



FILED

JAN 21 2020

Clerk of the Appellate Courts
Rec'd By LM

Adm2020-00010

THE TENNESSEE BOARD OF JUDICIAL CONDUCT

511 Union Street
Suite 600
Nashville, TN 37219

MEMBERS OF THE TENNESSEE
BOARD OF JUDICIAL CONDUCT

Dee David Gay
Board Chair

Andrew G. Brigham
Vice Chair

Shane Hutton
Interim Disciplinary Counsel

Jeffrey M. Atherton
H. Allen Bray
Andrew G. Brigham
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

January 16th, 2020

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

Dear Senator Bell:

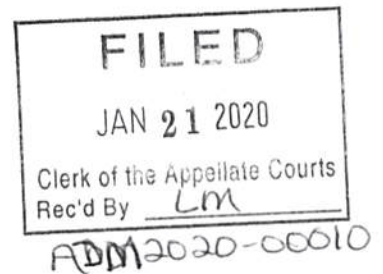
Please find enclosed the Quarterly Report of the Board of Judicial Conduct covering the period of October 1, 2019 through December 31, 2019 for the Fiscal Year 2019-2020, as mandated by Tenn. Code Ann. § 17-5-207.

Sincerely,

Dee Gay
Board Chair

DDG/sp
Enclosure

James M. Hivner, Clerk
100 Supreme Court Building
401 Seventh Avenue, North
Nashville, TN 37219-1407
615-253-1470



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January 16, 2020

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

Dear Representative Curcio:

Please find enclosed the Quarterly Report of the Board of Judicial Conduct covering the period of October 1, 2019 through December 31, 2019 for the Fiscal Year 2019-2020, as mandated by Tenn. Code Ann. § 17-5-207.

Sincerely,

Dee Gay
Board Chair

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James M. Hivner, Clerk
100 Supreme Court Building
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**BOARD OF JUDICIAL CONDUCT
 QUARTERLY REPORT
 (For the period 10/1/19 through 12/31/19)
 Due 1/20/2020**

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The number of complaints OPENED¹ this quarter is 112. Year to date the number is 215.

The number of complaints CLOSED this quarter is 114. Year to date the number is 218².

The DISPOSITION of the complaints closed this quarter is:

	YTD (Year to Date)
Dismissed, complaint about court ruling----	60 113
Dismissed, no jurisdiction -----	21 32
Dismissed, inadequate factual basis -----	29 68
Dismissal with warning -----	1 1
Dismissal after full investigation -----	0 0
Deferred discipline agreement -----	0 0
Private reprimand -----	0 0
Private censure -----	0 0
Public reprimand -----	2 2
Public censure -----	0 0
Other -----	1 2
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	114 218

The number of complaints PENDING on the last day of this quarter is 7.

The number of complaints for which PROBABLE CAUSE WAS FOUND³ this quarter is 0.
 The number year to date is 2.

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

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.
 2. This category represents complaints were closed after July 1, 2019, but were at various stages of investigation by the previous Board of Judicial Conduct.
 3. "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)(3).

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 -----	20	36
Circuit -----	23	43
Chancery -----	3	4
General Sessions -----	13	31
Juvenile -----	5	6
Magistrate and Referee-----	0	3
Municipal -----	1	2
Commissioner -----	0	0
Probate -----	2	3
Appellate Court -----	3	3
Senior and Retired -----	1	2
Other -----	<u>2</u>	<u>4</u> (Non-judge, deceased judge, judge from another
TOTAL	73	137 state, etc.)

B) Bias, prejudice and unfairness:		<u>YTD</u>
Criminal -----	1	5
Circuit -----	7	12
Chancery -----	4	5
General Sessions -----	8	11
Juvenile -----	2	4
Magistrate and Referee-----	0	0
Municipal -----	0	0
Commissioner -----	0	0
Probate -----	1	1
Appellate Court -----	0	0
Senior and Retired -----	0	0
Other -----	<u>3</u>	<u>3</u>
TOTAL	26	44

C) Discourtesy:		<u>YTD</u>
Criminal -----	0	1
Circuit -----	0	0
Chancery -----	0	0
General Sessions -----	2	3
Juvenile -----	1	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	3	5
D) Abuse of office:		<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 -----	<u>1</u>	<u>1</u>
TOTAL	1	1

E) Delay:		<u>YTD</u>
Criminal -----	1	3
Circuit -----	0	2
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) Ex parte communications:		<u>YTD</u>
Criminal -----	0	0
Circuit -----	0	0
Chancery -----	0	0
General Sessions -----	0	0
Juvenile -----	1	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	1	1

G) Disability:		<u>YTD</u>
Criminal -----	0	0
Circuit -----	0	0
Chancery -----	0	0
General Sessions -----	1	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	1

H) Political violation:		<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 -----	1	1
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	0	0
Other -----	<u>0</u>	<u>0</u>
TOTAL	1	2

I) Recusal:		<u>YTD</u>
Criminal -----	1	2
Circuit -----	1	2
Chancery -----	0	0
General Sessions -----	0	0
Juvenile -----	1	1
Magistrate and Referee----	0	0
Municipal -----	0	0
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	1	1
Senior and Retired -----	0	0
Other -----	<u>0</u>	<u>0</u>
TOTAL	4	6

J) Miscellaneous:		<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 -----	<u>0</u>	<u>5</u>
TOTAL	0	5

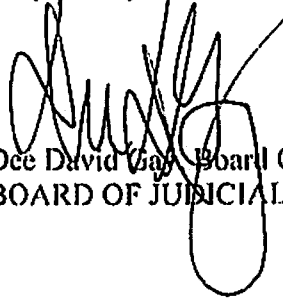
Member Voting

	D	FI	YTD	
	D	FI	D	FI
Hon. Jeffrey Atherton	29	0	44	0
Hon. H. Allen Bray	20	0	40	0
Hon. Andrew Brigham	18	0	39	2
Hon. Robert Carter Jr	20	0	39	0
Edwena Crowe	20	0	35	0
Rita Ellison	29	0	44	0
William Koch Jr	22	0	36	0
Hon. Camille McMullen	9	0	24	0
Dr. Albert Mosley	18	0	33	2
Benjamin Purser Jr	22	0	42	0
Richard Rogers	18	0	33	2
Dan Springer	22	0	36	0
Terica Smith	9	0	24	0
Hon. John Whitworth	9	0	29	0
Robert Wilkinson	29	0	51	0

D= Dismissals

FI= Full Investigations

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dee David Gay". The signature is stylized with a large initial "D" and "G".

Dee David Gay Board Chair
BOARD OF JUDICIAL CONDUCT