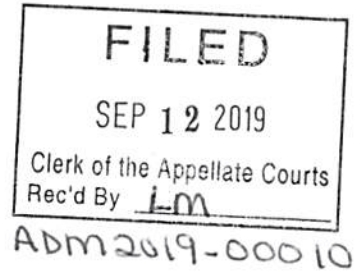




THE TENNESSEE  
BOARD OF JUDICIAL CONDUCT



511 Union Street  
Suite 600  
Nashville, TN 37219

MEMBERS OF THE TENNESSEE  
BOARD OF JUDICIAL CONDUCT

Dee David Gay  
Board Chair

Andrew G. Brigham  
Vice Chair

Shane Hutton  
Interim Disciplinary Counsel

Jeffrey M. Atherton  
H. Allen Bray  
Andrew G. Brigham  
Robert Carter, Jr.  
Edwena L. Crowe  
Rita Ellison  
William C. Koch, Jr.  
Camille R. McMullen  
Albert Mosley  
Benjamin Purser, Jr.  
Richard Rogers  
Dan Springer  
Terica Smith  
John Whitworth  
Robert W. Wilkinson

September 12, 2019

Judiciary Committee of the Senate  
Senator Mike Bell  
716 Cordell Hull Building  
Nashville, TN 37243

Dear Senator Bell:

Please find enclosed the statistical report of the Board of  
Judicial Conduct covering filings and dispositions for the month of  
August, 2019, as mandated by Tenn. Code Ann. § 17-5-202.

If you have any questions or concerns, please contact me.

Sincerely,

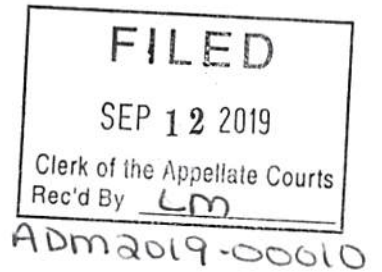
Dee Gay  
Board Chair

DDG/sp  
Enclosure

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



## THE TENNESSEE BOARD OF JUDICIAL CONDUCT



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Terica Smith  
John Whitworth  
Robert W. Wilkinson


September 12, 2019

Judiciary Committee of the House  
Representative Michael Curcio  
630 Cordell Hull Building  
Nashville, TN 37243

Dear Representative Curcio:

Please find enclosed the statistical report of the Board of Judicial Conduct covering filings and dispositions for the month of August, 2019, as mandated by Tenn. Code Ann. § 17-5-202.

If you have any questions or concerns, please contact me.

Sincerely,  
  
Dee Gay  
Board Chair

DDG/sp  
Enclosure

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

**BOARD OF JUDICIAL CONDUCT  
MONTHLY REPORT FOR AUGUST 2019**

<b>FILED</b>
SEP 12 2019
Clerk of the Appellate Courts Rec'd By <u>LM</u>

Adm2019-00010

The number and category of complaints OPENED<sup>1</sup>:

	<u>THIS MONTH</u>	<u>YEAR-TO-DATE</u>
A) Failure to comply with law: -----	28	43
B) Bias, prejudice and unfairness: -----	7	14
C) Discourtesy: -----	1	1
D) Abuse of office: -----	0	1
E) Delay: -----	3	4
F) Ex parte communications: -----	0	0
G) Disability: -----	0	0
H) Political violation: -----	0	1
I) Recusal: -----	1	1
J) Miscellaneous: -----	3	<u>3</u>
TOTAL	43	68

The number and category of complaints CLOSED:

	<u>THIS MONTH</u>	<u>YEAR-TO-DATE</u>
A) Failure to comply with law: -----	28	44
B) Bias, prejudice and unfairness: -----	7	13
C) Discourtesy: -----	1	1
D) Abuse of office: -----	1	1
E) Delay: -----	4	5
F) Ex parte communications: -----	0	0
G) Disability: -----	0	0
H) Political violation: -----	1	1
I) Recusal: -----	1	2
J) Miscellaneous: -----	<u>3</u>	<u>3</u>
TOTAL	46	70

---

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>YEAR-TO-DATE</u>
<b>A) Failure to comply with law</b>		
Dismissed, complaint about court ruling----	13	28
Dismissed, no jurisdiction -----	2	2
Dismissed, inadequate factual basis -----	13	13
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	1
Retired complaint, no longer a judge -----	0	0
Suspension -----	0	0
Recommendation of removal from office --	<u>0</u>	<u>0</u>
TOTAL	28	44

	<u>THIS</u> <u>MONTH</u>	<u>YEAR-TO-DATE</u>
<b>B) Bias, prejudice and unfairness:</b>		
Dismissed, complaint about court ruling----	2	6
Dismissed, no jurisdiction -----	0	0
Dismissed, inadequate factual basis -----	5	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	7	13

	<u>THIS</u> <u>MONTH</u>	<u>YEAR-TO-DATE</u>
<b>C) Discourtesy:</b>		
Dismissed, complaint about court ruling----	0	0
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	1	1

	<u>THIS</u> <u>MONTH</u>	<u>YEAR-TO-DATE</u>
<b>D) Abuse of office:</b>		
Dismissed, complaint about court ruling----	0	0
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	1	1

	<u>THIS</u> <u>MONTH</u>	<u>YEAR-TO-DATE</u>
<b>E) Delay:</b>		
Dismissed, complaint about court ruling----	0	0
Dismissed, no jurisdiction -----	0	0
Dismissed, inadequate factual basis -----	4	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	4	5

	<u>THIS</u> <u>MONTH</u>	<u>YEAR-TO-DATE</u>
<b>F) Ex parte communications:</b>		
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

	<u>THIS</u> <u>MONTH</u>	<u>YEAR-TO-DATE</u>
<b>G) Disability:</b>		
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

	<u>THIS</u> <u>MONTH</u>	<u>YEAR-TO-DATE</u>
<b>H) Political violation:</b>		
Dismissed, complaint about court ruling----	0	0
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	1	1

	<u>THIS</u> <u>MONTH</u>	<u>YEAR-TO-DATE</u>
<b>I) Recusal:</b>		
Dismissed, complaint about court ruling----	0	1
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	1	2

	<u>THIS</u> <u>MONTH</u>	<u>YEAR-TO-DATE</u>
<b>J) Miscellaneous:</b>		
Dismissed, complaint about court ruling----	0	0
Dismissed, no jurisdiction -----	3	3
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	3	3