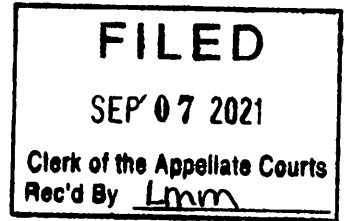


**IN THE TENNESSEE BOARD OF JUDICIAL CONDUCT**

**IN RE: JUDGE MICHAEL E. HINSON,  
GENERAL SESSIONS COURT,  
LEWIS COUNTY**



**File No. B21-8538**

*M2021-01026-BJC-DIS-FC*

**ORDER OF SUSPENSION**

This matter is before the Board of Judicial Conduct (“Board”) upon a judicial ethics complaint filed by Cheryl Smith on July 16, 2021, against Judge Michael E. Hinson. Judge Hinson has served as a General Sessions Court Judge in Lewis County, Tennessee, since 2014. At all times relevant herein, Judge Hinson was subject to the provisions of Tennessee Supreme Court Rule 10, the Code of Judicial Conduct. As such, Judge Hinson is subject to judicial discipline by the Board pursuant to Tennessee Code Annotated section 17-5-102(a)(1).

**Background**

1. On June 4, 2021, Judge Hinson heard an order of protection matter in which a wife was seeking an order of protection against her husband. Both parties and their attorneys were present in court.

2. At the conclusion of the hearing, Judge Hinson explained to the parties that the evidence was insufficient to issue the order and that the issues raised in their filings would be addressed by the court handling their divorce. In a reference to the parties’ divorce and child custody related issues, Judge Hinson stated that “Judge Spitzer would wade through the bullshit.”<sup>1</sup> Multiple people in the courtroom heard Judge Hinson make this comment.

3. In another case on his June 4, 2021, docket, Judge Hinson stated to the parties that they were putting their child custody dispute “in the hands of a guy who wears a costume” to work, a reference to his judicial robe. Multiple people in the courtroom heard this comment as well.

4. On June 22, 2021, an investigative panel of the Board composed of Judge Camille R. McMullen, Terica N. Smith, Esq., and Judge John W. Whitworth, authorized a full investigation of this matter pursuant to Tennessee Code Annotated section 17-5-303(c)(3).

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<sup>1</sup>Judge Michael E. Spitzer is the Lewis County Circuit Court judge who hears divorce and custody cases.

5. In a notice dated June 24, 2021, Judge Hinson was advised that the conduct at issue implicated the following: Tennessee Code Annotated section 17-5-301(j)(1)(C) (a judicial offense includes a violation of the Code of Judicial Conduct); Tennessee Code Annotated section 17-5-301(j)(1)(H) (a judicial offense includes conduct calculated to bring the judiciary into public disrepute or 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 judiciary and avoid impropriety and the appearance of impropriety); and Tenn. Sup. Ct. R. 10, RJC 2.8(B) (a judge shall be patient, dignified, and courteous to those with whom the judge deals in an official capacity).

6. In a response dated July 9, 2021, Judge Hinson acknowledged making the comments identified above. He explained that he did not intend to make the comments “in a derogatory manner,” but rather as a way of encouraging the parties to resolve their differences without judicial intervention in order to achieve the best outcome for themselves and their children.

### Analysis

7. Judges are required to act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary and must avoid impropriety and the appearance of impropriety. Tenn. Sup. Ct. R. 10, RJC 1.2. Participants in a legal proceeding hearing comments such as those involved here can reasonably perceive that the judge is disparaging their circumstances, disrespecting the legal process, and denigrating the judge’s role as a jurist. Simply stated, using crude language from the bench does not promote public confidence in the judiciary.

Moreover, it is essential that all persons appearing in Tennessee courts have confidence that the judge will dispense justice fairly and respectfully and otherwise conduct judicial business in a professional manner. The public is more likely to respect and have confidence in the integrity and quality of justice administered by a judge if the judge is outwardly respectful and dignified. Telling a litigant seeking an order of protection that her “bullshit” would be considered by another court does not inspire such confidence.

In addition, judges are expected to maintain the highest standards of conduct and dignity of judicial office at all times. Preamble, Tenn. Sup. Ct. R. 10(2). This obligation includes the specific responsibility of being dignified and courteous with those with whom the judge deals in an official capacity. Tenn. Sup. Ct. R. 10, RJC 2.8(B). The statements involved here, made in open court, are neither dignified nor courteous, regardless of the intent behind them.

Finally, while Judge Hinson may not have intended to be disrespectful or demeaning to any litigant or to the legal process, those who heard his comments have no

way of determining his intent apart from the words used. Once such comments are made, the damage is done.

In short, as the occupant of an honored position of public trust, a judge's role includes cultivating respect for the judicial process and its participants in both words and deeds. The comments at issue did just the opposite.

8. In light of the foregoing, the investigative panel, on August 5, 2021, found reasonable cause to believe that Judge Hinson violated the following and authorized disciplinary counsel to file formal charges pursuant to Tennessee Code Annotated section 17-5-303(e)(2)(A), if necessary:

- Tennessee Code Annotated section 17-5-301(j)(1)(C) (a judicial offense includes a violation of the Code of Judicial Conduct);
- Tennessee Code Annotated section 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 judiciary and avoid impropriety and the appearance of impropriety); and
- Tenn. Sup. Ct. R. 10, RJC 2.8(B) (a judge shall be patient, dignified, and courteous to those with whom the judge deals in an official capacity).

9. The investigative panel, pursuant to Tennessee Code Annotated section 17-5-303(e)(2)(B)(i)(d), approved the suspension of Judge Hinson for a period of thirty (30) days. *See* Tenn. Code Ann. § 17-5-301(f)(1)(A) (authorizing a suspension without the impairment of compensation for such period as the Board determines). *See also* Tenn. Code Ann. § 17-5-303(e)(2)(B)(i)(d). The panel further determined that Judge Hinson should complete at his own expense, either in person or online, a judicial ethics program from the National Center of State Courts addressing demeanor from the bench and provide Disciplinary Counsel with a certificate of completion.

10. Judge Hinson, who has been cooperative throughout this matter, agreed to accept the proposed sanction in lieu of the filing of formal charges.

### Conclusion

**IT IS, THEREFORE, ORDERED** that Judge Hinson is suspended for a term of thirty (30) days effective October 2, 2021, through and including October 31, 2021. During this term of suspension, Judge Hinson 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.

**IT IS FURTHER ORDERED** that before resuming his judicial duties following his suspension, Judge Hinson will complete at his own expense, either in person or online, a judicial ethics program from the National Center of State Courts addressing demeanor from the bench and provide Disciplinary Counsel with a certificate of completion.

**IT IS FURTHER ORDERED** that Judge Hinson shall refrain from making undignified, discourteous, or other inappropriate comments that demean a litigant or the solemnity of any court proceeding.

ENTERED this 7th day of September, 2021.

  
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Judge Dee David Gay  
Board Chair

FOR THE INVESTIGATIVE PANEL:

Camille R. McMullen by  
Marshall Davidson w/permission  
Hon. Camille R. McMullen

9/7/2021  
Date

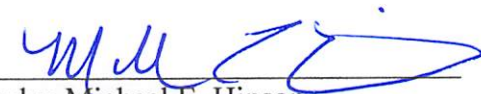
Terica N. Smith by  
Marshall Davidson w/permission  
Terica N. Smith, Esq.

9/7/2021  
Date

John W. Whitworth by  
Marshall Davidson w/permission  
Hon. John W. Whitworth

9/7/2021  
Date

APPROVED FOR ENTRY:

  
Judge Michael E. Hinson

9/7/2021  
Date

Marshall Davidson  
Marshall L. Davidson, III  
Disciplinary Counsel

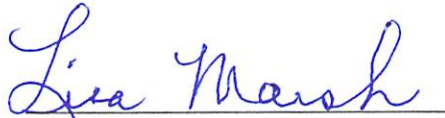
9/7/2021  
Date

CERTIFICATE OF SERVICE

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

Judge Michael E. Hinson  
505 East Main Street  
Hohenwald, TN 38462

on this 7<sup>th</sup> day of September, 2021.



Lisa Marsh  
Chief Deputy Clerk