of the law to her alone amounts to selective enforcement of the statute and violates her rights to equal protection guaranteed by the state and federal constitutions.

Respondent would further show to the Court that Disciplinary Counsel has taken extraordinary steps to single her out for punishment. He has conspired with another unknown person or persons to obtain confidential information about her use of the parking garage at her work in violation of Tenn. Code Ann. §10-7-504(i)(1)(c). He has threatened the special judges appointed by her if they do not agree to testify against her.

5. Respondent denies that she has engaged in the outside practice of law or any other conduct that conflicts with the performance of her duties as a judge. She denies that she fails to devote full time to the duties of her office.

6. Respondent denies that she has violated the Code of Judicial Conduct cited in this paragraph.

7. Respondent denies that she has violated Tenn. Code Ann. §17-5-302.

### **COUNT III**

8. Respondent admits that she hired her daughter as her court officer in the latter part of 2005 until September of 2006. She denies that her daughter was unqualified to serve in that position or that she was compensated beyond the fair value of the services rendered.

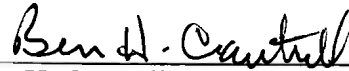
Respondent would further show that she self-reported this fact to Disciplinary Counsel.

### **AFFIRMATIVE DEFENSES**

1. Respondent asserts that Count I of the formal charges should be dismissed because it fails to state a cause of action on which relief may be granted. The Count is totally lacking in clarity and specificity.
2. Respondent asserts that the charges of violating Tenn. Code Ann. §16-15-209(a)(1) and (3) should be dismissed because these charges amount to selective enforcement of the law against her in violation of her right to equal protection guaranteed by the state and federal constitutions.

And now having fully answered the charges against her, Respondent moves that the charges be dismissed.

Respectfully submitted this 24<sup>th</sup> day of November, 2009.



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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 Joseph S. Daniel, 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 24<sup>th</sup> day of November, 2009.



Ben H. Cantrell