

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

January 15, 2021

Dee David Gay
Board Chair

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

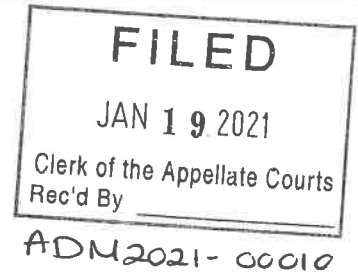
Dear Senator Bell:

Please find enclosed the Quarterly Report of the Board of
Judicial Conduct covering the period of October 1, 2020 through
December 31, 2020 for the Fiscal Year 2019-2020, as mandated by
Tenn. Code Ann. § 17-5-207.

Sincerely,

Dee Gay
Board Chair

DDG/sp
Enclosure



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Robert W. Wilkinson

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

Dear Representative Curcio:

Please find enclosed the Quarterly Report of the Board of Judicial Conduct covering the period of October 1, 2020 through December 30, 2020 for the Fiscal Year 2019-2020, as mandated by Tenn. Code Ann. § 17-5-207.

Sincerely,

Dee David Gay
Board Chair

DDG/sp
Enclosure

**BOARD OF JUDICIAL CONDUCT
QUARTERLY REPORT**
(For the period 10/1/2020 through 12/31/2020)

FILED
JAN 19 2021
Clerk of the Appellate Courts
Rec'd By _____

ADM 2021 - 00010

The number of complaints OPENED¹ this quarter is 100. Year to date the number is 375.

The number of complaints CLOSED this quarter is 82. Year to date the number is 351².

The DISPOSITION of the complaints closed this quarter is:

	YTD (Year to Date)
Dismissed, complaint about court ruling----	43 181
Dismissed, no jurisdiction -----	0 6
Dismissed, inadequate factual basis -----	29 119
Dismissal with warning -----	1 9
Dismissal after full investigation -----	0 0
Deferred discipline agreement -----	0 2
Private reprimand -----	0 5
Public reprimand -----	2 3
Other -----	7 26
Retired complaint, no longer a judge -----	0 0
Cease and Desist Order-----	0 0
Suspension -----	0 0
Recommendation of removal from office --	0 0
TOTAL	82 351

The number of complaints PENDING on the last day of this quarter is 12.

The number of complaints for which PROBABLE CAUSE WAS FOUND³ this quarter is 4.

The number year to date is 12.

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. This Board came into existence on July 1, 2019. Therefore, there is no five-year statistical data to compare. 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.*

2. This category represents complaints that were closed after July 1, 2019, but were at various stages of investigation by the previous Board of Judicial Conduct.

3. "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. § 17-5-303 (c)(2).

The number of complaints for which FORMAL CHARGES WERE FILED this quarter is 0.
 The number year to date is 0.

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

A) Failure to comply with the law:		<u>YTD</u>
Criminal -----	13	66
Circuit -----	12	53
Chancery -----	3	17
General Sessions -----	13	50
Juvenile -----	4	13
Magistrate and Referee-----	4	7
Municipal -----	0	1
Commissioner -----	0	3
Probate -----	0	4
Appellate Court -----	0	0
Senior and Retired -----	1	6
Other -----	<u>2</u>	<u>6</u> (Non-judge, deceased judge, judge from another
TOTAL	52	226 state, etc.)

B) Bias, prejudice and unfairness:		<u>YTD</u>
Criminal -----	3	22
Circuit -----	5	19
Chancery -----	1	3
General Sessions -----	3	11
Juvenile -----	0	2
Magistrate and Referee-----	1	1
Municipal -----	0	0
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	1	2
Other -----	<u>0</u>	<u>3</u>
TOTAL	14	49

C) Discourtesy:		<u>YTD</u>
Criminal -----	0	1
Circuit -----	2	4
Chancery -----	0	0
General Sessions -----	4	9
Juvenile -----	0	1
Magistrate and Referee-----	1	2
Municipal -----	0	0
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	0	0
Other -----	0	1
TOTAL	7	18

D) Abuse of office:		<u>YTD</u>
Criminal -----	0	1
Circuit -----	1	5
Chancery -----	0	1
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 -----	0	0
TOTAL	2	10

E) Delay:		<u>YTD</u>
Criminal -----	2	12
Circuit -----	0	2
Chancery -----	1	2
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 -----	0	3
TOTAL	4	22

F) Ex parte communications:		<u>YTD</u>
Criminal -----	0	3
Circuit -----	0	0
Chancery -----	0	0
General Sessions -----	0	1
Juvenile -----	0	0
Magistrate and Referee----	1	2
Municipal -----	0	0
Commissioner -----	0	1
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	0	0
Other -----	0	0
TOTAL	1	7

G) Disability:		<u>YTD</u>
Criminal -----	0	0
Circuit -----	0	0
Chancery -----	0	2
General Sessions -----	0	0
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	2

H) Political violation:		<u>YTD</u>
Criminal -----	0	0
Circuit -----	0	0
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	1
TOTAL	1	2

I) Recusal:		<u>YTD</u>
Criminal -----	0	1
Circuit -----	1	2
Chancery -----	0	0
General Sessions -----	0	0
Juvenile -----	0	0
Magistrate and Referee-----	0	0
Municipal -----	0	1
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	0	0
Other -----	<u>0</u>	<u>0</u>
TOTAL	1	4

J) Miscellaneous:		<u>YTD</u>
Criminal -----	0	0
Circuit -----	0	1
Chancery -----	0	0
General Sessions -----	0	0
Juvenile -----	0	0
Magistrate and Referee-----	0	1
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	2

Member Voting

	D	FI	D(YTD)	FI(YTD)
Robert Wilkinson	11	0	60	2
Hon. Jeffrey Atherton	11	0	60	2
Hon. H. Allen Bray	17	1	67	3
Hon. Andrew Brigham	10	0	50	0
Hon. Robert Carter Jr	17	1	67	3
Edwena Crowe	17	1	67	3
Rita Ellison	11	0	60	2
William Koch Jr	21	0	77	0
Hon. Camille McMullen	13	1	65	4
Dr. Albert Mosley	10	0	50	0
Benjamin Purser Jr	21	0	77	0
Richard Rogers	10	0	50	0
Dan Springer	21	0	77	0
Terica Smith	13	1	65	4
Hon. John Whitworth	13	1	65	4

D= Dismissals

FI= Full Investigations

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dee David Gay". The signature is stylized with overlapping loops and a large, prominent flourish at the end that extends downwards.

Dee David Gay, Board Chair
BOARD OF JUDICIAL CONDUCT