



STATE OF TENNESSEE
BOARD OF JUDICIAL CONDUCT

October 31, 2023

Mailing Address:
403 Seventh Avenue North, Room 202
Nashville, TN 37243

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Sent via email to mike@scholl-law-firm.com

Michael Scholl
The Scholl Law Firm
200 Jefferson Avenue, Suite 1500
Memphis, TN 38103

RE: Judge A. Melissa Boyd – Public Reprimand
File No. B22-9116

Dear Mr. Scholl:

This is to inform Judge Boyd that the Order of Suspension filed May 22, 2023, is being released as a public reprimand based on Judge Boyd's failure to abide by the terms of the Order of Suspension.

As part of Judge Boyd's May 22, 2023, suspension, she agreed to certain conditions to keep the suspension private in order to address her substance abuse and/or mental health issues. One such condition was to submit to a physical, mental health, and/or substance addiction evaluation by an appropriately licensed healthcare provider and to complete all recommendations of the evaluation. In addition, Judge Boyd agreed that the Order of Suspension would be released to the public as a public reprimand if she became noncompliant with either the Order of Suspension or with her treatment plan. Unfortunately, she has been noncompliant with both.

Shortly after her suspension became effective, Judge Boyd, on May 25, 2023, signed a Preliminary Evaluation and Assessment Monitoring Agreement with TLAP, agreeing to undergo a professional assessment with a TLAP-approved provider within thirty days. She failed to do so. By letter dated October 26, 2023 (attached), TLAP notified the Board that despite having multiple chances to do so over several months, Judge Boyd failed to complete any assessment in violation of her agreement. TLAP further notified the Board that it "has

done everything possible to support Judge Boyd, but she is not cooperating with TLAP and . . . has declined to honor the [Agreement]. As such, she is non-compliant at TLAP.”

In addition, Judge Boyd has recently declared publicly that although she was required to fulfill certain conditions before returning to the bench, which included undergoing an evaluation, she has not done so and does not plan on doing so. Further, her representation to the public that she does not have a “problem” stands in stark contrast to her representation to the Board on May 5, 2023, that she was “asking for the opportunity to take time to receive treatment for her illnesses.” She was granted that opportunity, while receiving her full salary no less, but to no avail.

Clearly, Judge Boyd has violated a material term of the Order of Suspension by failing to submit to an evaluation as directed by TLAP and has been found non-compliant with her treatment plan. Furthermore, she publicly admitted that she intended to violate the Order of Suspension and has, in fact, done so. Accordingly, the investigative panel has determined that this letter and the May 22, 2023, Order of Suspension will be released to the public and shall serve as a public reprimand, something Judge Boyd expressly agreed to if she did not abide by the conditions specified in the Order of Suspension. The public release of the Order of Suspension is not intended to, and does not, lift Judge Boyd’s suspension.

Finally, as Judge Boyd is aware, the Board cannot permanently remove her from the bench, as that authority is vested solely in the General Assembly. However, Judge Boyd has now received two public reprimands in the short time she has been a judge. Accordingly, to protect the public and preserve trust and confidence in the integrity of the judiciary and the proper administration of justice, the Board is reporting Judge Boyd to the General Assembly pursuant to Tennessee Code Annotated section 17-5-203(a)(1) for further action as that body deems appropriate.

Sincerely,

Marshall Davidson

Marshall L. Davidson, III
Disciplinary Counsel

IN THE TENNESSEE BOARD OF JUDICIAL CONDUCT

M2023-00755-BJC-DIS-FC

IN RE: JUDGE A. MELISSA BOYD,
CRIMINAL COURT,
SHELBY COUNTY

FILED UNDER SEAL

FILED

MAY 22 2023

Clerk of the Appellate Courts
Rec'd By Lmm

File No. B22-9116

ORDER OF SUSPENSION

This matter is before the Board of Judicial Conduct ("Board") upon an investigation involving Judge A. Melissa Boyd, who has served as a Criminal Court Judge in Shelby County, Tennessee, since September 1, 2022. At all times relevant herein, Judge Boyd was subject to the provisions of Tennessee Supreme Court Rule 10, the Code of Judicial Conduct. As such, Judge Boyd is subject to judicial discipline by the Board pursuant to Tennessee Code Annotated section 17-5-102(a)(1). This order does not preclude, conclude, nor resolve any matters that may be pending or impending other than the issues identified below.

BACKGROUND

1. On November 30, 2022, the Board received a complaint against Judge Boyd alleging that she was threatening and intimidating an acquaintance and that she was abusing alcohol.
2. On December 19, 2022, an investigative panel of the Board composed of Chancellor Jeffrey Atherton, Judge G. Andrew Brigham, and Attorney Robert Wilkinson, authorized a full investigation of the matter pursuant to Tennessee Code Annotated section 17-5-303(c)(3).
3. In a letter dated December 21, 2022, the Board notified Judge Boyd that a full investigation had been authorized into her conduct. This notice advised Judge Boyd that her conduct implicated the following: Tenn. Code Ann. § 17-5-301(j)(1)(C) (a judicial offense includes a violation of the Code of Judicial Conduct); Tenn. Code Ann. § 17-5-301(j)(1)(H) (a judicial offense includes conduct calculated to bring the judiciary into public disrepute or to adversely affect the administration of justice); Tenn. Sup. Ct. R. 10, RJC 1.1 ("A judge shall comply with the law, including the Code of Judicial Conduct."); Tenn. Sup. Ct. R. 10, RJC 1.2 ("A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety."); and Tenn. Sup. Ct. R. 10, RJC 1.3 ("A judge shall not abuse the prestige of judicial office to advance the personal . . . interests of the judge[.]").
4. The December 21, 2022, notice informed Judge Boyd of her statutory obligation to respond and that her written response was due within fourteen days of

receiving the notice. Judge Boyd failed to submit any such response until February 23, 2023, more than a month after the deadline.

5. In a letter dated February 23, 2023, Judge Boyd submitted an initial response to the complaint. Judge Boyd denied having a substance abuse issue.

6. In a letter dated March 22, 2023, the Board notified Judge Boyd that the Board had expanded its investigation based on additional allegations that on or around January 21, 2023, Judge Boyd was discovered sitting outside the acquaintance's residence at approximately 2:30 a.m. During this incident Judge Boyd texted pictures of this individual's property and sent text messages which accused this person of having someone in the home.

7. The March 22, 2023, notice advised Judge Boyd that her conduct implicated the following: Tenn. Code Ann. § 17-5-301(j)(1)(C) (a judicial offense includes a violation of the Code of Judicial Conduct); Tenn. Code Ann. § 17-5-301(j)(1)(H) (a judicial offense includes conduct calculated to bring the judiciary into public disrepute or to adversely affect the administration of justice); Tenn. Sup. Ct. R. 10, RJC 1.1 ("A judge shall comply with the law, including the Code of Judicial Conduct."); Tenn. Sup. Ct. R. 10, RJC 1.2 ("A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety."); and Tenn. Sup. Ct. R. 10, RJC 1.3 ("A judge shall not abuse the prestige of judicial office to advance the personal . . . interests of the judge[.]").

8. In a letter dated April 10, 2023, Judge Boyd admitted that she sent the text messages and acknowledged that her behavior was inappropriate. Judge Boyd also acknowledged that she failed to timely respond. She explained that she had experienced grief-related issues due to the passing of several family members and the sudden illness of another family member.

9. In a letter dated April 27, 2023, the Board notified Judge Boyd that its investigation was being expanded for a third time. The investigation was expanded based on additional allegations that Judge Boyd admitted to having a substance abuse problem.

10. The April 27, 2023, notice advised Judge Boyd that her conduct implicated the following: Tenn. Code Ann. § 17-5-301(j)(1)(C) (a judicial offense includes a violation of the Code of Judicial Conduct); Tenn. Code Ann. § 17-5-301(j)(1)(H) (a judicial offense includes conduct calculated to bring the judiciary into public disrepute or to adversely affect the administration of justice); Tenn. Sup. Ct. R. 10, RJC 1.1 ("A judge shall comply with the law, including the Code of Judicial Conduct."); Tenn. Sup. Ct. R. 10, RJC 1.2 ("A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety."); and Tenn. Sup. Ct. R. 10, RJC 3.1 ("A judge may engage in personal or extrajudicial activities, except as prohibited by law[.]").

11. In a letter dated May 5, 2023, Judge Boyd acknowledged that she has a substance abuse problem and that she is currently seeking treatment to address her illness.

ANALYSIS

12. Judges are required to act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary, must avoid impropriety and the appearance of impropriety, and must comply with the law. *See* Tenn. Sup. Ct. R. 10, RJC 1.1 and 1.2. Judges are also expected to maintain the highest standards of conduct and dignity of judicial office in both their professional and personal lives. Preamble, Tenn. Sup. Ct. R. 10(2). In addition, judges must not engage in personal or extrajudicial activities that are prohibited by law. *See* Tenn. Sup. Ct. R. 10, RJC 3.1.

13. When any judge, but especially a judge who adjudicates substance abuse or chemical dependency related matters such as Judge Boyd, has alcohol and/or substance abuse issues, respect for the judiciary and the administration of justice suffers. Clearly, the public is more likely to respect and have confidence in the integrity and quality of justice administered by a judge if the judge has complied with the same standards of conduct he or she is responsible for applying to others. A judge who has drug or alcohol dependency issues does not inspire such confidence.

14. In addition, as the occupant of an honored position of public trust, a judge's role includes cultivating respect for the law and the administration of justice in both words and deeds. The conduct at issue here did just the opposite.

15. Likewise, Judge Boyd's behavior, including the use of the derogatory language is undignified and discourteous and has had a negative effect on the public's confidence in the integrity and respect for the judiciary. *See* Tenn. Sup. Ct. R. 10, RJC 1.2.

16. In light of the foregoing, the investigative panel has imposed and Judge Boyd has accepted, an indefinite suspension not to exceed six months with pay. As a condition of this suspension remaining private, Judge Boyd has agreed to the following conditions:

- a. Judge Boyd will submit to a physical, mental health, and/or substance addiction evaluation by an appropriately licensed healthcare provider as directed by the Tennessee Lawyers Assistance Program ("TLAP").
- b. Judge Boyd will complete all recommendations as a result of the evaluation, which may include an inpatient rehabilitation program, as monitored by TLAP.
- c. Judge Boyd will provide the Board with evidence of completion of any mental health or substance abuse program and will authorize TLAP to release all information to the Board.
- d. Prior to being permitted to return to the bench, TLAP must provide the Board with confirmation that Judge Boyd is fit to return to work.

- e. Judge Boyd shall attend at her own expense the General Jurisdiction Course at the National Judicial College, which takes place in Reno, Nevada in October 2023. Judge Boyd will provide the Board with a certificate of completion before the suspension will be lifted.
- f. Upon the suspension being lifted, Judge Boyd shall consult and meet at least monthly, for a minimum of six months, with Judge Jennifer Mitchell as a mentor. Judge Boyd must authorize the mentor judge to provide updates to the Board.
- g. Judge Boyd will notify the Board, via Disciplinary Counsel, on or before the fifth day of each month beginning after the suspension is lifted, the dates that she held court, the dates in which her court was cancelled and the reason for any such cancellation, and the dates another judge handled her docket. This reporting of dates will continue for one year after the suspension is lifted.

17. If for any reason Judge Boyd becomes noncompliant with this order or her treatment plan, this order may be released to the public and shall serve as a public reprimand.

18. If after successfully completing TLAP's recommended treatment program, a second full investigation is authorized based on allegations of drug or alcohol abuse and the investigative panel authorizes the filing of formal charges, Judge Boyd shall immediately resign.

CONCLUSION

IT IS, THEREFORE, ORDERED that Judge Boyd is indefinitely suspended, not to exceed six months, effective May 22, 2023. During this term of suspension, Judge Boyd is prohibited from exercising any judicial power or authority, including, but not limited to, holding court, issuing subpoenas, setting or resetting cases, issuing warrants, setting or changing bonds, administering oaths, or issuing oral or written rulings in any matter.

ENTERED this 22nd day of May 2023.



Judge Dee David Gay
Board Chair

FOR THE INVESTIGATIVE PANEL:



G. Andrew Brigham with permission MLD

5/22/2023
Date

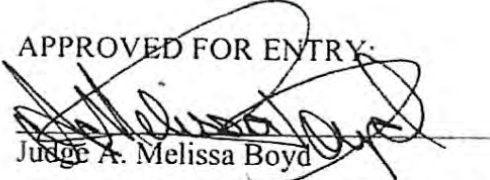
Jeffrey Atherton
Jeffrey Atherton with permission MLD

5/22/2023
Date

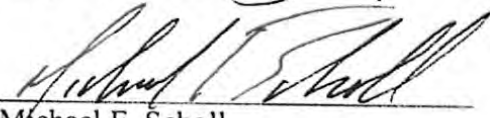
Robert Wilkinson
Robert Wilkinson with permission MLD

5/22/2023
Date

APPROVED FOR ENTRY:


Judge A. Melissa Boyd

5-22-23
Date


Michael E. Scholl
Counsel for Judge Boyd

5-22-23
Date

Marshall Davidson
Marshall L. Davidson, III
Disciplinary Counsel

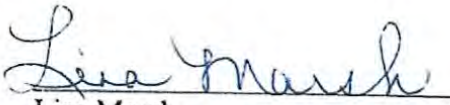
5/23/2023
Date

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Order has been mailed to the following:

Judge A. Melissa Boyd
C/O Michael E. Scholl
The Scholl Firm
200 Jefferson Avenue, Suite 1500
Memphis, TN 38103

on this 22nd day of May 2023.


Lisa Marsh
Chief Deputy Clerk