

STATE OF TENNESSEE
BOARD OF JUDICIAL CONDUCT

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

MEMBERS OF THE TENNESSEE
BOARD OF JUDICIAL CONDUCT

Dee David Gay
Board Chair

September 16, 2021

G. Andrew Brigham
Vice Chair

Marshall L. Davidson, III
Disciplinary Counsel

Shane Hutton
Assistant Disciplinary Counsel

Jeffrey M. Atherton
H. Allen Bray
Edwena L. Crowe
Rita Ellison
William C. Koch, Jr.
Camille R. McMullen
Albert Mosley
Benjamin S. Purser, Jr.
Richard Rogers
Dan Springer
Terica N. Smith
Valerie L. Smith
John W. Whitworth
Robert W. Wilkinson

Judiciary Committee of the Senate
Senator Mike Bell
716 Cordell Hull Building
Nashville, TN 37243

Dear Senator Bell:

Please find enclosed the statistical report of the Board of
Judicial Conduct covering filings and dispositions for the month of
August, 2021, as mandated by Tenn. Code Ann. § 17-5-202.

If you have any questions or concerns, please contact me.

Sincerely,

Dee Gay
Board Chair

DDG/sp
Enclosure

James M. Hivner, Clerk
401 Seventh Avenue, North
Nashville, TN 37219-1407
615-253-1470

Joy Scribner,
Legal Assistant/Paralegal
629-224-7482



FILED
SEP 16 2021
Clerk of the Appellate Courts
Rec'd By LMM

ADM 2021-00010

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401 Seventh Avenue, North
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Joy Scribner,
Legal Assistant/Paralegal
629-224-7482

Judiciary Committee of the House
Representative Michael Curcio
630 Cordell Hull Building
Nashville, TN 37243

Dear Representative Curcio:

Please find enclosed the statistical report of the Board of
Judicial Conduct covering filings and dispositions for the month of
August, 2021, as mandated by Tenn. Code Ann. § 17-5-202.

If you have any questions or concerns, please contact me.

Sincerely,

Dee Gay
Board Chair

DDG/sp
Enclosure

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ADM2021-00010

**BOARD OF JUDICIAL CONDUCT
 MONTHLY REPORT FOR AUGUST 2021**

The number and category of complaints OPENED¹:

| | <u>THIS MONTH</u> | <u>YEAR-TO-DATE</u> |
|--|-----------------------|---------------------|
| A) Failure to comply with law: ----- | 28 | 144 |
| B) Bias, prejudice and unfairness: ----- | 4 | 36 |
| C) Discourtesy: ----- | 1 | 10 |
| D) Abuse of office: ----- | 0 | 20 |
| E) Delay: ----- | 2 | 11 |
| F) Ex parte communications: ----- | 0 | 3 |
| G) Disability: ----- | 0 | 0 |
| H) Political violation: ----- | 0 | 1 |
| I) Recusal: ----- | 0 | 8 |
| J) Miscellaneous: ----- | 0 | <u>3</u> |
| TOTAL ² : | 35 | 236 |

The number and category of complaints CLOSED:

| | <u>THIS MONTH</u> | <u>YEAR-TO-DATE</u> |
|--|-----------------------|---------------------|
| A) Failure to comply with law: ----- | 11 | 136 |
| B) Bias, prejudice and unfairness: ----- | 2 | 32 |
| C) Discourtesy: ----- | 3 | 9 |
| D) Abuse of office: ----- | 3 | 22 |
| E) Delay: ----- | 0 | 8 |
| F) Ex parte communications: ----- | 0 | 3 |
| G) Disability: ----- | 0 | 0 |
| H) Political violation: ----- | 0 | 1 |
| I) Recusal: ----- | 0 | 6 |
| J) Miscellaneous: ----- | <u>0</u> | <u>1</u> |
| TOTAL | 19 | 218 |

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. 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.* On April 24, 2020, the Tennessee Supreme Court modified the prior suspension of in-person proceedings. *See In re: Covid-19 Pandemic*, No. ADM2020-00428 (Tenn. April 24, 2020).

2. Out of the 35 total complaints filed, 51% were filed by inmates. Similarly, out of the 35 complaints, 97% were filed by the party that lost in the underlying proceeding.

DISPOSITION of the complaints closed by CATEGORY:

| | <u>THIS</u> <u>MONTH</u> | <u>YEAR-TO-DATE</u> |
|---|-----------------------------|---------------------|
| A) Failure to comply with law | | |
| Dismissed, complaint about court ruling---- | 5 | 90 |
| Dismissed, no jurisdiction ----- | 0 | 0 |
| Dismissed, inadequate factual basis ----- | 2 | 28 |
| Dismissal with warning ----- | 0 | 1 |
| Dismissal after full investigation ----- | 0 | 0 |
| Deferred discipline agreement ----- | 0 | 0 |
| Private reprimand ----- | 0 | 2 |
| Public reprimand ----- | 0 | 0 |
| Other ----- | 2 | 13 |
| Retired complaint, no longer a judge ----- | 2 | 2 |
| Suspension ----- | 0 | 0 |
| Recommendation of removal from office -- | <u>0</u> | <u>0</u> |
| TOTAL | 11 | 136 |

| | <u>THIS</u> <u>MONTH</u> | <u>YEAR-TO-DATE</u> |
|---|-----------------------------|---------------------|
| B) Bias, prejudice and unfairness: | | |
| Dismissed, complaint about court ruling---- | 0 | 11 |
| Dismissed, no jurisdiction ----- | 0 | 0 |
| Dismissed, inadequate factual basis ----- | 1 | 16 |
| Dismissal with warning ----- | 1 | 2 |
| Dismissal after full investigation ----- | 0 | 0 |
| Deferred discipline agreement ----- | 0 | 0 |
| Private reprimand ----- | 0 | 0 |
| Public reprimand ----- | 0 | 0 |
| Other ----- | 0 | 3 |
| Retired complaint, no longer a judge ----- | 0 | 0 |
| Suspension ----- | 0 | 0 |
| Recommendation of removal from office -- | <u>0</u> | <u>0</u> |
| TOTAL | 2 | 32 |

| | <u>THIS</u> <u>MONTH</u> | <u>YEAR-TO-DATE</u> |
|---|-----------------------------|---------------------|
| C) Discourtesy: | | |
| Dismissed, complaint about court ruling---- | 0 | 2 |
| Dismissed, no jurisdiction ----- | 0 | 0 |
| Dismissed, inadequate factual basis ----- | 3 | 5 |
| Dismissal with warning ----- | 0 | 2 |
| Dismissal after full investigation ----- | 0 | 0 |
| Deferred discipline agreement ----- | 0 | 0 |
| Private reprimand ----- | 0 | 0 |
| Public reprimand ----- | 0 | 0 |
| Other ----- | 0 | 0 |
| Retired complaint, no longer a judge ----- | 0 | 0 |
| Suspension ----- | 0 | 0 |
| Recommendation of removal from office --- | <u>0</u> | <u>0</u> |
| TOTAL | 3 | 9 |

| | <u>THIS</u> <u>MONTH</u> | <u>YEAR-TO-DATE</u> |
|---|-----------------------------|---------------------|
| D) Abuse of office: | | |
| Dismissed, complaint about court ruling---- | 1 | 4 |
| Dismissed, no jurisdiction ----- | 0 | 0 |
| Dismissed, inadequate factual basis ----- | 1 | 13 |
| Dismissal with warning ----- | 1 | 2 |
| Dismissal after full investigation ----- | 0 | 0 |
| Deferred discipline agreement ----- | 0 | 1 |
| Private reprimand ----- | 0 | 0 |
| Public reprimand ----- | 0 | 0 |
| Other ----- | 0 | 2 |
| Retired complaint, no longer a judge ----- | 0 | 0 |
| Suspension ----- | 0 | 0 |
| Recommendation of removal from office --- | <u>0</u> | <u>0</u> |
| TOTAL | 3 | 22 |

| | <u>THIS</u> <u>MONTH</u> | <u>YEAR-TO-DATE</u> |
|---|-----------------------------|---------------------|
| E) Delay: | | |
| Dismissed, complaint about court ruling---- | 0 | 1 |
| Dismissed, no jurisdiction ----- | 0 | 0 |
| Dismissed, inadequate factual basis ----- | 0 | 4 |
| Dismissal with warning ----- | 0 | 1 |
| Dismissal after full investigation ----- | 0 | 0 |
| Deferred discipline agreement ----- | 0 | 1 |
| Private reprimand ----- | 0 | 0 |
| Public reprimand ----- | 0 | 0 |
| Other ----- | 0 | 1 |
| Retired complaint, no longer a judge ----- | 0 | 0 |
| Suspension ----- | 0 | 0 |
| Recommendation of removal from office -- | <u>0</u> | <u>0</u> |
| TOTAL | 0 | 8 |

| | <u>THIS</u> <u>MONTH</u> | <u>YEAR-TO-DATE</u> |
|---|-----------------------------|---------------------|
| F) Ex parte communications: | | |
| Dismissed, complaint about court ruling---- | 0 | 1 |
| Dismissed, no jurisdiction ----- | 0 | 0 |
| Dismissed, inadequate factual basis ----- | 0 | 2 |
| Dismissal with warning ----- | 0 | 0 |
| Dismissal after full investigation ----- | 0 | 0 |
| Deferred discipline agreement ----- | 0 | 0 |
| Private reprimand ----- | 0 | 0 |
| Public reprimand ----- | 0 | 0 |
| Other ----- | 0 | 0 |
| Retired complaint, no longer a judge ----- | 0 | 0 |
| Suspension ----- | 0 | 0 |
| Recommendation of removal from office -- | <u>0</u> | <u>0</u> |
| TOTAL | 0 | 3 |

| | <u>THIS</u> <u>MONTH</u> | <u>YEAR-TO-DATE</u> |
|---|-----------------------------|---------------------|
| G) Disability: | | |
| Dismissed, complaint about court ruling---- | 0 | 0 |
| Dismissed, no jurisdiction ----- | 0 | 0 |
| Dismissed, inadequate factual basis ----- | 0 | 0 |
| Dismissal with warning ----- | 0 | 0 |
| Dismissal after full investigation ----- | 0 | 0 |
| Deferred discipline agreement ----- | 0 | 0 |
| Private reprimand ----- | 0 | 0 |
| Public reprimand ----- | 0 | 0 |
| Other ----- | 0 | 0 |
| Retired complaint, no longer a judge ----- | 0 | 0 |
| Suspension ----- | 0 | 0 |
| Recommendation of removal from office -- | <u>0</u> | <u>0</u> |
| TOTAL | 0 | 0 |

| | <u>THIS</u> <u>MONTH</u> | <u>YEAR-TO-DATE</u> |
|---|-----------------------------|---------------------|
| H) Political violation: | | |
| Dismissed, complaint about court ruling---- | 0 | 0 |
| Dismissed, no jurisdiction ----- | 0 | 0 |
| Dismissed, inadequate factual basis ----- | 0 | 0 |
| Dismissal with warning ----- | 0 | 1 |
| Dismissal after full investigation ----- | 0 | 0 |
| Deferred discipline agreement ----- | 0 | 0 |
| Private reprimand ----- | 0 | 0 |
| Public reprimand ----- | 0 | 0 |
| Other ----- | 0 | 0 |
| Retired complaint, no longer a judge ----- | 0 | 0 |
| Suspension ----- | 0 | 0 |
| Recommendation of removal from office -- | <u>0</u> | <u>0</u> |
| TOTAL | 0 | 1 |

| | <u>THIS</u> <u>MONTH</u> | <u>YEAR-TO-DATE</u> |
|---|-----------------------------|---------------------|
| I) Recusal: | | |
| Dismissed, complaint about court ruling---- | 0 | 4 |
| Dismissed, no jurisdiction ----- | 0 | 0 |
| Dismissed, inadequate factual basis ----- | 0 | 2 |
| Dismissal with warning ----- | 0 | 0 |
| Dismissal after full investigation ----- | 0 | 0 |
| Deferred discipline agreement ----- | 0 | 0 |
| Private reprimand ----- | 0 | 0 |
| Public reprimand ----- | 0 | 0 |
| Other ----- | 0 | 0 |
| Retired complaint, no longer a judge ----- | 0 | 0 |
| Suspension ----- | 0 | 0 |
| Recommendation of removal from office -- | <u>0</u> | <u>0</u> |
| TOTAL | 0 | 6 |

| | <u>THIS</u> <u>MONTH</u> | <u>YEAR-TO-DATE</u> |
|---|-----------------------------|---------------------|
| J) Miscellaneous: | | |
| Dismissed, complaint about court ruling---- | 0 | 0 |
| Dismissed, no jurisdiction ----- | 0 | 0 |
| Dismissed, inadequate factual basis ----- | 0 | 0 |
| Dismissal with warning ----- | 0 | 0 |
| Dismissal after full investigation ----- | 0 | 0 |
| Deferred discipline agreement ----- | 0 | 0 |
| Private reprimand ----- | 0 | 0 |
| Public reprimand ----- | 0 | 0 |
| Other ----- | 0 | 1 |
| Retired complaint, no longer a judge ----- | 0 | 0 |
| Suspension ----- | 0 | 0 |
| Recommendation of removal from office -- | <u>0</u> | <u>0</u> |
| TOTAL | 0 | 1 |