

# **Court of the Judiciary Annual Report**

**2009-2010**

**August 25, 2010**

# **Purpose of the Court**

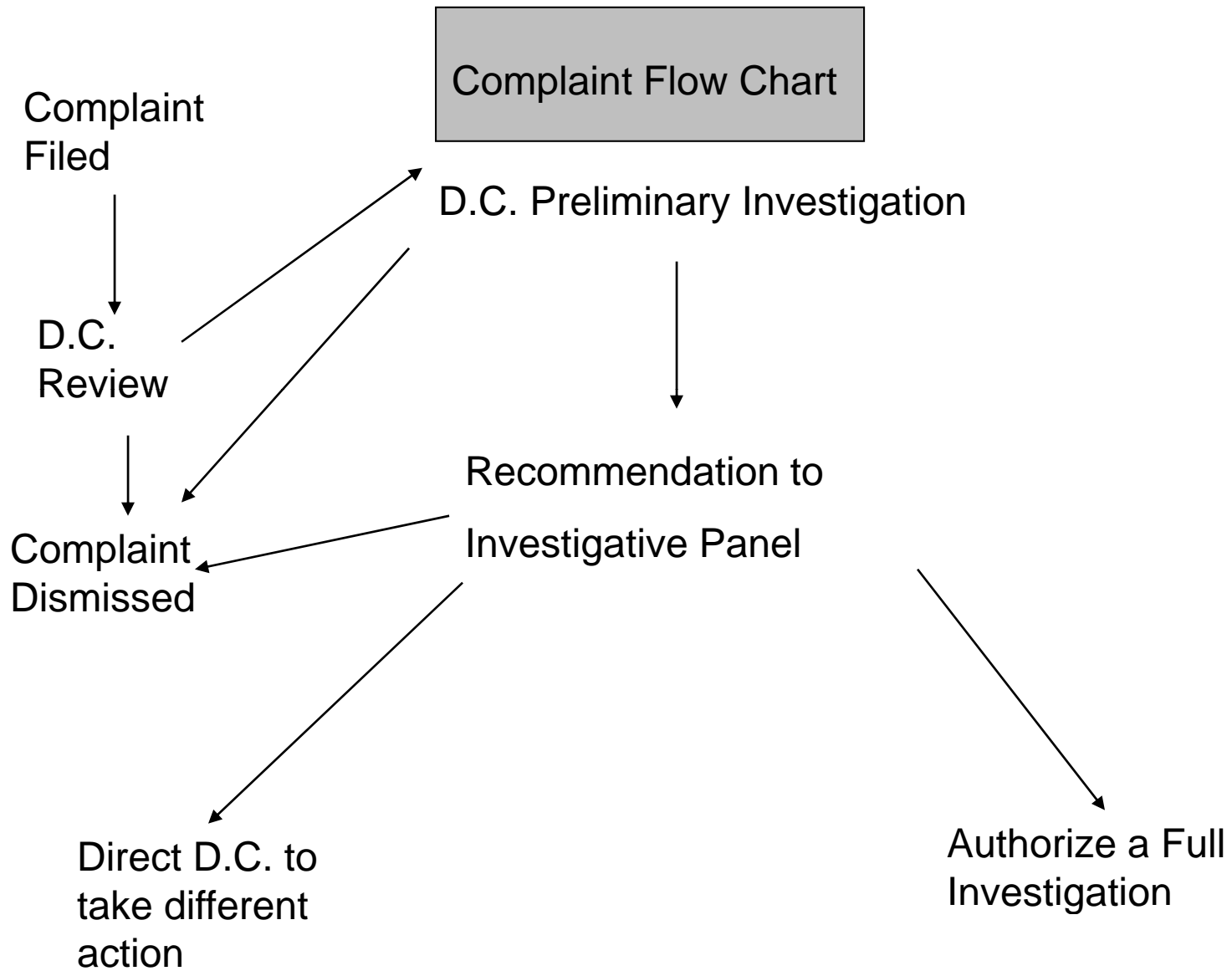
## **Tenn. Code Ann. 17-5-101**

- Provide an orderly and efficient method for making inquiry into:
  1. The physical, mental and/or moral fitness of any Tennessee judge.
  2. The manner of performance of duty.
  3. The judge's commission of any act calculated to reflect unfavorably upon the judiciary of the state or bring the judiciary into disrepute or which may adversely affect the administration of justice in the state; or
  4. The conduct of candidates for judicial office

# Composition of the Court

## Tenn. Code Ann. 17-5-201

- Three judges form the Appellate Courts.
- One trial judge from each grand division of the state.(3)
- One practicing attorney from each grand division.(3)
- Three public members who are not judges or attorneys.
- One General Sessions or Juvenile Judge from each grand division.
- One Municipal Judge



Full Investigation



Report to Investigate  
Panel who Decides to:

Dismiss

Approve D.C.  
Recommendation of  
Settlement

Modify D.C.  
Recommendation to  
Settle

Authorize Formal  
Charges and Trial

## Complaints Filed

July 1<sup>st</sup>, 2009 – June 30<sup>th</sup>, 2010

Total complaints filed	<b>344</b>	
Summary Dismissals & Dismissals after Preliminary Investigation	288	84%
Dismissed by Panel after Appeal	11	3%
Total Summary Dismissals	299	86%

**AVERAGE COMPLAINTS PER MONTH** **29**

# Types of Summary Dismissals

Complaint about decision	214
No facts to justify a complaint	23
No jurisdiction over the person who is complained about	30
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<b>TOTAL</b>	<b>267</b>

## NATURE OF COMPLAINTS FILED

Failure to comply with the Law	253	74%
Bias, prejudice, unfairness	51	15%
Discourtesy	8	2%
Abuse of Office	1	.5%
Conflict of interest	5	1%
Delay	15	4%
<i>Ex parte</i> communication	6	2%
Disability	1	.5%
Political violation	2	1%
Miscellaneous	2	1%

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**TOTAL 344**



## **ACCUSED JUDGE**

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Criminal	87	25%
Circuit	71	21%
Chancery	25	7%
General Sessions	83	24%
Juvenile	28	8%
Municipal	10	2%
Referee	7	2%
Commissioner	3	1%
Probate	2	1%
Supreme Court	5	1%
Appellate	6	2%
Sr. & retired Judge	6	2%
Other	11	3%

**TOTAL**

**344**

## DISPOSITIONS THROUGH 06/30/2010

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Dismissal by Disciplinary Counsel	269	83%
Dismissal after preliminary investigation	16	5%
Dismissal with warning after preliminary investigation	4	1%
Dismissal after appeal of summary dismissal	12	4%
Dismissal after full investigation	0	0%
Dismissal with warning after full investigation	0	0%
Deferred Discipline Agreement	5	2%
Private Letter Reprimand	0	0%
Private Censure	0	0%
Public Reprimand	1	1%
Public Censure	0	0%
Retired based on termination of Judge Status	7	2%
Other	8	2%

# Types of Action Where Judge Received a Warning or Discipline

Failure to comply with the law	5
Bias, prejudice, unfairness	4
Conflict of interest	1
Delay	1
Political violation	1
Miscellaneous	1

**Public Reprimands and  
Censures for fiscal  
2009-2010 to follow:**



**THE TENNESSEE  
COURT OF THE JUDICIARY**

511 Union Street  
Suite 600  
Nashville, TN 37243-067  
JUDGES OF THE TENNESSEE  
COURT OF THE JUDICIARY

August 24, 2009

Michael W. Catalano, Clerk  
100 Supreme Court Building  
401 Seventh Avenue, North  
Nashville, TN 37219-1407  
615-253-1470

Don R. Ash  
Presiding Judge

J.S. (Steve) Daniel  
Disciplinary Counsel

Chris Craft  
David M. Cook  
Angelita Blackshear Dalton  
Jane Laumer  
Christy R. Little  
Paul Neely  
Pamela L. Reeves  
Kathy McMahan  
Mary Martin Schaffner  
Gregory D. Smith  
Steve Stafford  
Jean A. Stanley  
Dwight E. Stokes  
D. Michael Swiney  
Bernie Weimman  
Thomas T. Woodall

**FOR PUBLIC PRESS RELEASE**

The Honorable Charles Rich  
106 East Depot Street  
Shelbyville, Tennessee 37162

In re: Complaint of Timothy Underwood, Attorney at Law,  
against Judge Charles Rich  
File No. 09-3784

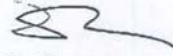
Dear Judge Rich:

Pursuant to your agreement with the Investigative Panel of this Court, I am issuing a public letter of reprimand concerning your actions in hearing a Lincoln County Juvenile Court case in which Christa Badenhop Garrett sought the custody of her child. In 2004 you agreed to interchange with the Lincoln County General Sessions Judge to hear matters relating to the minor child involved in this litigation. Ms. Garrett, who is the natural mother of the child in question, filed a petition seeking to be restored to custody of the child. July 18, 2008 you heard this petition and took the matter under advisement. When you made no ruling on the custody petition, Mr. Underwood wrote to you in October of 2008 seeking the status of the decision in the case. You took no action. In December of 2008 Mr. Underwood wrote again seeking to determine the status of the case. Again you took no action in deciding the case. Disciplinary Counsel for the Court of the Judiciary received a complaint of Mr. Underwood that was based on your failure to decide this important custody matter on January 26, 2009. You were immediately given notice of the complaint. However, you failed to decide this case until March 6, 2009, approximately eight months from the time of its submission to you.

Your refusal to decide the case in a timely fashion caused Ms. Garrett to expend additional legal fees and efforts to obtain a decision in this case. Your actions in this regard are a violation of Canon 2 A requiring a judge to know and follow the law. Your action in this delay in deciding a case is a violation of Canon 3 B (8) which requires a judge "to dispose of all judicial matters promptly, efficiently, and fairly."

Your conduct described above is detrimental to the administration of justice and brings the judiciary into public disrepute under the provisions of Tennessee Code Annotated § 17-5-302(e). Accordingly this constitutes a public reprimand for your actions. In the future you are to explicitly follow the Code of Judicial Conduct and to decide promptly cases which are submitted to you.

Sincerely yours,



Don. R. Ash  
Presiding Judge

DRA/mpm  
cc: Disciplinary Counsel  
Investigative Panel