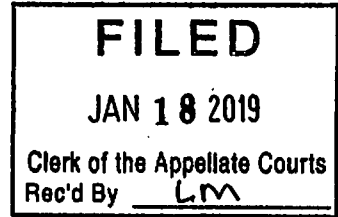




**THE TENNESSEE
BOARD OF JUDICIAL CONDUCT**



511 Union Street
Suite 600
Nashville, TN 37219

January 11, 2019

James M. Hivner, Clerk
100 Supreme Court Building
401 Seventh Avenue, North
Nashville, TN 37219-1407
615-253-1470

**MEMBERS OF THE TENNESSEE
BOARD OF JUDICIAL CONDUCT**

Brandon O. Gibson
Chair

Timothy R. Discenza
Disciplinary Counsel

Shane Hutton
Assistant Disciplinary Counsel

FOR PUBLIC PRESS RELEASE

The Honorable Robert Weiss
140 Adams Avenue, Room 212
Memphis, Tennessee 38103

**RE: Formal Charge M2018-01486-BJC-DIS-FC
File Nos.: B17-7070 and B18-7284**

Kenny Armstrong
H. Allen Bray
Andrew G. Brigham
Robert Carter, Jr.
Paul B. Conley, III
Brooke Emery
Dwight "D.J." Farris
Dee Gay
Brandon O. Gibson
Tammy Harrington
Austin L. McMullen
Edward (Ward) Phillips
Benjamin Purser, Jr.
Jeff O. Rader
John Whitworth
Robert W. Wilkinson

Dear Judge Weiss:

This letter shall serve as a public reprimand pursuant to the agreed order entered in the above-captioned case filed with the Tennessee Board of Judicial Conduct and approved by the Hearing Panel in this case.

The conduct involved arises from your actions in connection with two cases.

In the first case, you were assigned as a judge in a domestic relations case that had been initially filed in another division of Circuit Court. On November 29, 2015, you conducted a hearing in this case and indicated to the parties that you would issue an order in the case concerning the issues resolved at the hearing and granting the divorce. A party in this case made motions for entry of a final ruling in the case on August 26, 2017, and May 29, 2018.

On June 15, 2018, your office received notice from the Office of the Disciplinary Counsel of the Tennessee Board of Judicial Conduct of the complaint filed in B17-7070 dealing with the subject matter of unreasonable delay in ruling on the divorce petition that was the subject matter of this first case. This notice advised you of

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the nature of the complaint, notified you that an Investigative Panel of the Board of Judicial Conduct had authorized a full investigation of this complaint, and required you to file a written response within 30 days after receipt of this notice. You failed to timely file a written response to this complaint as required by the provisions of the Tennessee Code Annotated and the Code of Judicial Conduct.

The second case to which this letter of public reprimand applies involves a trial you presided over in which a verdict of \$3,705,000 was awarded in favor of the plaintiff in a motor vehicle accident case. After this verdict, you suggested a remitter of this verdict of \$1,605,000 leaving a new verdict of \$2,100,000. The case in question was eventually considered by the Tennessee Supreme Court which remanded the case for the purpose of obtaining from you an explanation of your reasons for the suggestion of remittitur. On December 6, 2017, the parties to the litigation appeared in front of you for a status conference and were told to return to court on January 3, 2018, for a ruling. On that day you told the parties that you would make a ruling by the end of that day. When no ruling was entered that day, counsel for the plaintiff delivered a letter asking for a ruling by the end of January 2018. A second letter was delivered to you by counsel for the plaintiff on February 8, 2018, again asking you to enter the order required by the remand of the Tennessee Supreme Court. You failed to timely enter an order as requested in these two appropriate requests by plaintiff's counsel.

On June 15, 2018, your office received notice from the Office of the Disciplinary Counsel of the Tennessee Board of Judicial Conduct of the complaint filed in B18-7284 dealing with the subject matter of unreasonable delay in entering an order which was required by the remand of the Tennessee Supreme Court which was the subject matter of the second case. This notice advised you of the nature of the complaint, notified you that an Investigative Panel of the Board of Judicial Conduct had authorized a full investigation of this complaint, and required you to file a written response within 30 days after receipt of this notice. You failed to file a written response to this complaint as required by the provisions of the Tennessee Code Annotated and the Code of Judicial Conduct.

Upon being served with a Formal Charge concerning these two complaints, your counsel promptly filed a response to the Charges and you and your counsel met with Disciplinary Counsel. In your answer and during the meeting with Disciplinary Counsel you candidly admitted your error in failing to promptly file the orders that were the subject matter of the complaints, and the responses to the Notices of Full Investigation that you received. You indicated that you did not realize initially that a further order was required in the case of the remittitur since the defendant in the case had paid an amount equal to the suggested judgment

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into court. Although you came to realize that this did not satisfy the requirement of the Tennessee Supreme Court remand, you became overwhelmed by the demands of fulfilling this requirement and the demands of the domestic case that resulted in complaint B17-7070. You have indicated that you are determined not to let any matter become overdue for response in your court. You have now filed all appropriate orders.

The violations of The Code of Judicial Conduct which are involved in the Public Reprimand are as follows:

CANON 1 - A JUDGE SHALL UPHOLD AND PROMOTE THE INDEPENDENCE, INTEGRITY, AND IMPARTIALITY OF THE JUDICIARY, AND SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY.

Rule 1.1 Compliance with the Law

A judge shall comply with the law, including the Code of Judicial Conduct.

Rule 1.2 Promoting Confidence in the Judiciary

A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

CANON 2 - A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY, COMPETENTLY, AND DILIGENTLY.

Rule 2.5 Competence, Diligence, and Cooperation

(A) A judge shall perform judicial and administrative duties competently, promptly and diligently.

Rule 2.16 Cooperation with Disciplinary Authorities

(A) A judge shall cooperate and be candid and honest with judicial and lawyer disciplinary agencies.

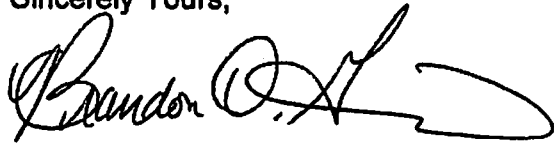
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This letter constitutes a public reprimand for your actions in violation of these Canons and Rules and in the future you are to follow the Code of Judicial Conduct in promptly deciding case that are submitted to you.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Brandon O. Gibson". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Brandon O. Gibson
Board Chair