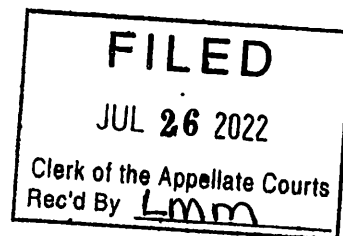


IN THE TENNESSEE BOARD OF JUDICIAL CONDUCT

IN RE: JUDGE JONATHAN LEE YOUNG,
CIRCUIT COURT,
THIRTEENTH JUDICIAL DISTRICT

File Nos. B22-8885, B22-8936,
and B22-8937



M2022-01011-BJC-DIS-FC

ORDER OF SUSPENSION

This matter is before the Board of Judicial Conduct (“Board”) upon the filing of three complaints against Judge Jonathan Lee Young. Judge Young has served as a Circuit Court Judge in the Thirteenth Judicial District, which includes the counties of Clay, Cumberland, DeKalb, Overton, Pickett, Putnam, and White, since 2014. At all times relevant herein, Judge Young was subject to the provisions of Tennessee Supreme Court Rule 10, the Code of Judicial Conduct. As such, Judge Young is subject to judicial discipline by the Board pursuant to Tennessee Code Annotated section 17-5-102(a)(1).

Background

Range Complaint

1. On April 27, 2022, attorney Ronald Range, Jr., on behalf of Endo Pharmaceuticals, Inc., and Endo Health Solutions, Inc., filed a complaint against Judge Young contending that his extra-judicial conduct, such as an interview with a national media outlet, Law360.com, along with various social media posts and other activities while *Clay County, et al. v. Purdue Pharma L.P., et al.* was pending in his court, violated the Code of Judicial Conduct and necessitated his removal from the case. The complaint correctly notes that the Court of Appeals found that by engaging in the extra-judicial conduct, Judge Young positioned himself “publicly as an interested community advocate and voice for change in the larger societal controversy over opioids” rather than “an impartial adjudicator presiding over litigation.” *Clay County*, No. E2022-00349-COA-T10B-CV, 2022 WL 1161056, at *4 (Tenn. Ct. App. Apr. 20, 2022). Accordingly, the court found that Judge Young’s removal from the case, a major opioid case involving numerous parties and more than a billion dollars, was necessary to protect public confidence in the judiciary.

2. The complaint further asserts that, rather than heeding the Court of Appeal’s conclusions regarding his extra-judicial activities, Judge Young continued his public media campaign by conducting additional interviews about the pending case with local and national publications and authoring additional social media posts. According to the complaint, this continued course of conduct risked tainting the jury pool.

3. In addition, the complaint contends that Judge Young had an ex parte communication about the case as evidenced by his comment to a local newspaper on April 20, 2022, that “[t]he plaintiffs tell me they’re going to appeal to the Supreme Court, so this is obviously not the final decision on this.” No appeal was filed, and the decision to remove Judge Young from the case was, in fact, “the final decision on this.”

4. In addition to ordering Judge Young’s removal from the case, the Court of Appeals vacated his February 28, 2022, order granting sanctions, including a default judgment and setting the case for trial on the issue of damages, because the sanctions order was entered while a recusal motion was pending. As determined by the Court of Appeals, the entry of this order by Judge Young violated Tennessee Supreme Court Rule 10B, section 1.02.

5. In a letter dated May 16, 2022, Judge Young submitted an initial response to the complaint as part of the Board’s preliminary investigation. Rather than take responsibility for the extra-judicial conduct that led to his removal from the case and the disruption to the orderly administration of justice caused by his conduct, Judge Young blamed the parties and their lawyers and attempted to portray himself as a victim. He also asserted, without citing any legal authority, that as a judge he essentially enjoyed a constitutional right to say and do as he pleased in the media and on social media platforms concerning cases assigned to his court.¹

6. On June 14, 2022, an investigative panel of the Board found probable cause and authorized a full investigation pursuant to Tennessee Code Annotated section 17-5-303(c)(3).

7. In a notice dated June 21, 2022, Judge Young was advised that his 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(E) (a judicial offense includes a persistent pattern of intemperate, irresponsible, or injudicious 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.”); Tenn. Sup. Ct. R. 10, RJC 2.4(B) (“A judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge’s conduct or judgment.”); Tenn. Sup. Ct. R. 10, RJC 2.9(A) (a judge shall not permit or consider ex parte communications made to the judge outside the presence of the parties or their attorneys concerning a pending or impending matter); Tenn. Sup. Ct. R. 10, RJC 2.10(A) (“A judge shall not make any public statements that might reasonably be expected to affect the outcome or impair the fairness of a matter pending or impending in

¹ We note parenthetically that any reasonable jurist would know that using a case pending before him or her for their own extra-judicial purposes on social media or elsewhere runs a significant risk of undermining the administration of justice, public confidence in the individual judge, and violates the Code of Judicial Conduct.

any court, or make any nonpublic statement that might substantially interfere with a fair trial or hearing.”); Tenn. Sup. Ct. R. 10, RJC 2.11(A) (“A judge shall disqualify himself or herself in any proceeding in which the judge’s impartiality might reasonably be questioned.”); and Tenn. Sup. Ct. R. 10, RJC 4.1(A)(12) (“[A] judge . . . shall not . . . make any statement that would reasonably be expected to affect the outcome or impair the fairness of a matter pending or impending in any court.”).

8. The notice to Judge Young dated June 21, 2022, further advised Judge Young that he was required, pursuant to Tennessee Code Annotated section 17-5-303(d)(3), to submit a written response within fourteen days of receiving the notice. Judge Young failed to respond.

Chelsey Hoover and Michael Hoover Complaints

9. On June 7, 2022, Chelsey Hoover and Michael Hoover filed separate complaints, supported by affidavits, asserting that Judge Young initiated communications with Mrs. Hoover ranging from flirtatious to sexual before, during, and after she and Mr. Hoover were parties in an adoption case in Judge Young’s court filed on March 29, 2022.

10. According to Mrs. Hoover, Judge Young requested explicit pictures from her and also met with her on multiple occasions outside of court, including a hotel in Cookeville on or about April 28, 2022, where they had sex. Judge Young suggested to Mrs. Hoover that she use an app on her phone that would automatically delete their electronic communications.

11. When Judge Young met Mrs. Hoover at the hotel on or about April 28, 2022, Mrs. Hoover presented him with legal documents in an unrelated custody matter she had pending in another court in his judicial district. Judge Young provided Mrs. Hoover advice about her custody case, including how to get the judge handling the case disqualified from hearing the matter. He also advised her about how to replace her attorney.

12. Mr. Hoover, a party to the adoption matter before Judge Young, alleges that Judge Young failed to disclose any of the above information to him before or during the adoption matter in his court. When he learned that Judge Young had been soliciting intimate pictures from his wife and seeing her outside of court, including engaging in a physical relationship, Mr. Hoover, who felt betrayed by the court, confronted Judge Young.

13. Despite the circumstances described above, Judge Young failed to recuse himself from the Hoovers’ adoption case. Instead, he entered an order dated April 8, 2022, granting the adoption in which Mr. Hoover adopted one of Mrs. Hoover’s children.

14. Judge Young’s conduct led to safety and security concerns for law enforcement officials and court employees. At one point, court staff were sent home, and an order was entered by the Presiding Judge of the district on May 27, 2022, closing Judge Young’s court for that day.

15. On June 9, 2022, an investigative panel of the Board found probable cause and authorized a full investigation pursuant to Tennessee Code Annotated section 17-5-303(c)(3).

16. In a notice dated June 14, 2022, Judge Young was advised that his 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(E) (a judicial offense includes a persistent pattern of intemperate, irresponsible, or injudicious conduct); Tenn. Code Ann. § 17-5-301(j)(1)(H) (a judicial offense includes any 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.”); 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.”); Tenn. Sup. Ct. R. 10, RJC 2.4(B) (“A judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge’s conduct or judgment.”); Tenn. Sup. Ct. R. 10, RJC 2.11(A) (“A judge shall disqualify himself or herself in any proceeding in which the judge’s impartiality might reasonably be questioned.”); Tenn. Sup. Ct. R. 10, RJC 3.1(A) (prohibiting personal activities that will interfere with the proper performance of the judge’s duties); Tenn. Sup. Ct. R. 10, RJC 3.1(C) (prohibiting personal activities that would appear to a reasonable person to undermine the judge’s independence, integrity, or impartiality); Tenn. Sup. Ct. R. 10, RJC 3.1(D) (prohibiting personal activities that would appear to a reasonable person to be coercive); and Tenn. Sup. Ct. R. 10, RJC 3.10 (“A judge shall not practice law.”).

17. The June 14, 2022, notice to Judge Young advised him that he was required, pursuant to Tennessee Code Annotated section 17-5-303(d)(3), to submit a written response within fourteen days of receiving the notice. He failed to respond.

Investigative Panel’s Findings

18. On July 22, 2022, an investigative panel of the Board composed of Chancellor Jeffrey M. Atherton, Judge G. Andrew Brigham, and attorney Robert W. Wilkinson, found reasonable cause to believe that Judge Young committed the misconduct described herein in both the *Range* and *Hoover* matters. Under normal circumstances, this finding would result in the filing of formal charges pursuant to Tennessee Code Annotated section 17-5-303(e)(2)(A).

19. Although reasonable cause exists to believe that Judge Young committed the misconduct described above, Judge Young’s term ends August 31, 2022, and he will no longer be subject to the Board’s jurisdiction after that date. The statutorily established disciplinary process cannot be completed by that time. As a result, this Order and all pertinent documents will be provided to the Board of Professional Responsibility to determine, in its discretion, what further action may be appropriate after August 31, 2022.

20. While the timing of these circumstances presents unavoidable jurisdictional constraints that necessarily limit how far the judicial disciplinary process can proceed with the Board, Judge Young received a public reprimand on October 5, 2020, for having inappropriate social media communications with multiple women, including a legal professional in his district and a litigant who formerly had a child custody matter in his court. These communications included content ranging from flirtatious to overtly sexual. As a part of that reprimand, an agreed upon 30-day suspension was “held in abeyance provided there are no meritorious complaints involving prospective ethical misconduct of *any type* for the remainder of [Judge Young’s] current term.” (Emphasis added.)

21. In the *Range* matter, the investigative panel has before it Judge Young’s media interviews and social media posts, along with a judicial finding that his extra-judicial activities necessitated his removal from the case in order to promote public confidence in the judiciary. This finding by the Court of Appeals came a mere 16 months after Judge Young was publicly reprimanded for his social media activities.

22. In the *Hoover* matter, the investigative panel has before it the affidavits of the parties, the hotel receipt, and text messages between Judge Young and Mrs. Hoover that corroborate the allegations in the Hoovers’ complaints.

23. In addition, as noted above, Judge Young has failed to respond to the notices of a full investigation which, by itself, violates both the law and the Code of Judicial Conduct. *See* Tenn. Sup. Ct. R. 10, RJC 1.1 (“A judge shall comply with the law[.]”).


24. In light of the foregoing and in the interests of the administration of justice and public confidence in the judiciary, the investigative panel finds it appropriate to impose the thirty-day suspension for “prospective ethical misconduct of any type” as provided in the Reprimand of October 5, 2020.

25. In addition, the investigative panel finds and concludes that the contents of this Order meet and exceed the fair and adequate notice requirements of Tennessee Code Annotated section 17-5-306(b) and that the entry of this Order shall be issued in lieu of the issuance of formal charges. This Order shall not be interpreted as obviating or suspending the obligations of Judge Young as provided by Tennessee Code Annotated section 17-5-306(c).

Conclusion

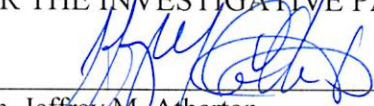
IT IS, THEREFORE, ORDERED that Judge Young is suspended for a term of thirty (30) days effective August 2, 2022, through August 31, 2022. During this term of suspension, Judge Young is prohibited from exercising any judicial power or authority, including, but not limited to, holding court, issuing subpoenas, setting or resetting cases, issuing warrants, setting or changing bonds, administering oaths, or issuing oral or written rulings in any matter.

ENTERED this 26th day of July, 2022.



Judge Dee David Gay
Board Chair

FOR THE INVESTIGATIVE PANEL:



Hon. Jeffrey M. Atherton

7/26/22
Date



Hon. G. Andrew Brigham

7/26/22
Date

Robert W. Wilkinson
Robert W. Wilkinson, Esq. *w/permission MLD*

7-26-22
Date

APPROVED FOR ENTRY:

Marshall L. Davidson, III
Marshall L. Davidson, III
Disciplinary Counsel


7-26-22
Date

CERTIFICATE OF SERVICE

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

Judge Jonathan Lee Young
321 East Spring Street, Suite 302
Cookeville, TN 38501

on this 26th day of July, 2022.



Lisa Marsh
Chief Deputy Clerk