



## THE TENNESSEE BOARD OF JUDICIAL CONDUCT

511 Union Street  
Suite 600  
Nashville, TN 37219

### MEMBERS OF THE TENNESSEE BOARD OF JUDICIAL CONDUCT

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Chairperson

Timothy R. Discenza  
Disciplinary Counsel

Patrick J. McHale  
Assistant Disciplinary Counsel

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Christy R. Little  
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David Wedekind

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

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

February 18, 2014

Dear Chief Clerks:

Please find enclosed the statistical report of the Board of Judicial Conduct covering filings and dispositions for the month of January, 2014, as mandated by Tenn. Code Ann. § 17-5-207(a).

Please also find enclosed the Quarterly Report for the second quarter of this fiscal year, as mandated by Tenn. Code Ann. § 17-5-207(b). Although it is not due to be filed until March 20, 2014, we have been able to complete that statistical analysis early and felt you should be sent this report as soon as it was available.

Sincerely,



CHRIS CRAFT  
Board Chair

CC/bep

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

<p><b>FILED</b></p> <p><b>FEB 20 2014</b></p> <p>Clerk of the Courts</p> <p>Rec'd By _____</p>
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**BOARD OF JUDICIAL CONDUCT**  
**FISCAL YEAR 2013-2014 SECOND QUARTERLY REPORT**  
 (For the period 10/1/13 through 12/31/13)  
 Due 3/20/14

The number of complaints OPENED<sup>1</sup> this quarter is 103. Year to date the number is 224.

The number of complaints CLOSED this quarter is 109. Year to date the number is 229.

The DISPOSITION of the complaints closed this quarter is:

	YTD (Year to Date)
Dismissed, complaint about court ruling----	80      154
Dismissed, no jurisdiction -----	0            2
Dismissed, inadequate factual basis -----	20          47
Dismissal with warning -----	4            7
Dismissal after full investigation -----	0            0
Deferred discipline agreement -----	0            0
Private reprimand -----	0            0
Private censure -----	0            0
Public reprimand -----	1            1
Public censure -----	1            1
Other -----	0            0
Retired complaint, no longer a judge -----	2            16
Cease and Desist Order-----	1            1
Suspension -----	0            0
Recommendation of removal from office --	0            0
TOTAL	109        229

The number of complaints PENDING on the last day of this quarter is 49.

The number of complaints for which PROBABLE CAUSE WAS FOUND<sup>2</sup> this quarter is 9.  
 The number year to date is 13.

The number of complaints for which FORMAL CHARGES WERE FILED this quarter is 2.  
 The number year to date is 2.

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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.

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. §17-5-304 (c)(3).

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

<b>A) Failure to comply with the law:</b>		<u>YTD</u>
Criminal -----	25	41
Circuit -----	21	41
Chancery -----	4	11
General Sessions -----	16	35
Juvenile -----	1	2
Magistrate and Referee-----	2	9
Municipal -----	2	6
Commissioner -----	0	1
Probate -----	0	0
Appellate Court -----	7	12
Senior and Retired -----	1	2
Other -----	<u>0</u>	<u>2</u> (Non-judge, deceased judge, judge from another
TOTAL	79	162 state, etc.)

<b>B) Bias, prejudice and unfairness:</b>		<u>YTD</u>
Criminal -----	1	2
Circuit -----	1	1
Chancery -----	0	0
General Sessions -----	1	3
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	3	6

<b>C) Discourtesy:</b>		<u>YTD</u>
Criminal -----	0	1
Circuit -----	0	0
Chancery -----	0	0
General Sessions -----	0	3
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	0	4

<b>D) Abuse of office:</b>		<u>YTD</u>
Criminal -----	1	1
Circuit -----	0	0
Chancery -----	0	0
General Sessions -----	4	5
Juvenile -----	0	0
Magistrate and Referee-----	0	4
Municipal -----	1	2
Commissioner -----	0	1
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	0	0
Other -----	0	0
TOTAL	<u>6</u>	<u>13</u>

<b>E) Delay:</b>		<u>YTD</u>
Criminal -----	1	7
Circuit -----	2	6
Chancery -----	0	1
General Sessions -----	1	7
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>4</u>	<u>21</u>

<b>F) Ex parte communications:</b>		<u>YTD</u>
Criminal -----	0	0
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 -----	0	0
TOTAL	<u>0</u>	<u>2</u>

<b>G) Disability:</b>		<u>YTD</u>
Criminal -----	0	0
Circuit -----	2	2
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 -----	0	0
TOTAL	3	0

<b>H) Political violation:</b>		<u>YTD</u>
Criminal -----	0	0
Circuit -----	0	0
Chancery -----	0	0
General Sessions -----	0	1
Juvenile -----	0	1
Magistrate and Referee-----	0	0
Municipal -----	0	0
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	2	2
Senior and Retired -----	0	0
Other -----	1	1
TOTAL	3	5

<b>I) Recusal:</b>		<u>YTD</u>
Criminal -----	0	1
Circuit -----	2	2
Chancery -----	0	0
General Sessions -----	3	4
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	5	7

<b>J) Miscellaneous:</b>		<u>YTD</u>
Criminal -----	0	0
Circuit -----	0	0
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 -----	0	0
TOTAL	0	1

Respectfully submitted,



CHRIS CRAFT, Board Chair  
BOARD OF JUDICIAL CONDUCT