



THE TENNESSEE COURT OF THE JUDICIARY

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JUDGES OF THE TENNESSEE
COURT OF THE JUDICIARY

ANNUAL REPORT

JULY 1, 2004, through June 30, 2005

J. Steven Stafford
Presiding Judge
Don R. Ash
Joyce C. Broffitt
Sue McKnight Evans
John W. Gill, Jr.
David G. Hayes
Jayne Johnston-Crowley
William A. (Tinker) Kelly, Jr.
Jane Latimer
John S. McLellan, III
Paul Neely
Robert V. Redding
Mary Martin Schaffner
Gregory D. Smith
D. Michael Swiney
Thomas T. Woodall

DISCIPLINARY COUNSEL
Joe G. Riley

This past year was the busiest year of the Court since its inception. There were 345 complaints filed. The average number of complaints filed per year the previous five years was 267. The time required for Disciplinary Counsel to process and investigate the present number of complaints has put a significant strain on our personnel and budget. Nevertheless, we are happy to report that we have no backlog and are current with our caseload.

This Court disposed of 440 cases this past year. Disciplinary Counsel summarily dismissed 60 percent of the complaints as having no merit and without asking the judge to respond. An additional 31 percent were dismissed after a preliminary investigation. Only 9 percent of the complaints went beyond a preliminary investigation. Of these cases, seven (7) were dismissed after a full investigation; twenty-six (26) were dismissed with a warning; three (3) resulted in Deferred Discipline Agreements; two (2) resulted in private sanctions; and one (1) resulted in a public censure.

Members of the Court will affirm that it was able to eliminate its backlog and remain current only through the extraordinary efforts of our Disciplinary Counsel. His compensation was clearly inadequate to cover the hours and expertise he brought to that task. The Court recognizes his exceptional work in that regard, and the citizens of the state should be grateful for it. Nevertheless, this represents a one-time effort. The present rate and method of compensation is not and should not be sustainable.

Thus, the Court has grave concerns as to whether it can continue to be viable and effective under current budget restraints, especially in view of the significant increase in filings. The Court further anticipates a surge in filings during the upcoming election year due to recent federal court decisions which not only have significantly expanded the First Amendment rights of judges and judicial candidates, but also have created many unresolved issues. Our budget is far behind our counterparts in surrounding states. The Court is in the process of presenting a reasonable budget request to address these concerns.

The Court is committed to the educational process as an effective method of deterring ethical improprieties. The Presiding Judge and Disciplinary Counsel have appeared before all of the state's judicial conferences this year to present educational programs relating to ethical problems faced by judges. The programs were well received by the judges.

**J. Steven Stafford
Presiding Judge**



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THE TENNESSEE COURT OF THE JUDICIARY

JOE G. RILEY
Disciplinary Counsel
LINDA ROBINSON
Administrative Assistant

TENNESSEE COURT OF THE JUDICIARY STATISTICAL REPORT

(7/1/04 to 6/30/05)

PREVIOUS YEARS COMPLAINTS RECEIVED:

2003 - 2004	333
2002 - 2003	250
2001 - 2002	312
2000 - 2001	238
1999 - 2000	202
1998 - 1999	197
1997 - 1998	224
1996 - 1997	190
1995 - 1996	209
1994 - 1995	200
1993 - 1994	181
1992 - 1993	174
1991 - 1992	161

WRITTEN COMPLAINTS RECEIVED (7-1-04 to 6-30-05) 345

AVERAGE COMPLAINTS RECEIVED PER WEEK 6.6

DISPOSITIONS (7-1-04 to 6-30-05):

Dismissal by Disciplinary Counsel	257
Dismissal after preliminary investigation	138
Dismissal with warning after preliminary investigation	24
Dismissal after appeal of summary dismissal	6
Dismissal after full investigation without trial	7
Dismissal with warning after full investigation	2
Dismissal after trial	0
Deferred Discipline Agreement	3
Private reprimand	1
Private censure	1
Public reprimand	1
Public censure	0
Other	0

COMPLAINTS CLOSED (7-1-04 to 6-30-05) 440

PENDING COMPLAINTS AS OF 7-1-05 23

NATURE OF COMPLAINTS RECEIVED (7-1-04 to 6-30-05):

Failure to comply with the law	116
Bias, prejudice, unfairness	77
Discourtesy	29
Abuse of office	52
Conflict of interest	19
Delay	38
<i>Ex parte</i> communication	7
Disability	4
Political violation	2
Miscellaneous	1
TOTAL	345

ACCUSED JUDGES (7-1-04 TO 6-30-05):

General Sessions	75
Juvenile	12
Municipal	9
Referee	8
Special Judges	8
Circuit	67
Chancery	31
Criminal	116
Appellate	8
Commissioners	3
Probate	2
Other	6
TOTAL	345

STATUS OF PENDING COMPLAINTS (7-1-05):

Awaiting further information from complainant for evaluation of complaint	8
Awaiting judge's initial response	3
Preliminary investigation in progress	11
Awaiting recommendation of dismissal from Investigative Panel	0
Awaiting recommendation of full investigation from Investigative Panel	0
Full investigation in progress	1
Offer of settlement pending	0
Awaiting recommendation of Investigative Panel after full investigation	0
Deferred Discipline Agreement in circulation	0
Awaiting meeting of Investigative Panel with respondent judge	0
Other	0
TOTAL	23