

Sunset Public Hearing Questions for

**Board of Judicial Conduct**

Created by Section 17-5-201, *Tennessee Code Annotated*

(Sunset Termination Date June 2018)

**1. Provide a brief introduction to the Board of Judicial Conduct, including information about its purpose, statutory duties, and administrative attachment.**

The Board of Judicial Conduct was established pursuant to Tennessee Code Annotated Title 17, Chapter 5. The purpose and statutory duties of the Board of Judicial Conduct are expressly stated in Tenn. Code Ann. § 17-5-101, which states:

It is expressly declared to be the legislative intent in the enactment of this chapter to:

- (1) Provide an orderly and efficient method for making inquiry into:
  - (A) The physical, mental and moral fitness of any Tennessee judge;
  - (B) The judge's manner of performance of duty;
  - (C) The judge's commission of any act calculated to reflect unfavorably upon the judiciary of the state or bring the judiciary into disrepute or that may adversely affect the administration of justice in the state; or
  - (D) The conduct of candidates for judicial office;
- (2) Provide a process by which appropriate sanctions may be imposed; and
- (3) Implement Tenn. Const. art. VI, § 6 by providing a procedure for the removal of judges.

Tenn. Code Ann. § 17-5-101.

The staff of the Board of Judicial Conduct (Board) is led by Disciplinary Counsel, who is appointed pursuant to Tenn. Code Ann. § 17-5-3019(d). The Board is also staffed by one part-time Assistant Disciplinary Counsel and one part-time Investigator who are employed by the Disciplinary Counsel pursuant to Tenn. Code Ann. § 17-5-201(d) with the approval of the Board.

**2. Provide a list of current members of the board and describe how membership complies with Section 17-5-201(a), *Tennessee Code Annotated*. Who appoints members? Are there any vacancies on the board? If so, what steps have been taken to fill the vacancies?**

The Board consists of 16 members, who all comply with Section 17-5-201(a), which mandates that the members shall be appointed as follows:

(1) One (1) current or former trial judge from each grand division, to be appointed by the Tennessee judicial conference;

(2) One (1) current or former general sessions court judge from each grand division, to be appointed by the Tennessee general sessions judges conference;

(3) One (1) current or former municipal court judge, to be appointed by the Tennessee municipal judges conference;

(4) One (1) current or former juvenile court judge, to be appointed by the Tennessee council of juvenile and family court judges;

(5) Two (2) current or former court of appeals or court of criminal appeals judges, with one (1) being appointed by the speaker of the house of representatives and one (1) being appointed by the speaker of the senate, from a list of six (6) recommended by the Tennessee judicial conference;

(6) Two (2) members of the public who are not salaried judges, one (1) of whom shall be an attorney who regularly practices in the courts of this state and may be a member of the district attorneys general conference or a member of the district public defenders conference, and one (1) of whom shall be neither a judge nor an attorney, to be appointed by the speaker of the senate;

(7) Two (2) members of the public who are not salaried judges, one (1) of whom shall be an attorney who regularly practices in the courts of this state and may be a member of the district attorneys general conference or a member of the district public defenders conference, and one (1) of whom shall be neither a judge nor an attorney, to be appointed by the speaker of the house of representatives; and

(8) Two (2) members of the public who are not salaried judges, one (1) of whom shall be an attorney who regularly practices in the courts of this state and may be a member of the district attorneys general conference or a member of the district public defenders conference, and one (1) of whom shall be neither a judge nor an attorney, to be appointed by the governor.

The current members are:

Judge Kenny Armstrong (Court of Criminal Appeals Judge)

Miles Burdine (Public Member)

Judge Chris Craft (Trial Judge - Western Section)

Judge Angelita Blackshear Dalton (General Sessions Judge, Middle Section)

Judge Joe Fowlkes (Municipal Court Judge)

Robert T. Gardner (Attorney –Public Defender)

Judge Dee Gay (Trial Judge, Middle Section)

J. Ronald Hickman (Public Member)

Chris Hodges (Public Member)

Thomas Lawless (Attorney)  
Judge Christy Little (General Sessions Judge, Western Section)  
Judge Larry Logan (Juvenile Court Judge)  
Judge Norma Magee Ogle (Court of Criminal Appeals Judge)  
Edward G. Phillips (Attorney)  
Judge Michael Sharp (Trial Judge, Eastern Section)  
Judge Dwight Stokes (General Sessions Judge, Eastern Section)

There are currently no vacancies on the Board.

**3. Who has the board chosen as the chair and has the chair divided the board into a hearing panel and an investigative panel as provided for in Section 17-5-201(d), *Tennessee Code Annotated*?**

The current Board Chair is Judge Chris Craft, a Criminal Court Judge from Shelby County, Tennessee. The Board Chair has divided the Board members into 10 separate investigative panels, each consisting of three members. Each investigative panel consists of at least one layperson or attorney member. All investigative panels are composed such that at least one grand division of the state does not have any member of that panel residing in that grand division. Hearing panels have also been designated which are made up of 6 members each, who were not members of the investigative panel of the case on which formal charges were filed, necessitating a hearing, pursuant to Tenn. Code Ann. § 17-5-308(b).

**4. How many times did the board meet in fiscal years 2016 and 2017? How many members were present at each meeting?**

The Board convened as an entire body (all 16 members) a total of 4 times during the past two years ( on the 4<sup>th</sup> Wednesday of every February and the 4<sup>th</sup> Wednesday of every August). Investigative panels meet by teleconference and electronic means on an almost daily basis. All Board members were present at each semi-annual meeting either in person or by video or telephonic conferencing.

**5. What were the board's revenues and expenditures for fiscal 2016 and 2017? Does the board carry a fund balance and, if so, what is the total of that fund balance? If expenditures exceeded revenues, and the board does not carry a fund balance, what was the source of the revenue for the excess expenditures?**

The Board does not have revenues; it is funded by general fund state appropriations. The Board does not carry a fund balance. Its expenditures for the last two fiscal years is as follows:

Expenditures:

	<u>FY16</u>	<u>FY17</u>
Travel (state employees)	\$ 587.50	\$ 192.70
Printing		304.14
Communications	1,187.62	1,005.32
Professional Services	258,531.52	255,811.80
Supplies	241.39	103.76
Training(CLEcredits)	20.50	790.00
Computer Related Items		129.26
Prof. Serv. Paid to other State Agencies	<u>133.00</u>	
Total	\$260,701.53	\$258,336.98

**6. What per diem or travel reimbursements do members receive? How much was paid in fiscal years 2016 and 2017.**

Board members receive reimbursement for their travel expenses in accordance with the Judicial Travel Regulations (typically mileage). The cost in FY 16 was \$1,142.71 and the cost in FY 17 was \$705.94.

**7. Has the board adopted rules regulating the practice and procedure before the board as authorized at Section 17-5-203, *Tennessee Code Annotated*?**

Yes. The Rules of Practice and Procedure of the Board of Judicial Conduct were promulgated August 22, 2012, and were approved and adopted by the legislature in 2013. They can be found posted on our website at [http://www.tncourts.gov/sites/default/files/docs/rules\\_of\\_the\\_board\\_of\\_judicial\\_conduct.pdf](http://www.tncourts.gov/sites/default/files/docs/rules_of_the_board_of_judicial_conduct.pdf)

**8. Have any members of the board elected to recuse or abstain in any matters since the board's inception? Were temporary replacements designated in those cases as authorized in Section 17-5-206, *Tennessee Code Annotated*?**

Yes. When a member had to recuse due to a relationship with a judge, residing in the same Grand Division as that judge or having appeared before that judge, replacements were designated as authorized.

**9. Has the board adopted by rule a formal records retention policy as directed at Section 17-5-207(e), *Tennessee Code Annotated*?**

Yes. Rule 10 of the Rules of Practice and Procedure governs our records retention policy, reviewed annually. The Rule states as follows:

## Rule 10: Records Retention Policy

When a complaint is received from an outside source or is created internally, both a physical and an electronic file shall be created. The physical file shall contain the complaint and all relevant documentation and correspondence pertaining to the complaint. Relevant portions of all complaints and documentation, including correspondence, shall be scanned and maintained in the electronic file.

Correspondence generated by the office to either the complainant or the subject judge shall also be maintained in an electronic file by copying to the electronic file the correspondence in word processing format without the necessity of scanning the printed letterhead document. Voluminous public records such as transcripts, court dockets or pleadings filed in any court which are retrievable by other means need not be scanned into the electronic file. Disciplinary Counsel shall maintain a backup copy of all electronic files that shall be backed up daily and kept on storage media apart from the computer internal hard drive. A physical file may be destroyed by an appropriately secure method such as commercial shredding no sooner than one year after the closing and final action taken on that file, but the electronic file shall never be destroyed, regardless of the disposition of the case.

**10. Has the board filed monthly and quarterly reports as required at Section 17-5-207(a), (b), (c) and (d), *Tennessee Code Annotated*? If so, please attach the latest report containing cumulative data as directed in subsection (c).**

Yes. They are also posted on our web site for the public each month at <http://www.tncourts.gov/court-judiciary>. The latest quarterly report as directed in subsection (c), also found on that website, is attached as Exhibit A. It is the Third Quarterly Report for FY2017. The Fourth Quarterly Report, for statistics through 6/30/17, is not due to be filed until September 20, 2017, and has not yet been completed.

**11. Please attach copies of any reports filed with the speakers in fiscal years 2016 and 2017, as required by Section 17-5-208, *Tennessee Code Annotated*.**

No such reports were required to be filed for fiscal years 2016 and 2017.

**12. Has the board appointed disciplinary counsel as provided for in Section 17-5-301, *Tennessee Code Annotated*?**

Yes.

**13. How many complaints against judges has the board received in fiscal years 2016 and 2017? How many resulted in sanctions? How many were dealt**

**with through private reprimand or private censure? How many by deferred discipline agreement? How many by more severe sanction, listing the number and types of sanctions imposed?**

See Exhibit B, attached, covering the statistics for FY2016 and Exhibit C, attached, covering the statistics for FY2017. Updated statistics are posted on our website by the 20<sup>th</sup> of every month.

**14. In fiscal years 2016 and 2017, how many complaints received fell under each of the offenses listed in Section 17-5-302, *Tennessee Code Annotated*?**

The Board's record keeping does not categorize complaints by the categories listed in Tenn. Code Ann. § 17-5-302, as these categories are vague and always overlap. The legislature has mandated that we maintain records utilizing the categories listed in Section 17-5-207, and we do so both monthly and quarterly. See again Exhibits B and C for these figures.

**15. In fiscal years 2016 and 2017, has the board, either on its own motion or pursuant to complaint, dealt with any cases involving judicial disability as authorized in Section 17-5-303, *Tennessee Code Annotated*?**

Yes. The Board has dealt with five cases in which disability was alleged. One of these resulted in a Deferred Discipline Agreement and one resulted in the retirement of the Judge involved.

**16. In fiscal years 2016 and 2017, how many, if any, complaints have been dismissed as frivolous or unfounded (Section 17-5-305) and been disposed of by trial (Section 17-5-309)? How many actions of the board have been appealed to the Supreme Court (Section 17-5-310)?**

The Board has not treated any complaints as so trivial or groundless so as to destroy records. There were no trials in fiscal years 2016 or 2017. There have been no appeals to the Supreme Court in any of the Board's actions.

**17. In fiscal years 2016 and 2017 how many cases, if any, have been transmitted to the General Assembly for final action as provided for in Section 17-5-311, *Tennessee Code Annotated*?**

No cases have been transmitted to the General Assembly under this section.

**18. Describe any items related to the board that require legislative attention and your proposed legislative changes.**

None at this time.

**19. Should the board be continued? To what extent and in what ways would the absence of the board affect the public health, safety, or welfare of Tennessee citizens?**

The Board of Judicial Conduct should definitely be continued. The Board provides an avenue for members of the public to voice their concerns about perceived ethical misconduct and the means to follow up on and resolve those complaints without time-consuming, expensive hearings and litigation. We must ensure that the public has a means by which a complainant can report his or her concerns and then to provide the means to institute the investigation and discipline of judges who violate the Code of Judicial Conduct as well as the investigation of judges who may be suspected of developing a disability.

The Board also serves as a deterrent to judicial misconduct, not only by the threat of public sanction, such as a request for removal from office, but also by the Board's efforts to educate and inform attorneys and the judiciary of potential problems by teaching at conferences and seminars.

The Board also provides an efficient and inexpensive way to purge the system of judges who become disabled or exhibit unethical behavior by offering them the option of resignation rather than the filing of formal charges resulting in a public and expensive trial and costly, lengthy removal hearings in the legislature (keeping in mind that regardless of whether or not a judge resigns prior to formal charges being filed, suspected criminal conduct is always reported.)

The Board has also acted as an avenue for initiation of needed criminal investigations, and pursuant to 17-5-301(e)(5) has enlisted the aid of the Attorney General, a local District Attorney or the Tennessee Bureau of Investigation when suspecting a crime may have been committed by a judge.

The Board is also the only means of immediate suspension of a judge upon the return of an indictment or the filing of an information charging that judge with a felony, to ensure the public is protected during the time that criminal charges are pending.

**20. Please provide a breakdown of current board staff.**

Disciplinary Counsel – Tim DiScenza  
Assistant Disciplinary Counsel – Patrick McHale  
Investigator – Joseph Rinehart

**21. Please list all board contracts, detailing each contractor, the services provided, and the amount of the contract.**

Joseph Rinehart - Investigator  
\$ 20,000.00  
Timothy DiScenza - Chief Disciplinary Counsel  
\$ 150,000 .00  
Patrick McHale - Assistant Disciplinary Counsel  
\$ 85,000.00

# EXHIBIT A

Adm2017-00010

**BOARD OF JUDICIAL CONDUCT**  
**FISCAL YEAR 2016-2017 THIRD QUARTERLY REPORT**  
(For the period 01/01/17 through 03/31/17)  
Due 6/20/17

<b>FILED</b>
<b>JUN 22 2017</b>
Clerk of the Courts Rec'd By _____

The number of complaints OPENED<sup>1</sup> this quarter is 104. Year to date the number is 310.

The number of complaints CLOSED this quarter is 119. Year to date the number is 328.

The DISPOSITION of the complaints closed this quarter is:

	YTD (Year to Date)	
Dismissed, complaint about court ruling----	74	214
Dismissed, no jurisdiction -----	6	11
Dismissed, inadequate factual basis -----	18	69
Dismissal with warning -----	2	8
Dismissal after full investigation -----	0	0
Deferred discipline agreement -----	16	18
Private reprimand -----	2	5
Private censure -----	0	0
Public reprimand -----	0	1
Public censure -----	0	0
Other -----	0	1
Retired complaint, no longer a judge -----	1	1
Cease and Desist Order-----	0	0
Suspension -----	0	0
Recommendation of removal from office --	0	0
<b>TOTAL</b>	<b>119</b>	<b>328</b>

The number of complaints PENDING on the last day of this quarter is 35.

The number of complaints for which PROBABLE CAUSE WAS FOUND<sup>2</sup> this quarter is 2.  
The number year to date is 9.

The number of complaints for which FORMAL CHARGES WERE FILED this quarter is 0.  
The number year to date is 0.

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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.  
2. "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. §17-5-304 (c)(3).

The NATURE of the complaints filed and the TYPE OF JUDGE according to the following categories is:

<b>A) Failure to comply with the law:</b>		<u>YTD</u>
Criminal -----	30	72
Circuit -----	17	57
Chancery -----	8	18
General Sessions -----	20	60
Juvenile -----	2	4
Magistrate and Referee-----	3	6
Municipal -----	3	7
Commissioner -----	0	4
Probate -----	0	2
Appellate Court -----	9	12
Senior and Retired -----	0	1
Other -----	<u>2</u>	<u>3</u>
TOTAL	94	246 (Non-judge, deceased judge, judge from another state, etc.)

<b>B) Bias, prejudice and unfairness:</b>		<u>YTD</u>
Criminal -----	1	3
Circuit -----	1	2
Chancery -----	0	1
General Sessions -----	1	2
Juvenile -----	0	0
Magistrate and Referee-----	0	0
Municipal -----	0	0
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	0	0
Other -----	<u>0</u>	<u>0</u>
TOTAL	2	8

<b>C) Discourtesy:</b>		<u>YTD</u>
Criminal -----	0	2
Circuit -----	0	2
Chancery -----	0	0
General Sessions -----	0	5
Juvenile -----	0	0
Magistrate and Referee-----	0	1
Municipal -----	0	0
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	0	0
Other -----	<u>0</u>	<u>0</u>
TOTAL	0	10

<b>D) Abuse of office:</b>		<u>YTD</u>
Criminal -----	0	0
Circuit -----	0	0
Chancery -----	0	0
General Sessions -----	0	4
Juvenile -----	0	0
Magistrate and Referee-----	0	0
Municipal -----	0	0
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	0	0
Other -----	0	0
TOTAL	0	4

<b>E) Delay:</b>		<u>YTD</u>
Criminal -----	0	8
Circuit -----	2	7
Chancery -----	0	2
General Sessions -----	1	3
Juvenile -----	0	0
Magistrate and Referee-----	0	0
Municipal -----	0	1
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	0	0
Other -----	0	0
TOTAL	3	21

<b>F) Ex parte communications:</b>		<u>YTD</u>
Criminal -----	0	0
Circuit -----	1	1
Chancery -----	0	0
General Sessions -----	0	0
Juvenile -----	0	0
Magistrate and Referee-----	0	0
Municipal -----	0	0
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	0	0
Other -----	0	0
TOTAL	1	1

<b>G) Disability:</b>		<u>YTD</u>
Criminal -----	0	0
Circuit -----	0	0
Chancery -----	0	0
General Sessions -----	1	2
Juvenile -----	0	0
Magistrate and Referee----	0	1
Municipal -----	1	1
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	0	0
Other -----	0	0
<b>TOTAL</b>	<b>2</b>	<b>4</b>

<b>H) Political violation:</b>		<u>YTD</u>
Criminal -----	0	0
Circuit -----	0	0
Chancery -----	1	1
General Sessions -----	0	0
Juvenile -----	0	0
Magistrate and Referee----	0	0
Municipal -----	0	0
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	0	0
Other -----	0	0
<b>TOTAL</b>	<b>1</b>	<b>1</b>

<b>I) Recusal:</b>		<u>YTD</u>
Criminal -----	0	2
Circuit -----	0	3
Chancery -----	1	1
General Sessions -----	0	2
Juvenile -----	0	0
Magistrate and Referee----	0	0
Municipal -----	0	0
Commissioner -----	0	4
Probate -----	0	0
Appellate Court -----	0	1
Senior and Retired -----	0	1
Other -----	0	0
<b>TOTAL</b>	<b>1</b>	<b>14</b>

<b>J) Miscellaneous:</b>		<u>YTD</u>
Criminal -----	0	0
Circuit -----	0	0
Chancery -----	0	0
General Sessions -----	0	0
Juvenile -----	0	0
Magistrate and Referee-----	0	0
Municipal -----	0	0
Commissioner -----	0	0
Probate -----	0	0
Appellate Court -----	0	0
Senior and Retired -----	0	0
Other -----	<u>0</u>	<u>1</u>
TOTAL	0	1

## Member Voting

	D	FI	D	FI
	YTD			
Hon. Norma Ogle	9	0	38	0
Edward G. Phillips	16	1	64	2
Judge Kenny Armstrong	15	1	52	6
Miles Burdine	18	0	59	0
Judge Angelita Dalton	13	1	53	1
Judge Joe Fowlkes	8	0	29	0
Robert Gardner	16	1	55	3
Ronald Hickman	15	1	50	4
Chris Hodges	10	2	44	2
Thomas Lawless	7	0	17	0
Judge Christy Little	21	1	70	1
Judge Larry Logan	13	1	45	1
Judge Michael Sharp	12	0	46	0
Judge Dwight Stokes	15	1	47	3
Judge Dee Gay	11	1	51	1

D= Dismissals

FI= Full Investigations

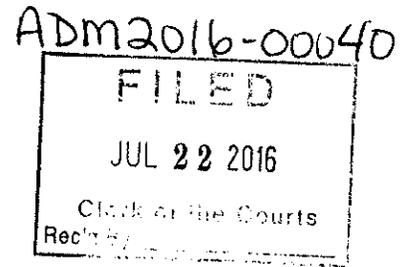
Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chris Craft". The signature is fluid and cursive, with a long horizontal stroke extending to the right from the end of the name.

CHRIS CRAFT, Board Chair  
BOARD OF JUDICIAL CONDUCT

# EXHIBIT B

JUL 22 2016



## THE TENNESSEE BOARD OF JUDICIAL CONDUCT

511 Union Street  
Suite 600  
Nashville, TN 37219

MEMBERS OF THE TENNESSEE  
BOARD OF JUDICIAL CONDUCT

Chris Craft  
Chairperson

Timothy R. Discenza  
Disciplinary Counsel

Patrick J. McHale  
Assistant Disciplinary Counsel

Kenny Armstrong  
Miles Burdine  
Angelita B. Dalton  
Joe F. Fowlkes  
Tas Gardner

Dee Gay  
J. Ronald Hickman  
Chris A. Hodges  
Thomas W. Lawless  
Christy R. Little  
Larry J. Logan  
Norma Ogle  
Ward Phillips  
J. Michael Sharp  
Dwight E. Stokes

July 18, 2016

Russell Humphrey  
Chief Clerk of the Senate  
Office of the Chief Clerk  
State Capitol, 2<sup>nd</sup> Floor  
Nashville, TN 37243

Joe McCord  
Chief Clerk of the House  
Office of the Chief Clerk  
State Capitol, 2<sup>nd</sup> Floor  
Nashville, TN 37243

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

Dear Chief Clerks:

Please find enclosed the statistical report of the Board of  
Judicial Conduct covering filings and dispositions for the month of  
June, 2016, as mandated by Tenn. Code Ann. § 17-5-207.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Craft".

CHRIS CRAFT  
Board Chair

CC/bep

**BOARD OF JUDICIAL CONDUCT  
MONTHLY REPORT FOR JUNE 2016**

Adm2016-000  
**FILED**  
 JUL 22 2016  
 Clerk of the Courts  
 Rec'd By \_\_\_\_\_

The number and category of complaints OPENED<sup>1</sup>:

	<u>THIS MONTH</u>	<u>THIS FISCAL YEAR</u>
A) Failure to comply with law: -----	20	294
B) Bias, prejudice and unfairness: -----	2	31
C) Discourtesy: -----	2	12
D) Abuse of office: -----	0	5
E) Delay: -----	2	33
F) Ex parte communications: -----	0	5
G) Disability: -----	0	0
H) Political violation: -----	0	1
I) Recusal: -----	2	29
J) Miscellaneous: -----	<u>0</u>	<u>1</u>
TOTAL	28	411

The number and category of complaints CLOSED:

	<u>THIS MONTH</u>	<u>THIS FISCAL YEAR</u>
A) Failure to comply with law: -----	15	271
B) Bias, prejudice and unfairness: -----	1	41
C) Discourtesy: -----	1	10
D) Abuse of office: -----	0	3
E) Delay: -----	4	24
F) Ex parte communications: -----	0	4
G) Disability: -----	0	1
H) Political violation: -----	0	1
I) Recusal: -----	0	25
J) Miscellaneous: -----	<u>0</u>	<u>1</u>
TOTAL	21	381

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.

DISPOSITION of the complaints closed by CATEGORY:

	<u>THIS</u> <u>MONTH</u>	<u>THIS FISCAL</u> <u>YEAR</u>
<b>A) Failure to comply with law:</b>		
Dismissed, complaint about court ruling----	15	252
Dismissed, no jurisdiction -----	0	8
Dismissed, inadequate factual basis -----	0	3
Dismissal with warning -----	0	1
Dismissal after full investigation -----	0	0
Deferred discipline agreement -----	0	1
Private reprimand -----	0	0
Private censure -----	0	0
Public reprimand -----	0	2
Public censure -----	0	0
Other -----	0	2
Retired complaint, no longer a judge -----	0	2
Suspension -----	0	0
Recommendation of removal from office --	<u>0</u>	<u>0</u>
TOTAL	15	271

	<u>THIS</u> <u>MONTH</u>	<u>THIS FISCAL</u> <u>YEAR</u>
<b>B) Bias, prejudice and unfairness:</b>		
Dismissed, complaint about court ruling----	0	2
Dismissed, no jurisdiction -----	0	0
Dismissed, inadequate factual basis -----	1	36
Dismissal with warning -----	0	0
Dismissal after full investigation -----	0	0
Deferred discipline agreement -----	0	0
Private reprimand -----	0	0
Private censure -----	0	0
Public reprimand -----	0	3
Public censure -----	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	1	41

	<u>THIS</u> <u>MONTH</u>	<u>THIS FISCAL</u> <u>YEAR</u>
<b>C) Discourtesy:</b>		
Dismissed, complaint about court ruling----	0	1
Dismissed, no jurisdiction -----	0	0
Dismissed, inadequate factual basis -----	1	5
Dismissal with warning -----	0	1
Dismissal after full investigation -----	0	0
Deferred discipline agreement -----	0	0
Private reprimand -----	0	3
Private censure -----	0	0
Public reprimand -----	0	0
Public censure -----	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	1	10

	<u>THIS</u> <u>MONTH</u>	<u>THIS FISCAL</u> <u>YEAR</u>
<b>D) Abuse of office:</b>		
Dismissed, complaint about court ruling----	0	0
Dismissed, no jurisdiction -----	0	0
Dismissed, inadequate factual basis -----	0	1
Dismissal with warning -----	0	0
Dismissal after full investigation -----	0	0
Deferred discipline agreement -----	0	0
Private reprimand -----	0	1
Private censure -----	0	0
Public reprimand -----	0	0
Public censure -----	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	3

	<u>THIS</u> <u>MONTH</u>	<u>THIS FISCAL</u> <u>YEAR</u>
<b>E) Delay:</b>		
Dismissed, complaint about court ruling----	0	0
Dismissed, no jurisdiction -----	0	0
Dismissed, inadequate factual basis -----	4	24
Dismissal with warning -----	0	0
Dismissal after full investigation -----	0	0
Deferred discipline agreement -----	0	0
Private reprimand -----	0	0
Private censure -----	0	0
Public reprimand -----	0	0
Public censure -----	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	4	24

	<u>THIS</u> <u>MONTH</u>	<u>THIS FISCAL</u> <u>YEAR</u>
<b>F) Ex parte communications:</b>		
Dismissed, complaint about court ruling----	0	0
Dismissed, no jurisdiction -----	0	1
Dismissed, inadequate factual basis -----	0	3
Dismissal with warning -----	0	0
Dismissal after full investigation -----	0	0
Deferred discipline agreement -----	0	0
Private reprimand -----	0	0
Private censure -----	0	0
Public reprimand -----	0	0
Public censure -----	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	4

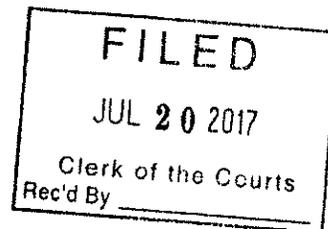
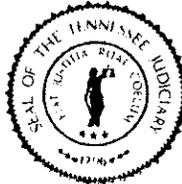
	<u>THIS</u> <u>MONTH</u>	<u>THIS FISCAL</u> <u>YEAR</u>
<b>G) Disability:</b>		
Dismissed, complaint about court ruling----	0	0
Dismissed, no jurisdiction -----	0	0
Dismissed, inadequate factual basis -----	0	0
Dismissal with warning -----	0	0
Dismissal after full investigation -----	0	0
Deferred discipline agreement -----	0	1
Private reprimand -----	0	0
Private censure -----	0	0
Public reprimand -----	0	0
Public censure -----	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>THIS FISCAL</u> <u>YEAR</u>
<b>H) Political violation:</b>		
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
Private censure -----	0	0
Public reprimand -----	0	0
Public censure -----	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>THIS FISCAL</u> <u>YEAR</u>
<b>I) Recusal:</b>		
Dismissed, complaint about court ruling----	0	0
Dismissed, no jurisdiction -----	0	0
Dismissed, inadequate factual basis -----	0	20
Dismissal with warning -----	0	0
Dismissal after full investigation -----	0	0
Deferred discipline agreement -----	0	0
Private reprimand -----	0	2
Private censure -----	0	0
Public reprimand -----	0	2
Public censure -----	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	25

	<u>THIS</u> <u>MONTH</u>	<u>THIS FISCAL</u> <u>YEAR</u>
<b>J) Miscellaneous:</b>		
Dismissed, complaint about court ruling----	0	0
Dismissed, no jurisdiction -----	0	0
Dismissed, inadequate factual basis -----	0	1
Dismissal with warning -----	0	0
Dismissal after full investigation -----	0	0
Deferred discipline agreement -----	0	0
Private reprimand -----	0	0
Private censure -----	0	0
Public reprimand -----	0	0
Public censure -----	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

# EXHIBIT C



ADM2017-00010

## THE TENNESSEE BOARD OF JUDICIAL CONDUCT

511 Union Street  
Suite 600  
Nashville, TN 37219

MEMBERS OF THE TENNESSEE  
BOARD OF JUDICIAL CONDUCT

Chris Craft  
Chairperson

Timothy R. Discenza  
Disciplinary Counsel

Patrick J. McHale  
Assistant Disciplinary Counsel

Kenny Armstrong  
Miles Burdine  
Angelita B. Dalton  
Joe F. Fowlkes  
Tas Gardner  
Dee Gay

J. Ronald Hickman  
Chris A. Hodges  
Thomas W. Lawless  
Christy R. Little  
Larry J. Logan  
Norma Ogle  
Ward Phillips  
J. Michael Sharp  
Dwight E. Stokes

July 17, 2017

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

Russell Humphrey  
Chief Clerk of the Senate  
Office of the Chief Clerk  
State Capitol, 2<sup>nd</sup> Floor  
Nashville, TN 37243

Tammy Letzler  
Chief Clerk of the House  
Office of the Chief Clerk  
State Capitol, 2<sup>nd</sup> Floor  
Nashville, TN 37243

Dear Chief Clerks:

Please find enclosed the statistical report of the Board of  
Judicial Conduct covering filings and dispositions for the month of  
June, 2017, as mandated by Tenn. Code Ann. § 17-5-207.

Sincerely,

A handwritten signature in cursive script, appearing to read "Chris Craft".

CHRIS CRAFT  
Board Chair

CC/bep

**BOARD OF JUDICIAL CONDUCT  
MONTHLY REPORT FOR JUNE 2017**

**FILED**  
JUL 20 2017  
Clerk of the Courts  
Rec'd By \_\_\_\_\_

ADM2017-00010

The number and category of complaints OPENED<sup>1</sup>:

	<u>THIS MONTH</u>	<u>THIS FISCAL YEAR</u>
A) Failure to comply with law: -----	19	319
B) Bias, prejudice and unfairness: -----	0	10
C) Discourtesy: -----	3	17
D) Abuse of office: -----	0	4
E) Delay: -----	2	30
F) Ex parte communications: -----	1	2
G) Disability: -----	0	4
H) Political violation: -----	0	1
I) Recusal: -----	1	17
J) Miscellaneous: -----	<u>0</u>	<u>1</u>
TOTAL	26	405

The number and category of complaints CLOSED:

	<u>THIS MONTH</u>	<u>THIS FISCAL YEAR</u>
A) Failure to comply with law: -----	22	330
B) Bias, prejudice and unfairness: -----	0	15
C) Discourtesy: -----	4	16
D) Abuse of office: -----	0	8
E) Delay: -----	2	33
F) Ex parte communications: -----	0	2
G) Disability: -----	0	5
H) Political violation: -----	0	1
I) Recusal: -----	2	21
J) Miscellaneous: -----	<u>0</u>	<u>1</u>
TOTAL	30	432

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.

DISPOSITION of the complaints closed by CATEGORY:

	<u>THIS</u> <u>MONTH</u>	<u>THIS FISCAL</u> <u>YEAR</u>
<b>A) Failure to comply with law</b>		
Dismissed, complaint about court ruling----	17	288
Dismissed, no jurisdiction -----	4	18
Dismissed, inadequate factual basis -----	1	2
Dismissal with warning -----	0	2
Dismissal after full investigation -----	0	0
Deferred discipline agreement -----	0	14
Private reprimand -----	0	3
Private censure -----	0	0
Public reprimand -----	0	0
Public censure -----	0	0
Other -----	0	2
Retired complaint, no longer a judge -----	0	1
Suspension -----	0	0
Recommendation of removal from office --	<u>0</u>	<u>0</u>
TOTAL	22	330

	<u>THIS</u> <u>MONTH</u>	<u>THIS FISCAL</u> <u>YEAR</u>
<b>B) Bias, prejudice and unfairness:</b>		
Dismissed, complaint about court ruling----	0	0
Dismissed, no jurisdiction -----	0	0
Dismissed, inadequate factual basis -----	0	15
Dismissal with warning -----	0	0
Dismissal after full investigation -----	0	0
Deferred discipline agreement -----	0	0
Private reprimand -----	0	0
Private censure -----	0	0
Public reprimand -----	0	0
Public censure -----	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	15

	<u>THIS</u> <u>MONTH</u>	<u>THIS FISCAL</u> <u>YEAR</u>
<b>C) Discourtesy:</b>		
Dismissed, complaint about court ruling----	0	0
Dismissed, no jurisdiction -----	0	0
Dismissed, inadequate factual basis -----	4	16
Dismissal with warning -----	0	0
Dismissal after full investigation -----	0	0
Deferred discipline agreement -----	0	0
Private reprimand -----	0	0
Private censure -----	0	0
Public reprimand -----	0	0
Public censure -----	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	4	16

	<u>THIS</u> <u>MONTH</u>	<u>THIS FISCAL</u> <u>YEAR</u>
<b>D) Abuse of office:</b>		
Dismissed, complaint about court ruling----	0	0
Dismissed, no jurisdiction -----	0	1
Dismissed, inadequate factual basis -----	0	1
Dismissal with warning -----	0	2
Dismissal after full investigation -----	0	0
Deferred discipline agreement -----	0	3
Private reprimand -----	0	0
Private censure -----	0	0
Public reprimand -----	0	1
Public censure -----	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	8

	<u>THIS</u> <u>MONTH</u>	<u>THIS FISCAL</u> <u>YEAR</u>
<b>E) Delay:</b>		
Dismissed, complaint about court ruling----	0	0
Dismissed, no jurisdiction -----	0	0
Dismissed, inadequate factual basis -----	2	30
Dismissal with warning -----	0	1
Dismissal after full investigation -----	0	0
Deferred discipline agreement -----	0	0
Private reprimand -----	0	2
Private censure -----	0	0
Public reprimand -----	0	0
Public censure -----	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	2	33

	<u>THIS</u> <u>MONTH</u>	<u>THIS FISCAL</u> <u>YEAR</u>
<b>F) Ex parte communications:</b>		
Dismissed, complaint about court ruling----	0	0
Dismissed, no jurisdiction -----	0	0
Dismissed, inadequate factual basis -----	0	1
Dismissal with warning -----	0	0
Dismissal after full investigation -----	0	0
Deferred discipline agreement -----	0	0
Private reprimand -----	0	1
Private censure -----	0	0
Public reprimand -----	0	0
Public censure -----	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	2

	<u>THIS</u> <u>MONTH</u>	<u>THIS FISCAL</u> <u>YEAR</u>
<b>G) Disability:</b>		
Dismissed, complaint about court ruling----	0	0
Dismissed, no jurisdiction -----	0	0
Dismissed, inadequate factual basis -----	0	3
Dismissal with warning -----	0	0
Dismissal after full investigation -----	0	0
Deferred discipline agreement -----	0	1
Private reprimand -----	0	0
Private censure -----	0	0
Public reprimand -----	0	0
Public censure -----	0	0
Other -----	0	0
Retired complaint, no longer a judge -----	0	1
Suspension -----	0	0
Recommendation of removal from office --	<u>0</u>	<u>0</u>
TOTAL	0	5

	<u>THIS</u> <u>MONTH</u>	<u>THIS FISCAL</u> <u>YEAR</u>
<b>H) Political violation:</b>		
Dismissed, complaint about court ruling----	0	0
Dismissed, no jurisdiction -----	0	0
Dismissed, inadequate factual basis -----	0	1
Dismissal with warning -----	0	0
Dismissal after full investigation -----	0	0
Deferred discipline agreement -----	0	0
Private reprimand -----	0	0
Private censure -----	0	0
Public reprimand -----	0	0
Public censure -----	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>THIS FISCAL</u> <u>YEAR</u>
<b>I) Recusal:</b>		
Dismissed, complaint about court ruling----	0	1
Dismissed, no jurisdiction -----	0	0
Dismissed, inadequate factual basis -----	1	16
Dismissal with warning -----	0	3
Dismissal after full investigation -----	0	0
Deferred discipline agreement -----	0	0
Private reprimand -----	1	1
Private censure -----	0	0
Public reprimand -----	0	0
Public censure -----	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	2	21

	<u>THIS</u> <u>MONTH</u>	<u>THIS FISCAL</u> <u>YEAR</u>
<b>J) Miscellaneous:</b>		
Dismissed, complaint about court ruling----	0	0
Dismissed, no jurisdiction -----	0	1
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
Private censure -----	0	0
Public reprimand -----	0	0
Public censure -----	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