

STATE OF TENNESSEE  
BOARD OF JUDICIAL CONDUCT

Mailing Address:  
P.O.Box 92276  
Nashville, TN 37209

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

MEMBERS OF THE TENNESSEE  
BOARD OF JUDICIAL CONDUCT

Dee David Gay  
Board Chair

December 16, 2020

Andrew G. Brigham  
Vice Chair

Marshall L. Davidson, III  
Disciplinary Counsel

Shane Hutton  
Assistant Disciplinary Counsel

Jeffrey M. Atherton  
H. Allen Bray  
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

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

Dear Senator Bell:

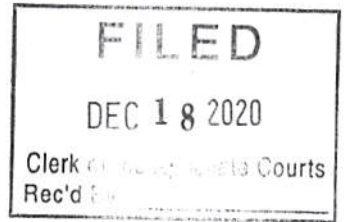
Please find enclosed the statistical report of the Board of  
Judicial Conduct covering filings and dispositions for the month of  
November, 2020, as mandated by Tenn. Code Ann. § 17-5-202.

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

Sincerely,

Dee Gay  
Board Chair

DDG/sp  
Enclosure



ADM 2020-00010

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December 16, 2020

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

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

Dear Representative Curcio:

Please find enclosed the statistical report of the Board of Judicial Conduct covering filings and dispositions for the month of November, 2020, 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

**BOARD OF JUDICIAL CONDUCT  
MONTHLY REPORT FOR NOVEMBER 2020**

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: -----	21	215
B) Bias, prejudice and unfairness: -----	4	56
C) Discourtesy: -----	2	18
D) Abuse of office: -----	2	9
E) Delay: -----	2	22
F) Ex parte communications: -----	1	7
G) Disability: -----	0	2
H) Political violation: -----	1	2
I) Recusal: -----	1	5
J) Miscellaneous: -----	1	<u>3</u>
TOTAL <sup>2</sup> :	36	339

The number and category of complaints CLOSED:

	<u>THIS MONTH</u>	<u>YEAR-TO-DATE</u>
A) Failure to comply with law: -----	30	209
B) Bias, prejudice and unfairness: -----	6	57
C) Discourtesy: -----	7	16
D) Abuse of office: -----	1	8
E) Delay: -----	3	22
F) Ex parte communications: -----	0	6
G) Disability: -----	0	2
H) Political violation: -----	1	2
I) Recusal: -----	1	5
J) Miscellaneous: -----	<u>0</u>	<u>2</u>
TOTAL	49	329

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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. On March 13, 2020, the Tennessee Supreme Court declared a state of Emergency for the Judicial Branch of Tennessee government and suspended in-person court proceedings, with certain exceptions through March 31, 2020. *See In re: Covid-19 Pandemic*, No. ADM2020-00428 (Tenn. 2020). On March 25, 2020, the Tennessee Supreme Court continued the suspension of in-court proceedings through April 30, 2020. *Id.* On April 24, 2020, the Tennessee Supreme Court modified the prior suspension of in-person proceedings. *See In re: Covid-19 Pandemic*, No. ADM2020-00428 (Tenn. April 24, 2020).

2. Out of the 36 total complaints filed, 33% were filed by inmates. Similarly, out of the 36 complaints, 92% were filed by the party that lost in the underlying proceeding.

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----	19	131
Dismissed, no jurisdiction -----	0	6
Dismissed, inadequate factual basis -----	9	52
Dismissal with warning -----	0	2
Dismissal after full investigation -----	0	0
Deferred discipline agreement -----	0	0
Private reprimand -----	0	2
Public reprimand -----	0	0
Other -----	2	16
Retired complaint, no longer a judge -----	0	0
Suspension -----	0	0
Recommendation of removal from office --	<u>0</u>	<u>0</u>
TOTAL	30	209

	<u>THIS</u> <u>MONTH</u>	<u>YEAR-TO-DATE</u>
<b>B) Bias, prejudice and unfairness:</b>		
Dismissed, complaint about court ruling----	3	27
Dismissed, no jurisdiction -----	0	0
Dismissed, inadequate factual basis -----	3	22
Dismissal with warning -----	0	2
Dismissal after full investigation -----	0	0
Deferred discipline agreement -----	0	0
Private reprimand -----	0	1
Public reprimand -----	0	1
Other -----	0	4
Retired complaint, no longer a judge -----	0	0
Suspension -----	0	0
Recommendation of removal from office --	<u>0</u>	<u>0</u>
TOTAL	6	51

	<u>THIS</u> <u>MONTH</u>	<u>YEAR-TO-DATE</u>
<b>C) Discourtesy:</b>		
Dismissed, complaint about court ruling----	2	2
Dismissed, no jurisdiction -----	0	0
Dismissed, inadequate factual basis -----	5	11
Dismissal with warning -----	0	2
Dismissal after full investigation -----	0	0
Deferred discipline agreement -----	0	0
Private reprimand -----	0	0
Public reprimand -----	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	7	16

	<u>THIS</u> <u>MONTH</u>	<u>YEAR-TO-DATE</u>
<b>D) Abuse of office:</b>		
Dismissed, complaint about court ruling----	1	1
Dismissed, no jurisdiction -----	0	0
Dismissed, inadequate factual basis -----	0	6
Dismissal with warning -----	0	0
Dismissal after full investigation -----	0	0
Deferred discipline agreement -----	0	0
Private reprimand -----	0	0
Public reprimand -----	0	1
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	8

	<u>THIS MONTH</u>	<u>YEAR-TO-DATE</u>
<b>E) Delay:</b>		
Dismissed, complaint about court ruling----	0	2
Dismissed, no jurisdiction -----	0	0
Dismissed, inadequate factual basis -----	3	16
Dismissal with warning -----	0	1
Dismissal after full investigation -----	0	0
Deferred discipline agreement -----	0	0
Private reprimand -----	0	0
Public reprimand -----	0	0
Other -----	0	3
Retired complaint, no longer a judge -----	0	0
Suspension -----	0	0
Recommendation of removal from office --	<u>0</u>	<u>0</u>
TOTAL	3	22

	<u>THIS MONTH</u>	<u>YEAR-TO-DATE</u>
<b>F) Ex parte communications:</b>		
Dismissed, complaint about court ruling----	0	2
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	1
Public reprimand -----	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>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	4
Dismissal with warning -----	0	0
Dismissal after full investigation -----	0	0
Deferred discipline agreement -----	0	0
Private reprimand -----	0	0
Public reprimand -----	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	5

	<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 -----	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	1
Public reprimand -----	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	0	2