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MAR 22 2022

Clerk of the Appellate Courts
Rec'd By Lmm

**BOARD OF JUDICIAL CONDUCT
QUARTERLY REPORT**
(For the period 7/1/2021 through 9/30/2021)

The number of complaints OPENED¹ this quarter is 91. Year to date the number is 259.

The number of complaints CLOSED this quarter is 99. Year to date the number is 261².

The DISPOSITION of the complaints closed this quarter is:

		FY		
	YTD	2019-20	2020-21	
Dismissed, complaint about court ruling----	101	138	204	176
Dismissed, no jurisdiction -----	1	1	23	0
Dismissed, inadequate factual basis -----	20	86	134	119
Dismissal with warning -----	0	9	6	11
Dismissal after full investigation -----	0	0	0	0
Deferred discipline agreement -----	1	2	0	3
Private reprimand -----	0	2	6	5
Public reprimand -----	0	0	0	3
Other -----	2	18	15	30
Retired complaint, no longer a judge -----	1	1	0	0
Cease and Desist Order-----	0	0	0	0
Suspension -----	1	1	0	0
Recommendation of removal from office --	0	0	0	0
TOTAL	127	258	388	347

The number of complaints PENDING on the last day of this quarter is 26.

The number of complaints for which PROBABLE CAUSE WAS FOUND³ this quarter is 0.
The number year to date is 6.

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>	<u>FY 2019-20</u>	<u>FY 2020-21</u>
Criminal ----- 18	35	75	45
Circuit ----- 16	42	70	50
Chancery ----- 2	15	11	23
General Sessions ----- 24	48	57	48
Juvenile ----- 5	7	14	7
Magistrate and Referee----- 0	1	5	6
Municipal ----- 0	1	3	1
Commissioner ----- 1	2	3	2
Probate ----- 0	2	5	4
Appellate Court ----- 6	9	3	3
Senior and Retired ----- 0	4	5	7
Other(Non-judge, deceased, etc.)----- 0	8	8	10
TOTAL	72	174	206

B) Bias, prejudice and unfairness:	<u>YTD</u>	<u>FY 2019-20</u>	<u>FY 2020-21</u>
Criminal ----- 2	12	20	16
Circuit ----- 4	10	22	14
Chancery ----- 0	4	6	6
General Sessions ----- 1	5	17	10
Juvenile ----- 0	0	6	0
Magistrate and Referee----- 0	2	0	2
Municipal ----- 0	1	0	1
Commissioner ----- 0	1	0	1
Probate ----- 0	0	1	0
Appellate Court ----- 0	0	0	0
Senior and Retired ----- 0	0	1	1
Other ----- 0	2	9	2
TOTAL	7	82	53

C) Discourtesy:		<u>YTD</u>	<u>FY 2019-20</u>	<u>FY 2020-21</u>
Criminal -----	0	0	1	1
Circuit -----	2	2	2	2
Chancery -----	0	0	0	0
General Sessions -----	2	7	5	12
Juvenile -----	3	4	1	2
Magistrate and Referee-----	0	0	0	2
Municipal -----	0	0	0	0
Commissioner -----	0	0	0	0
Probate -----	0	0	0	0
Appellate Court -----	0	0	0	0
Senior and Retired -----	0	0	0	0
Other -----	0	0	1	1
TOTAL	7	13	10	20

D) Abuse of office:		<u>YTD</u>	<u>FY 2019-20</u>	<u>FY 2020-21</u>
Criminal -----	0	1	1	1
Circuit -----	1	7	2	9
Chancery -----	0	0	0	1
General Sessions -----	0	9	2	10
Juvenile -----	0	0	0	0
Magistrate and Referee-----	0	0	1	0
Municipal -----	0	1	0	1
Commissioner -----	0	1	0	1
Probate -----	0	0	0	0
Appellate Court -----	0	0	0	0
Senior and Retired -----	0	1	0	1
Other -----	0	0	1	0
TOTAL	1	20	7	24

E) Delay:		<u>YTD</u>	<u>FY 2019-20</u>	<u>FY 2020-21</u>
Criminal -----	1	5	9	11
Circuit -----	3	4	3	2
Chancery -----	0	0	1	1
General Sessions -----	0	1	2	3
Juvenile -----	0	0	0	0
Magistrate and Referee-----	2	2	0	0
Municipal -----	0	0	0	0
Commissioner -----	0	0	0	0
Probate -----	0	0	0	0
Appellate Court -----	0	0	0	0
Senior and Retired -----	0	0	0	0
Other -----	1	0	1	1
TOTAL	6	12	17	18

F) Ex parte communications:	<u>YTD</u>	<u>FY 2019-20</u>	<u>FY 2020-21</u>
Criminal ----- 0	1	0	4
Circuit ----- 0	0	0	0
Chancery ----- 0	2	0	2
General Sessions ----- 0	0	0	1
Juvenile ----- 0	0	1	0
Magistrate and Referee----- 0	0	0	2
Municipal ----- 0	0	0	0
Commissioner ----- 0	0	1	0
Probate ----- 0	0	0	0
Appellate Court ----- 0	0	0	0
Senior and Retired ----- 0	0	0	0
Other ----- <u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
TOTAL 0	0	2	9

G) Disability:	<u>YTD</u>	<u>FY 2019-20</u>	<u>FY 2020-21</u>
Criminal ----- 0	0	0	0
Circuit ----- 0	0	0	0
Chancery ----- 0	0	2	2
General Sessions ----- 0	0	1	1
Juvenile ----- 0	0	0	0
Magistrate and Referee----- 0	0	0	0
Municipal ----- 0	0	0	0
Commissioner ----- 0	0	0	0
Probate ----- 0	0	0	0
Appellate Court ----- 0	0	0	0
Senior and Retired ----- 0	0	0	0
Other ----- <u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
TOTAL 0	2	3	3

H) Political violation:	<u>YTD</u>	<u>FY 2019-20</u>	<u>FY 2020-21</u>
Criminal ----- 0	0	0	0
Circuit ----- 0	0	1	0
Chancery ----- 0	0	0	0
General Sessions ----- 0	0	0	1
Juvenile ----- 0	0	0	0
Magistrate and Referee----- 0	0	0	0
Municipal ----- 0	0	1	0
Commissioner ----- 0	0	0	0
Probate ----- 0	0	0	0
Appellate Court ----- 0	0	0	0
Senior and Retired ----- 0	0	0	0
Other ----- <u>0</u>	<u>1</u>	<u>1</u>	<u>1</u>
TOTAL 0	1	3	2

I) Recusal:		<u>YTD</u>	<u>FY 2019-20</u>	<u>FY 2020-21</u>
Criminal -----	0	0	3	5
Circuit -----	0	4	3	0
Chancery -----	0	0	0	0
General Sessions -----	0	0	1	2
Juvenile -----	0	2	1	0
Magistrate and Referee-----	0	0	0	1
Municipal -----	1	0	0	0
Commissioner -----	0	0	0	0
Probate -----	0	0	0	0
Appellate Court -----	0	0	1	0
Senior and Retired -----	0	0	0	0
Other -----	0	<u>1</u>	<u>0</u>	<u>1</u>
TOTAL	1	7	9	9

J) Miscellaneous:		<u>YTD</u>	<u>FY 2019-20</u>	<u>FY 2020-21</u>
Criminal -----	0	0	0	0
Circuit -----	0	1	1	1
Chancery -----	0	0	0	0
General Sessions -----	0	0	0	0
Juvenile -----	0	0	0	0
Magistrate and Referee-----	0	0	0	0
Municipal -----	0	0	0	0
Commissioner -----	0	0	0	0
Probate -----	0	0	0	0
Appellate Court -----	0	0	0	0
Senior and Retired -----	0	0	0	0
Other -----	0	<u>1</u>	<u>5</u>	<u>1</u>
TOTAL	0	2	6	2

Member Voting

	D	FI	D(YTD)	FI(YTD)
Robert Wilkinson	7	0	47	5
Hon. Jeffrey Atherton	31	0	80	5
Hon. H. Allen Bray	8	0	58	0
Hon. Andrew Brigham	15	0	55	1
Hon. Valerie Smith	8	0	8	0
Edwena Crowe	32	0	82	0
Rita Ellison	7	0	56	5
William Koch Jr	19	0	75	2
Hon. Camille McMullen	14	0	66	2
Dr. Albert Mosley	15	0	55	1
Benjamin Purser Jr	19	0	75	2
Richard Rogers	15	0	55	1
Dan Springer	19	0	75	2
Terica Smith	14	0	66	2
Hon. John Whitworth	38	0	90	2

D= Dismissals

FI= Full Investigations

Respectfully submitted,

Dee David Gay, Board Chair
BOARD OF JUDICIAL CONDUCT