



THE TENNESSEE BOARD OF JUDICIAL CONDUCT

511 Union Street
Suite 600
Nashville, TN 37219

September 13, 2012

Michael W. Catalano, Clerk
100 Supreme Court Building
401 Seventh Avenue, North
Nashville, TN 37219-1407
615-253-1470

MEMBERS OF THE TENNESSEE BOARD OF JUDICIAL CONDUCT

Chris Craft
Chairperson

Timothy R. Discenza
Disciplinary Counsel

Patrick J. McHale
Assistant Disciplinary Counsel

Jeffrey S. Bivins
Miles Burdine
Angelita B. Dalton
Timothy L. Easter
Joe F. Fowlkes
Tas Gardner
J. Ronald Hickman
Chris A. Hodges
Holly Kirby
Thomas W. Lawless
Christy R. Little
Larry J. Logan
J. Michael Sharp
Dwight E. Stokes
David Wedekind

Russell Humphrey
Chief Clerk of the Senate
Office of the Chief Clerk
State Capitol, 2nd Floor
Nashville, TN 37243

Joe McCord
Chief Clerk of the House
Office of the Chief Clerk
State Capitol, 2nd Floor
Nashville, TN 37243

Dear Chief Clerks:

Please find enclosed the statistical report of the Board of Judicial Conduct covering filings and dispositions for the month of August, 2012, along with a cumulative year-to-date total, as mandated by Tenn. Code Ann. § 17-5-207(a)(1), due September 20, 2012.

Tenn. Code Ann. § 17-5-207(b) also mandates that by “the twentieth day of January, March, June and September of each year, the board shall compile and transmit to the Chief Clerk of the House of Representatives and Chief Clerk of the Senate” a report containing certain information “for the prior three (3) month period.” As the Board was not in existence during the last quarter, not having been created by the legislature until July 1, 2012, there is no statistical information from the Board of Judicial Conduct available for that period. In its stead, the final annual report of the Court of Judiciary, the organization that handled complaints for that quarter, has been posted on our website at <http://www.tncourts.gov/court-judiciary> as the final act of the Court of the Judiciary, closing out that fiscal year. Please click on “2011-2012 final annual report” to receive that report.

The Board's first quarter will conclude on September 30, 2012. Although the statistical report for that quarter (covering the months of July, August and September, 2012) is not required by Tenn. Code Ann. § 17-5-207(b) to be compiled and transmitted to you until January 20, 2013, the Board will attempt to send that report to you along with its October or November monthly report.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Craft", written in a cursive style.

CHRIS CRAFT
Board Chair

CC/bep

**BOARD OF JUDICIAL CONDUCT
MONTHLY REPORT FOR AUGUST, 2012**

The number and category of complaints OPENED¹:

	<u>THIS MONTH</u>	<u>THIS FISCAL YEAR</u>
A) Failure to comply with law: -----	22	40
B) Bias, prejudice and unfairness: -----	5	8
C) Discourtesy: -----	0	2
D) Abuse of office: -----	1	3
E) Delay: -----	3	5
F) Ex parte communications: -----	0	1
G) Disability: -----	0	1
H) Political violation: -----	0	1
I) Recusal: -----	0	1
J) Miscellaneous: -----	<u>0</u>	<u>0</u>
TOTAL	31	62

The number and category of complaints CLOSED:

	<u>THIS MONTH</u>	<u>THIS FISCAL YEAR</u>
A) Failure to comply with law: -----	24	33
B) Bias, prejudice and unfairness: -----	3	4
C) Discourtesy: -----	3	3
D) Abuse of office: -----	0	3
E) Delay: -----	3	3
F) Ex parte communications: -----	0	1
G) Disability: -----	1	2
H) Political violation: -----	0	1
I) Recusal: -----	2	3
J) Miscellaneous: -----	<u>0</u>	<u>0</u>
TOTAL	36	53

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.

DISPOSITION of the complaints closed by CATEGORY:

	<u>THIS</u> <u>MONTH</u>	<u>THIS FISCAL</u> <u>YEAR</u>
A) Failure to comply with law:		
Dismissed, complaint about court ruling----	14	22
Dismissed, no jurisdiction -----	4	4
Dismissed, inadequate factual basis -----	6	7
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 --	<u>0</u>	<u>0</u>
TOTAL	24	33

	<u>THIS</u> <u>MONTH</u>	<u>THIS FISCAL</u> <u>YEAR</u>
B) Bias, prejudice and unfairness:		
Dismissed, complaint about court ruling----	2	3
Dismissed, no jurisdiction -----	0	0
Dismissed, inadequate factual basis -----	1	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	0
Other -----	0	0
Retired complaint, no longer a judge -----	0	0
Suspension -----	0	0
Recommendation of removal from office --	<u>0</u>	<u>0</u>
TOTAL	3	4

	<u>THIS</u> <u>MONTH</u>	<u>THIS FISCAL</u> <u>YEAR</u>
C) Discourtesy:		
Dismissed, complaint about court ruling----	1	1
Dismissed, no jurisdiction -----	0	0
Dismissed, inadequate factual basis -----	2	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 --	<u>0</u>	<u>0</u>
TOTAL	3	3

	<u>THIS</u> <u>MONTH</u>	<u>THIS FISCAL</u> <u>YEAR</u>
D) Abuse of office:		
Dismissed, complaint about court ruling----	0	1
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 --	<u>0</u>	<u>0</u>
TOTAL	0	3

	<u>THIS</u> <u>MONTH</u>	<u>THIS FISCAL</u> <u>YEAR</u>
E) Delay:		
Dismissed, complaint about court ruling----	0	0
Dismissed, no jurisdiction -----	0	0
Dismissed, inadequate factual basis -----	2	2
Dismissal with warning -----	0	0
Dismissal after full investigation -----	0	0
Deferred discipline agreement -----	0	0
Private reprimand -----	1	1
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 --	<u>0</u>	<u>0</u>
TOTAL	3	3

	<u>THIS</u> <u>MONTH</u>	<u>THIS FISCAL</u> <u>YEAR</u>
F) Ex parte communications:		
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	0
Other -----	0	0
Retired complaint, no longer a judge -----	0	0
Suspension -----	0	0
Recommendation of removal from office --	<u>0</u>	<u>0</u>
TOTAL	0	1

	<u>THIS</u> <u>MONTH</u>	<u>THIS FISCAL</u> <u>YEAR</u>
G) Disability:		
Dismissed, complaint about court ruling----	0	0
Dismissed, no jurisdiction -----	0	0
Dismissed, inadequate factual basis -----	1	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 --	<u>0</u>	<u>0</u>
TOTAL	1	2

	<u>THIS</u> <u>MONTH</u>	<u>THIS FISCAL</u> <u>YEAR</u>
H) Political violation:		
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	0
Other -----	0	0
Retired complaint, no longer a judge -----	0	0
Suspension -----	0	0
Recommendation of removal from office --	<u>0</u>	<u>0</u>
TOTAL	0	1

	<u>THIS</u> <u>MONTH</u>	<u>THIS FISCAL</u> <u>YEAR</u>
I) Recusal:		
Dismissed, complaint about court ruling----	1	1
Dismissed, no jurisdiction -----	0	0
Dismissed, inadequate factual basis -----	1	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 --	<u>0</u>	<u>0</u>
TOTAL	2	3

	<u>THIS</u> <u>MONTH</u>	<u>THIS FISCAL</u> <u>YEAR</u>
J) Miscellaneous:		
Dismissed, complaint about court ruling----	0	0
Dismissed, no jurisdiction -----	0	0
Dismissed, inadequate factual basis -----	0	0
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 --	<u>0</u>	<u>0</u>
TOTAL	0	0