

# JAN 21 2020 Clerk of the Appellate Courts Rec'd By LM ADM 2020-00010

James M. Hivner, Clerk

100 Supreme Court Building 401 Seventh Avenue, North

Nashville, TN 37219-1407

615-253-1470

## 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 16<sup>th</sup>, 2020

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

Dear Senator Bell:

Please find enclosed the statistical report of the Board of Judicial Conduct covering filings and dispositions for the month of December, 2019, as mandated by Tenn. Code Ann. § 17-5-202.

If you have any questions or concerns, please contact me.

Sincerery.

Board Chair

DDG/sp Enclosure



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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 statistical report of the Board of Judicial Conduct covering filings and dispositions for the month of December, 2019, as mandated by Tenn. Code Ann. § 17-5-202.

If you have any questions or concerns, please contact me.

~ N

**Board Chair** 

DDG/sp Enclosure

#### BOARD OF JUDICIAL CONDUCT MONTHLY REPORT FOR DECEMBER 2019

JAN 21 2020

Clerk of the Appellate Courts
Rec'd By LM

Ann 2020 - 00010

The number and category of complaints OPENED<sup>1</sup>:

<u>T</u>	<u>`HIS</u>	
<u>M</u> C	<u>HTMC</u>	YEAR-TO-DATE
A) Failure to comply with law:	21	141
B) Bias, prejudice and unfairness:	4	45
C) Discourtesy:	1	5
D) Abuse of office:	1	3
E) Delay:	0	6
F) Ex parte communications:	0	1
G) Disability:	0	1
H) Political violation:	0	2
I) Recusal:	0	2
J) Miscellaneous:	0	9
TOTAL	27	215

The number and category of complaints CLOSED:

	<b>THIS</b>	
<u>N</u>	<u>IONTH</u>	YEAR-TO-DATE
A) Failure to comply with law:	22	142
B) Bias, prejudice and unfairness:	6	46
C) Discourtesy:	1	4
D) Abuse of office:	0	2
E) Delay:	0	7
F) Ex parte communications:	0	l
G) Disability:	0	I
H) Political violation:	0	2
I) Recusal:	0	7
J) Miscellaneous:	_0	<u>_5</u>
TOTAL	29	218

<sup>1.</sup> 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.

#### DISPOSITION of the complaints closed by CATEGORY:

THIS MONTH YEAR-TO-DATE  A) Failure to comply with law Dismissed, complaint about court ruling 11  88
A) Failure to comply with law
Dishussed, Complaint about court runng i i xx
Dismissed, inadequate factual basis 10 45
Dismissal with warning 0 1
Dismissal after full investigation 0 0
Deferred discipline agreement 0 0
Private reprimand 0 0
Private censure 0 0
Public reprimand 0 0
Public censure 0 0
Other 0 1
Retired complaint, no longer a judge 0 0
Suspension 0 0
Recommendation of removal from office $-\frac{0}{2}$
TOTAL 22 142
THE
THIS
<del></del>
MONTH YEAR-TO-DATE
MONTH YEAR-TO-DATE  B) Bias, prejudice and unfairness:
MONTH YEAR-TO-DATE  B) Bias, prejudice and unfairness:  Dismissed, complaint about court ruling 1 19
MONTH YEAR-TO-DATE  B) Bias, prejudice and unfairness:  Dismissed, complaint about court ruling 1 19  Dismissed, no jurisdiction 0 5
MONTH YEAR-TO-DATE  B) Bias, prejudice and unfairness:  Dismissed, complaint about court ruling 1 19  Dismissed, no jurisdiction 0 5  Dismissed, inadequate factual basis 5 20
MONTH YEAR-TO-DATE  B) Bias, prejudice and unfairness:  Dismissed, complaint about court ruling 1 19  Dismissed, no jurisdiction 0 5  Dismissed, inadequate factual basis 5 20  Dismissal with warning 0 0
MONTH YEAR-TO-DATE  B) Bias, prejudice and unfairness:  Dismissed, complaint about court ruling 1 19  Dismissed, no jurisdiction 0 5  Dismissed, inadequate factual basis 5 20  Dismissal with warning 0 0  Dismissal after full investigation 0
MONTH YEAR-TO-DATE  B) Bias, prejudice and unfairness:  Dismissed, complaint about court ruling 1 19  Dismissed, no jurisdiction 0 5  Dismissed, inadequate factual basis 5 20  Dismissal with warning 0 0  Dismissal after full investigation 0 0  Deferred discipline agreement 0 0
MONTH         YEAR-TO-DATE           B) Bias, prejudice and unfairness:         19           Dismissed, complaint about court ruling1         19           Dismissed, no jurisdiction
MONTH         YEAR-TO-DATE           B) Bias, prejudice and unfairness:         19           Dismissed, complaint about court ruling1         19           Dismissed, no jurisdiction
MONTH         YEAR-TO-DATE           B) Bias, prejudice and unfairness:         19           Dismissed, complaint about court ruling1         19           Dismissed, no jurisdiction
MONTH         YEAR-TO-DATE           B) Bias, prejudice and unfairness:         19           Dismissed, complaint about court ruling1         19           Dismissed, no jurisdiction
MONTH         YEAR-TO-DATE           B) Bias, prejudice and unfairness:         19           Dismissed, complaint about court ruling1         19           Dismissed, no jurisdiction
MONTH         YEAR-TO-DATE           B) Bias, prejudice and unfairness:         19           Dismissed, complaint about court ruling1         19           Dismissed, no jurisdiction
MONTH         YEAR-TO-DATE           B) Bias, prejudice and unfairness:         19           Dismissed, complaint about court ruling1         19           Dismissed, no jurisdiction
MONTH         YEAR-TO-DATE           B) Bias, prejudice and unfairness:         19           Dismissed, complaint about court ruling

<u>T</u>	<u>HIS</u>	
<u>M</u> C	NTH	YEAR-TO-DATE
C) Discourtesy:		
Dismissed, complaint about court ruling	0	0
Dismissed, no jurisdiction	0	0
Dismissed, inadequate factual basis	1	4
Dismissal with warning	0	0
Dismissal after full investigation	0	0
Deferred discipline agreement	0	0
Private reprimand	0	0
Private censure	0	0
Public reprimand	0	0
Public censure	0	0
Other	0	0
Retired complaint, no longer a judge	0	0
Suspension	0	0
Recommendation of removal from office	0	_0
TOTAL	1	4

<u>T</u> <u>MO</u>	<u>HIS</u> NTH Y	EAR-TO-DATE
D) Abuse of office:		
Dismissed, complaint about court ruling	0	0
Dismissed, no jurisdiction	0	0
Dismissed, inadequate factual basis	0	1
Dismissal with warning	0	0
Dismissal after full investigation	0	0
Deferred discipline agreement	0	0
Private reprimand	0	0
Private censure	0	0
Public reprimand	0	0
Public censure		0
Other	0	1
Retired complaint, no longer a judge	0	0
Suspension		0
Recommendation of removal from office		0
TOTAL	$\overline{0}$	2

	<u>THIS</u> MONTH	YEAR-TO-DA	ATE
E) Delay:			
Dismissed, complaint about court ruling	0	1	
Dismissed, no jurisdiction		0	
Dismissed, inadequate factual basis		6	
Dismissal with warning		0	
Dismissal after full investigation	0	0	
Deferred discipline agreement	0	0	
Private reprimand	0	0	
Private censure		0	
Public reprimand	0	0	
Public censure	0	0	
Other	0	0	
Retired complaint, no longer a judge	0	0	
Suspension	0	0	
Recommendation of removal from offic	e <u>0</u>	_0	
TOTAL	0	7	
F) Ex parte communications: Dismissed, complaint about court ruling	THIS MONTH	YEAR-TO-DA	<u>ATE</u>
Dismissed, complaint about court ruling	<u>MONTH</u> 0	<u>YEAR-TO-D</u> 1 0	<u>ATE</u>
Dismissed, complaint about court ruling Dismissed, no jurisdiction	<u>MONTH</u> 0 0	1	<u>ATE</u>
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH 0 0	1	<u>ATE</u>
Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning	MONTH 0 0 0	1 0 0	<u>ATE</u>
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH 0 0 0 0	1 0 0 0	<u>ATE</u>
Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning	MONTH 0 0 0 0	1 0 0 0 0	<u>ATE</u>
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH 0 0 0 0 0	1 0 0 0 0	ATE
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH  0 0 0 0 0 0	1 0 0 0 0 0	ATE
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH  0 0 0 0 0 0 0 0	1 0 0 0 0 0 0	<u>ATE</u>
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH  0 0 0 0 0 0 0 0 0	1 0 0 0 0 0 0	<u>ATE</u>
Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Private reprimand Private censure Public reprimand	MONTH  0 0 0 0 0 0 0 0 0	1 0 0 0 0 0 0 0	ATE
Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Private reprimand Private censure Public reprimand Public censure Other Retired complaint, no longer a judge Suspension	MONTH  0 0 0 0 0 0 0 0 0 0	1 0 0 0 0 0 0 0 0	<u>ATE</u>
Dismissed, complaint about court ruling Dismissed, no jurisdiction	MONTH  0 0 0 0 0 0 0 0 0 0	1 0 0 0 0 0 0 0 0	<u>ATE</u>

	<u>THIS</u>	
<u>N</u>	10NTH	YEAR-TO-DATE
G) Disability:		
Dismissed, complaint about court ruling	0	0
Dismissed, no jurisdiction	0	0
Dismissed, inadequate factual basis	0	1
Dismissal with warning	0	0
Dismissal after full investigation	0	0
Deferred discipline agreement	0	0
Private reprimand	0	0
Private censure		0
Public reprimand	0	0
Public censure	0	0
Other	0	0
Retired complaint, no longer a judge	0	0
Suspension	0	0
Recommendation of removal from office	<u>0</u>	_0
TOTAL	0	1

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<u>M</u>	ONTH	YEAR-TO-DATE
H) Political violation:		
Dismissed, complaint about court ruling	. 0	0
Dismissed, no jurisdiction	. 0	0
Dismissed, inadequate factual basis	- 0	2
Dismissal with warning	. 0	0
Dismissal after full investigation	0	0
Deferred discipline agreement	0	0
Private reprimand	. 0	0
Private censure	0	0
Public reprimand	. 0	0
Public censure	. 0	0
Other	- 0	0
Retired complaint, no longer a judge	- 0	0
Suspension	- 0	0
Recommendation of removal from office	_0	_0
TOTAL	<u></u>	$\overline{2}$

_	<u>THIS</u> DNTH	YEAR-TO-DATE
I) Recusal:		
Dismissed, complaint about court ruling	0	4
Dismissed, no jurisdiction		0
Dismissed, inadequate factual basis	0	3
Dismissal with warning		0
Dismissal after full investigation	0	0
Deferred discipline agreement	0	0
Private reprimand	0	0
Private censure	0	0
Public reprimand	0	0
Public censure	0	0
Other	0	0
Retired complaint, no longer a judge	. 0	0
Suspension	0	0
Recommendation of removal from office	0	_0
TOTAL	0	7
<del>-</del>	<u>`HIS</u>	
<u>M</u>	<u>THIS</u> DNTH	YEAR-TO-DATE
J) Miscellaneous:	<u>ONTI-I</u>	YEAR-TO-DATE
J) Miscellaneous: Dismissed, complaint about court ruling	<u>ONTH</u> 0	0
J) Miscellaneous: Dismissed, complaint about court ruling Dismissed, no jurisdiction	0 0 0	0 5
J) Miscellaneous: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis	0 0 0 0	0
J) Miscellaneous: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning	0 0 0 0 0	0 5
J) Miscellaneous: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation	0 0 0 0 0 0	0 5 0 0
J) Miscellaneous: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Deferred discipline agreement	0 0 0 0 0 0 0	0 5 0
J) Miscellaneous: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Deferred discipline agreement Private reprimand	0 0 0 0 0 0 0	0 5 0 0
J) Miscellaneous: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Deferred discipline agreement Private reprimand	ONTH  0 0 0 0 0 0 0 0 0 0 0	0 5 0 0 0
J) Miscellaneous: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Private reprimand Private censure Public reprimand	ONTH  0 0 0 0 0 0 0 0 0 0 0 0	0 5 0 0 0
J) Miscellaneous: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Private reprimand Private censure Public reprimand	ONTH  0 0 0 0 0 0 0 0 0 0 0 0 0	0 5 0 0 0 0
J) Miscellaneous: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Private reprimand Private censure Public reprimand Other	ONTH  0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 5 0 0 0 0 0
J) Miscellaneous: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Private reprimand Private censure Public reprimand Public censure Public censure	ONTH  0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 5 0 0 0 0 0 0 0
J) Miscellaneous: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Private reprimand Private censure	ONTH  0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 5 0 0 0 0 0 0
J) Miscellaneous: Dismissed, complaint about court ruling Dismissed, no jurisdiction Dismissed, inadequate factual basis Dismissal with warning Dismissal after full investigation Private reprimand Private censure Public reprimand Public censure Public censure	ONTH  0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 5 0 0 0 0 0 0 0