

STATE OF TENNESSEE
BOARD OF JUDICIAL CONDUCT

Adm2021-00010

Mailing Address:
P.O.Box 92276
Nashville, TN 37209

James M. Hivner, Clerk
401 Seventh Avenue, North
Nashville, TN 37219-1407
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MEMBERS OF THE TENNESSEE
BOARD OF JUDICIAL CONDUCT

Dee David Gay
Board Chair

July 15, 2021

Andrew G. Brigham
Vice Chair

Marshall L. Davidson, III
Disciplinary Counsel

Judiciary Committee of the House
Representative Michael Curcio
630 Cordell Hull Building
Nashville, TN 37243

Shane Hutton
Assistant Disciplinary Counsel

Jeffrey M. Atherton
H. Allen Bray
Robert Carter, Jr.
Edwena L. Crowe
Rita Ellison
William C. Koch, Jr.
Camille R. McMullen
Albert Mosley
Benjamin Purser, Jr.
Richard Rogers
Dan Springer
Terica Smith
John Whitworth
Robert W. Wilkinson

Dear Representative Curcio:

Please find enclosed the Quarterly Report of the Board of Judicial Conduct covering the period of April 1, 2021 through June 30, 2021 for the Fiscal Year 2020-2021, as mandated by Tenn. Code Ann. § 17-5-207.

Sincerely,

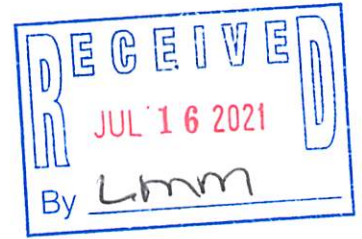


Dee Gay
Board Chair

DDG/sp
Enclosure



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Robert W. Wilkinson

Judiciary Committee of the Senate
Senator Mike Bell
716 Cordell Hull Building
Nashville, TN 37243

Dear Senator Bell:

Please find enclosed the Quarterly Report of the Board of
Judicial Conduct covering the period of April 1, 2021 through June
30, 2021 for the Fiscal Year 2020-2021, as mandated by Tenn.
Code Ann. § 17-5-207.

Sincerely,

Dee Gay
Board Chair

DDG/sp
Enclosure

BOARD OF JUDICIAL CONDUCT
QUARTERLY REPORT
(For the period 4/1/2021 through 6/30/2021)
Due 7/20/2021

FILED
JUL 16 2021
Clerk of the Appellate Courts
Rec'd By Lmm

Adm 2021-00010

The number of complaints OPENED¹ this quarter is 86. Year to date the number is 168.

The number of complaints CLOSED this quarter is 81. Year to date the number is 177.

The DISPOSITION of the complaints closed this quarter is:

		YTD (Year to Date)
Dismissed, complaint about court ruling----	34	89
Dismissed, no jurisdiction -----	0	0
Dismissed, inadequate factual basis -----	31	61
Dismissal with warning -----	2	7
Dismissal after full investigation -----	0	0
Deferred discipline agreement -----	0	1
Private reprimand -----	2	2
Public reprimand -----	0	0
Other -----	12	17
Retired complaint, no longer a judge -----	0	0
Cease and Desist Order-----	0	0
Suspension -----	0	0
Recommendation of removal from office --	0	0
TOTAL	81	177

The number of complaints PENDING on the last day of this quarter is 20.

The number of complaints for which PROBABLE CAUSE WAS FOUND² this quarter is 4.
The number year to date is 6.

1. A single complaint naming several judges is counted as a separate complaint against each judge. A complaint whose allegations encompass more than one category is listed under the most serious category alleged. This Board came into existence on July 1, 2019. Therefore, there is no five-year statistical data to compare. On March 13, 2020, the Tennessee Supreme Court declared a state of Emergency for the Judicial Branch of Tennessee government and suspended in-person court proceedings, with certain exceptions through March 31, 2020. *See In re: Covid-19 Pandemic*, No. ADM2020-00428 (Tenn. 2020). On March 25, 2020, the Tennessee Supreme Court continued the suspension of in-court proceedings through April 30, 2020. *Id.*

2. "Probable cause was found" means that Disciplinary Counsel and the investigative panel believe that there is evidence supporting the allegations against a judge and the investigative panel has authorized a full investigation pursuant to Tenn. Code Ann. § 17-5-303 (c)(2).

The number of complaints for which FORMAL CHARGES WERE FILED this quarter is 0.
 The number year to date is 0.

The NATURE of the complaints filed and the TYPE OF JUDGE according to the following categories is:

A) Failure to comply with the law:		<u>YTD</u>
Criminal -----	9	17
Circuit -----	8	26
Chancery -----	10	13
General Sessions -----	14	24
Juvenile -----	2	2
Magistrate and Referee-----	0	1
Municipal -----	1	1
Commissioner -----	1	1
Probate -----	1	2
Appellate Court -----	0	3
Senior and Retired -----	3	4
Other -----	<u>8</u>	<u>8</u>
TOTAL	57	102 (Non-judge, deceased judge, judge from another state, etc.)

B) Bias, prejudice and unfairness:		<u>YTD</u>
Criminal -----	6	10
Circuit -----	4	6
Chancery -----	3	4
General Sessions -----	3	4
Juvenile -----	0	0
Magistrate and Referee-----	1	2
Municipal -----	0	1
Commissioner -----	0	1
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	0	0
Other -----	<u>0</u>	<u>2</u>
TOTAL	17	30

C) Discourtesy:		<u>YTD</u>
Criminal -----	0	0
Circuit -----	0	0
Chancery -----	0	0
General Sessions -----	5	5
Juvenile -----	0	1
Magistrate and Referee-----	0	0
Municipal -----	0	0
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	0	0
Other -----	<u>0</u>	<u>0</u>
TOTAL	5	6

D) Abuse of office:		<u>YTD</u>
Criminal -----	1	1
Circuit -----	2	6
Chancery -----	0	0
General Sessions -----	2	9
Juvenile -----	0	0
Magistrate and Referee-----	0	0
Municipal -----	0	1
Commissioner -----	1	1
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	0	1
Other -----	<u>0</u>	<u>0</u>
TOTAL	6	19

E) Delay:		<u>YTD</u>
Criminal -----	1	4
Circuit -----	0	1
Chancery -----	0	0
General Sessions -----	0	1
Juvenile -----	0	0
Magistrate and Referee-----	0	0
Municipal -----	0	0
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	0	0
Other -----	<u>0</u>	<u>0</u>
TOTAL	1	6

F) <i>Ex parte</i> communications:		<u>YTD</u>
Criminal -----	1	1
Circuit -----	0	0
Chancery -----	2	2
General Sessions -----	0	0
Juvenile -----	0	0
Magistrate and Referee-----	0	0
Municipal -----	0	0
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	0	0
Other -----	0	0
TOTAL	<u>3</u>	<u>3</u>

G) Disability:		<u>YTD</u>
Criminal -----	0	0
Circuit -----	0	0
Chancery -----	0	0
General Sessions -----	0	0
Juvenile -----	0	0
Magistrate and Referee-----	0	0
Municipal -----	0	0
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	0	0
Other -----	0	0
TOTAL	<u>0</u>	<u>0</u>

H) Political violation:		<u>YTD</u>
Criminal -----	0	0
Circuit -----	0	0
Chancery -----	0	0
General Sessions -----	0	0
Juvenile -----	0	0
Magistrate and Referee-----	0	0
Municipal -----	0	0
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	0	0
Other -----	1	1
TOTAL	<u>1</u>	<u>1</u>

I) Recusal:		<u>YTD</u>
Criminal -----	0	0
Circuit -----	2	4
Chancery -----	0	0
General Sessions -----	0	0
Juvenile -----	1	2
Magistrate and Referee-----	0	0
Municipal -----	0	0
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	0	0
Other -----	<u>1</u>	<u>1</u>
TOTAL	4	7

J) Miscellaneous:		<u>YTD</u>
Criminal -----	0	0
Circuit -----	0	1
Chancery -----	0	0
General Sessions -----	0	0
Juvenile -----	0	0
Magistrate and Referee-----	0	0
Municipal -----	0	0
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	0	0
Other -----	<u>1</u>	<u>1</u>
TOTAL	1	2

Member Voting

	D	FI	D(YTD)	FI(YTD)
Robert Wilkinson	7	3	17	5
Hon. Jeffrey Atherton	7	3	17	5
Hon. H. Allen Bray	17	0	35	0
Hon. Andrew Brigham	6	1	17	1
Hon. Robert Carter Jr	17	0	25	0
Edwena Crowe	17	0	25	0
Rita Ellison	7	3	17	5
William Koch Jr	26	2	52	2
Hon. Camille McMullen	17	2	25	2
Dr. Albert Mosley	6	1	17	1
Benjamin Purser Jr	26	0	52	2
Richard Rogers	11	0	11	1
Dan Springer	26	0	52	2
Terica Smith	17	2	25	2
Hon. John Whitworth	17	2	25	2

D= Dismissals

FI= Full Investigations

Respectfully submitted,

**Dee David Gay, Board Chair
BOARD OF JUDICIAL CONDUCT**