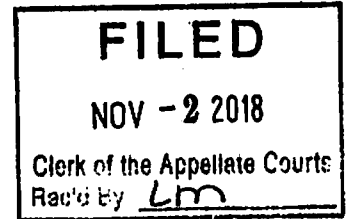


IN THE TENNESSEE BOARD OF JUDICIAL CONDUCT

IN RE: THE HONORABLE ROBERT S. WEISS
CIRCUIT COURT JUDGE, 30TH JUDICIAL DISTRICT
SHELBY COUNTY, TENNESSEE

Docket No. M2018-01486-BJC-DIS-FC
File Nos. B17-7070 and B17-7284



ANSWER TO FORMAL CHARGE

Comes the Respondent herein, the Honorable Robert S. Weiss, by and through counsel, and for response to the Formal Charge heretofore filed on August 16, 2018 would respectfully submit and show as follows:

1. Respondent admits the jurisdictional allegations of numerical items one (1) and two(2) of the Formal Charge.

2. Respondent admits the assignment of the domestic relations case identified in numerical item three (3) of the Formal Charge and would show that the matter was tried on November 29th and 30th, 2015 following which the Court directed the attorneys to submit proposed findings of fact and conclusions of law. In addition, and subsequently, the Court conducted hearings in this matter on February 26, 2016, August 26, 2016, March 22, 2017 and May 26, 2017. The Court spoke with the minor child *in camera* pursuant to the statute and entered a Permanent Parenting Plan addressing custody. A Final Decree has been entered.

3. Respondent acknowledges receipt of correspondence from Assistant Disciplinary counsel as alleged in numerical item four (4) of the Formal Charge.

4. Respondent acknowledges the request and the granting of an extension as alleged in numerical item five(5) of the Formal Charge and would further acknowledge he failed to file a timely

response.

5. Respondent concedes that a notice as described in numerical item six (6) of the Formal Charge was dispatched, but would show that such notice was signed for by personnel in the Shelby County mail room and was not immediately received by Respondent.

6. Respondent admits the allegations of numerical item seven (7) of the Formal Charge.

7. Respondent acknowledges the allegations set forth in numerical item eight (8) of the Formal Charge to the extent of the return to Court on January 3, 2018. During this time the court was receiving various “threatening” letters from counsel for the Plaintiff, Sadler Bailey. Respondent would further show that a satisfaction of Judgment was filed with the Court on January 3, 2018, a Motion for Disbursement of Funds filed January 19, 2018 and disbursement was made on February 12, 2018.

An Order pursuant to the direction of the Supreme Court has been entered at this time.

8. Respondent acknowledges the allegations of numerical item nine (9) of the Formal Charge but in light of the events heretofore described, including disbursement on February 12, 2018, Respondent mistakenly believed the matter to be moot.

9. Respondent admits submitting correspondence dated March 20, 2018 but denies that such correspondence alleges the entry of an Order on July 26, 2018. A copy of said correspondence is attached hereto as Exhibit “ A” and made a part hereof and which reflects in the last paragraph:

“ As of this date, the Amended Order has been entered re-affirming the Court’s ruling on the Defendants’s Motion for New Trial or Remittitur entered by the Court on July 26, 2013.” (Emphasis added)

10. Respondent concedes that a notice as described in numerical item eleven (11) of the Formal Charge was dispatched, but would show that such notice was signed for by personnel in the

Shelby County mail room and was not immediately received by Respondent.

11. Respondent admits the allegations in numerical item twelve(12) of the Formal Charge.

12. Respondent admits the allegations of numerical item thirteen(13) of the Formal Charge.


13. Respondent would submit that he believes the Formal Charge to contain a typographical error in that there are two (2) numerical items twelve (12). In response to the second numerical item twelve (12) of the Formal Charge, Respondent acknowledges that his failure to timely and fully respond to correspondence from the Board may subject him to sanctions.

14. For further answer Respondent regrettably concedes that he has failed to address the disposition of these cases in a timely manner and in an appropriate form. Respondent can neither justify nor rationalize his failures in these matters but would submit that they are atypical of his conduct on the bench and his overall adherence to the canons governing his conduct. In each of the subject cases, litigation was prolonged and contentious and particularly in the matter involving Mr. Bailey such that in retrospect the Court failed to act with dispatch and finality.

15. For further response, it is submitted that since assuming the bench on September 1, 2010 Respondent has attempted to work diligently and faithfully in performing his duties pursuant to his oath of office, the laws of the State of Tennessee and the Code of Judicial Conduct. In support thereof, Respondent attaches hereto, marked as Exhibit "B", an itemized breakdown of cases, both jury and non-jury, pending before the Court and disposed of by the Court for the period of 2016, 2017 and 2018 to current time reflecting the Respondent's performance individually and along with the other eight (8) divisions of Circuit Court in the Thirtieth Judicial District.

This the 31 day of October, 2018.

Respectfully submitted,

Thomas E. Hansom 

THOMAS E. HANSOM, #8153

Attorney for Defendant

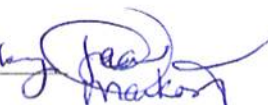
659 Freeman

Memphis, Tennessee 38122

(901) 327-4243

CERTIFICATE OF SERVICE

The undersigned hereby certify that a true and exact copy of the foregoing has been served on Disciplinary Counsel, P.O. Box 50356, Nashville, TN 37205, this 31 day of October, 2018.

Thomas E. Hansom 

Thomas E. Hansom

FELICIA CORBIN JOHNSON
JUDGE OF DIVISION I

JAMES F. RUSSELL
JUDGE OF DIVISION II

VALERIE L. SMITH
JUDGE OF DIVISION III

GINA C. HIGGINS
JUDGE OF DIVISION IV

RHYNETTE N. HURD
JUDGE OF DIVISION V

JERRY STOKES
JUDGE OF DIVISION VI

MARY L. WAGNER
JUDGE OF DIVISION VII

ROBERT S. WEISS
JUDGE OF DIVISION VIII



The Circuit Court of Tennessee
FOR THE
THIRTIETH JUDICIAL DISTRICT AT MEMPHIS
140 ADAMS AVENUE • ROOM 212
MEMPHIS, TENNESSEE 38103
(901) 222-3836 • (901) 222-3819

March 20, 2018

DAVID M. RUDOLPH
JUDGE OF DIVISION IX

ROBERT A. LANIER
RETIRED

GEORGE H. BROWN, JR.
RETIRED

KAY SPALDING ROBILLO
RETIRED

JOHN R. MCCARROLL, JR.
RETIRED

KAREN R. WILLIAMS
RETIRED

DONNA M. FIELDS
RETIRED

ROBERT L. CHILDERS
RETIRED

Mr. Timothy Discenza
Tennessee Board of Judicial Conduct
P.O. Box 50356
Nashville, TN 37205

RE: Complaint of R. Sadler Bailey
File No. B18-7284

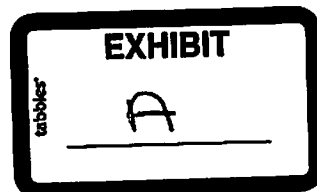
Dear Mr. Discenza:

I am in receipt of the Complaint filed by Mr. Sadler Bailey. While I am sympathetic to his Complaint, I feel that this is merely an effort to badger this Court to change its ruling because he was dissatisfied with the Court's decision to grant a remittitur.

The Court presided over the trial of Borne v. Celadon Trucking Services, Inc. over two weeks in the Summer of 2013. The jury returned a verdict of \$3,705,000.00 which was remarkable as counsel for Mr. Borne was praying for \$2,400,000.00. The Defendant filed a Motion for a New Trial or Remittitur, which was granted. The Court acting in its role as the thirteenth juror modified the Jury Verdict to \$2,100,000.00. The Judgment was accepted under protest and an appeal was filed by both the Plaintiff and Defendant. The Court of Appeals addressed the Appeal affirming the Trial Court and modified the judgment by \$5,000.00. The matter was further appealed to the Supreme Court which affirmed the findings of the Trial Court and the Court of Appeals on other issues but remanded the matter back to the trial Court for supplemental finding of facts on the basis for the remittitur.

Following the ruling from the Supreme Court, the Court scheduled a status conference on December 6, 2017, at which time Mr. Bailey sought to re-litigate the Motion for New Trial or Remittitur. The Court denied the request to re-argue the Motion and indicated that it would instead be necessary to review the Court's notes and the trial transcript in order to prepare the Amended Order.

The trial transcript was received from the Court of Appeals and the Court was working on same. On January 3, 2018, the Court had a subsequent status conference. The Order was not



Mr. Timothy Discenza
March 21, 2018
Page 2

ready to be entered at that time and based upon Mr. Bailey's hostile attitude and demeanor during the status conference, the Court elected to take additional time to add further details into the Order as it was appearing that a further appellate review was forthcoming.

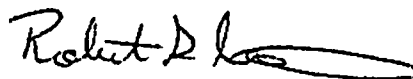
On January 3, 2018, the counsel for the Defense, Mr. Kevin Washburn, advised that the judgment amount of \$2,100,000.00 plus the post-judgment interest was going to be paid into the Court. On January 4, 2018, a payment of \$2,607,000.00 was paid into the Court with a Satisfaction of Judgment.

On January 19, 2018, Baker Yates, from Mr. Bailey's firm filed a Motion for Disbursement of Funds, which led this Court to believe that the matter of the remand was moot. On February 7, 2018, a Consent Order was entered in which the Circuit Court Clerk was directed to disburse \$221,840.85 to the Glaser Firm, for worker's compensation benefits paid to the Plaintiff and the balance was to be disbursed to Mr. Bailey's firm. On February 12, 2018, Mr. Baker Yates from Mr. Bailey's firm picked up the two checks.

At this juncture, the Court was under the impression that the matter was closed, as the Court was unaware that a Complaint with the Board was going to be filed as was a Motion with the Supreme Court to Compel a ruling. That Motion was denied on February 27, 2018. I only learned of the Motion to Compel upon its denial.

As of this date, the Amended Order has been entered re-affirming the Court's ruling on the Defendant's Motion for New Trial or Remittitur entered by the Court on July 26, 2013. If you have any further questions, please do not hesitate to contact me.

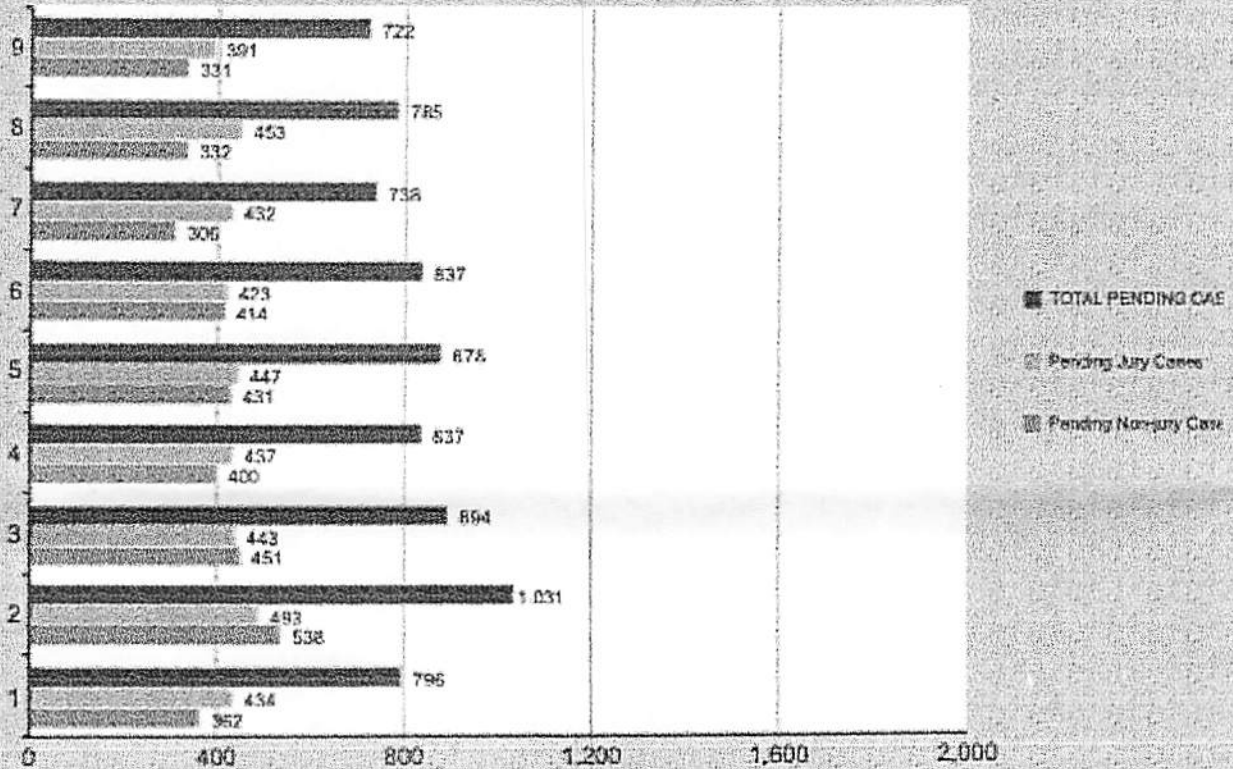
Sincerely,



Robert S. Weiss

RSW/mw

Division	Total	Jury	Non-jury
1	796	434	362
2	1031	493	538
3	894	443	451
4	837	437	400
5	878	447	431
6	837	423	414
7	738	432	306
8	785	453	332
9	722	391	331



EXHIBIT

B

2016 Disposed cases

1	2	3	4	5	6	7	8	9
94	48	55	64	84	68	36	67	54
89	70	52	63	57	132	44	120	46
97	67	75	107	107	83	90	84	80
62	67	48	63	61	46	58	55	58
80	57	58	77	55	52	67	37	76
54	67	55	70	28	45	80	40	42
33	60	46	46	42	40	39	47	40
66	76	70	65	73	51	67	50	66
60	49	62	71	55	49	30	52	77
40	47	44	56	59	47	49	74	48
61	54	70	60	37	55	40	53	70
38	33	48	43	34	56	37	50	33
774	695	683	785	692	724	637	729	690
2	5	8	1	4	4	9	3	7

2017 Disposed cases

1	2	3	4	5	6	7	8	9
52	40	53	66	107	57	113	62	64
37	48	58	46	50	74	48	67	34
74	61	43	61	52	63	53	46	59
42	49	47	50	41	41	146	39	31
65	51	53	77	37	67	68	58	71
52	52	41	60	66	67	75	53	63
45	82	44	64	49	41	78	45	46
45	63	58	54	47	65	95	77	41
51	69	43	60	43	41	57	67	55
42	43	25	37	35	32	58	30	30
57	65	51	53	51	48	63	52	42
51	27	24	48	41	42	50	41	38
614	652	543	680	624	644	911	645	583
7	5	9	2	6	5	1	4	8

2018 Disposed cases

1	2	3	4	5	6	7	8	9
42	48	55	53	56	79	49	43	51
48	79	54	72	42	42	42	52	38
57	41	34	74	29	40	45	47	36
42	37	46	40	51	45	47	54	36
68	46	43	68	60	57	62	72	59
40	50	52	66	41	50	66	64	54
44	36	30	59	46	51	60	58	39
58	41	36	56	55	60	59	58	40
17	17	19	30	23	24	25	23	23
417	397	372	522	408	454	462	479	385
5	7	4	1	6	7	2	2	8

9/14