

FILED
DEC 19 2012
Clerk of the Courts
Rec'd By _____



FILED
DEC 19 2012
Clerk of the Courts

THE TENNESSEE BOARD OF JUDICIAL CONDUCT

511 Union Street
Suite 600
Nashville, TN 37219

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

December 12, 2012

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 November, 2012, as mandated by Tenn. Code Ann. § 17-5-207.

Sincerely,



CHRIS CRAFT
Board Chair

CC/bep

Enclosure

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

The number and category of complaints OPENED¹:

| | <u>THIS MONTH</u> | <u>THIS FISCAL YEAR</u> |
|--|-----------------------|-----------------------------|
| A) Failure to comply with law: ----- | 21 | 94 |
| B) Bias, prejudice and unfairness: ----- | 2 | 14 |
| C) Discourtesy: ----- | 0 | 5 |
| D) Abuse of office: ----- | 2 | 7 |
| E) Delay: ----- | 3 | 10 |
| F) Ex parte communications: ----- | 1 | 4 |
| G) Disability: ----- | 2 | 4 |
| H) Political violation: ----- | 1 | 4 |
| I) Recusal: ----- | 2 | 4 |
| J) Miscellaneous: ----- | <u>0</u> | <u>0</u> |
| TOTAL | 34 | 146 |

The number and category of complaints CLOSED:

| | <u>THIS MONTH</u> | <u>THIS FISCAL YEAR</u> |
|--|-----------------------|-----------------------------|
| A) Failure to comply with law: ----- | 23 | 82 |
| B) Bias, prejudice and unfairness: ----- | 6 | 12 |
| C) Discourtesy: ----- | 0 | 4 |
| D) Abuse of office: ----- | 2 | 6 |
| E) Delay: ----- | 0 | 6 |
| F) Ex parte communications: ----- | 1 | 3 |
| G) Disability: ----- | 2 | 5 |
| H) Political violation: ----- | 1 | 4 |
| I) Recusal: ----- | 2 | 6 |
| J) Miscellaneous: ----- | <u>0</u> | <u>1</u> |
| TOTAL | 37 | 129 |

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---- | 19 | 57 |
| Dismissed, no jurisdiction ----- | 0 | 6 |
| Dismissed, inadequate factual basis ----- | 3 | 17 |
| Dismissal with warning ----- | 1 | 2 |
| 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 | 23 | 82 |

| | <u>THIS</u> <u>MONTH</u> | <u>THIS FISCAL</u> <u>YEAR</u> |
|---|-----------------------------|-----------------------------------|
| B) Bias, prejudice and unfairness: | | |
| Dismissed, complaint about court ruling---- | 2 | 5 |
| Dismissed, no jurisdiction ----- | 0 | 0 |
| Dismissed, inadequate factual basis ----- | 4 | 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 | 6 | 12 |

| | <u>THIS</u> <u>MONTH</u> | <u>THIS FISCAL</u> <u>YEAR</u> |
|---|-----------------------------|-----------------------------------|
| C) Discourtesy: | | |
| Dismissed, complaint about court ruling---- | 0 | 1 |
| Dismissed, no jurisdiction ----- | 0 | 0 |
| Dismissed, inadequate factual basis ----- | 0 | 3 |
| 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 | 0 | 4 |

| | <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 ----- | 2 | 5 |
| 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 | 2 | 6 |

| | <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 ----- | 0 | 5 |
| Dismissal with warning ----- | 0 | 0 |
| Dismissal after full investigation ----- | 0 | 0 |
| Deferred discipline agreement ----- | 0 | 0 |
| Private reprimand ----- | 0 | 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 | 0 | 6 |

| | <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 ----- | 1 | 3 |
| 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 | 3 |

| | <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 | 1 |
| Dismissed, inadequate factual basis ----- | 2 | 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 -- | <u>0</u> | <u>0</u> |
| TOTAL | 2 | 5 |

| | <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 ----- | 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 -- | <u>0</u> | <u>0</u> |
| TOTAL | 1 | 4 |

| | <u>THIS</u> <u>MONTH</u> | <u>THIS FISCAL</u> <u>YEAR</u> |
|---|-----------------------------|-----------------------------------|
| I) Recusal: | | |
| Dismissed, complaint about court ruling---- | 0 | 1 |
| Dismissed, no jurisdiction ----- | 0 | 0 |
| Dismissed, inadequate factual basis ----- | 2 | 5 |
| 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 | 6 |

| | <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 | 1 |
| 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 |