

# *Ethical Commissioner Adventures*

## *Part Deux*

**JCAT Conference**  
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# *Ethical Commissioner Adventures*

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### Presentation Overview

-  The Law & The Rules
-  Judicial Complaint Updates
-  Examples & Explanations

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### **The Law & The Rules**

#### **T.C.A. § 40-5-201**

#### **Creation of [Judicial Commissioners], Duties**

*(b) The duties of the commissioner or commissioners include, but are not limited to, the following:*

- (1) The issuance of arrest warrants upon a finding of probable cause;*
- (2) The setting of bonds and recognizances in accordance with the procedures outlined in this chapter and chapter 6; and*
- (3) The issuance of mittimus following compliance with the procedures prescribed by § 40-5-103.*

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### The Law & The Rules

#### Tennessee Supreme Court Rule 10 Code of Judicial Conduct

##### Application

*A judge, within the meaning of this Code, is anyone who is authorized to perform judicial functions, including but not limited to an officer such as a magistrate, referee, court commissioner, **judicial commissioner**, special master, or an administrative judge or hearing officer.*

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### The Law & The Rules

#### Tennessee Supreme Court Rule 10 Code of Judicial Conduct

##### **Preamble**

*[1] An independent, fair and impartial judiciary is indispensable to our system of justice...*

*[2] Judges should maintain the dignity of judicial office at all times, and avoid both impropriety and the appearance of impropriety in their professional and personal lives...*

*[3] The Code of Judicial Conduct establishes standards for the ethical conduct of judges and judicial candidates... The Code is intended... [to] provide a basis for regulating their conduct through disciplinary agencies.*

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## The Law & The Rules

### Tennessee Supreme Court Rule 10 Code of Judicial Conduct

#### RULE 1.1 Compliance with the Law

A judge shall comply with the law, including the Code of Judicial Conduct.

#### RULE 1.3 Avoiding Abuse of the Prestige of Judicial Office

A judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so.

#### RULE 2.2 Impartiality and Fairness

A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.

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## The Law & The Rules

### Tennessee Supreme Court Rule 10 Code of Judicial Conduct

#### RULE 2.3 Bias, Prejudice, and Harassment

- (A) A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice.
  
- (B) A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, and shall not permit court staff, court officials, or others subject to the judge's direction and control to do so.

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### The Law & The Rules

#### Tennessee Supreme Court Rule 10 Code of Judicial Conduct

##### Rule 2.5 Competence, Diligence, and Cooperation

(A) A judge shall perform judicial and administrative duties competently, promptly and diligently.

##### Rule 2.8 Decorum, Demeanor, and Communication with Jurors

(A) A judge shall require order and decorum in proceedings before the court.

(B) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, court staff, court officials, and others subject to the judge's direction and control.

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## The Law & The Rules

### Tennessee Supreme Court Rule 10 Code of Judicial Conduct

#### Rule 2.9 Ex Parte Communications

- (A) A judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties or their lawyers, concerning a pending or impending matter, except as follows...

#### Rule 2.11 Disqualification

- (A) A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to the following circumstances:

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### Judicial Complaints

*Last Annual Report: 2011-2012*

ACCUSED JUDGES  
(7/1/11 to 6/30/12)

General Sessions	85	Other	8
Circuit	81	Referee	8
Criminal	78	Supreme Court	8
Chancery	33	<b>Commissioners</b>	<b>4</b>
Juvenile	16	Municipal	4
Magistrate	16	Special Judges	3
Appellate	8	Probate	3

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# Judicial Complaints

## *Last Annual Report: 2011-2012*

### NATURE OF COMPLAINTS RECEIVED

(7/1/11 to 6/30/12)

Failure to Comply with Law	236
Bias, Prejudice, Unfairness	37
Abuse of Office	18
Delay	16
Miscellaneous	14
Discourtesy	10
Conflict of interest	6
Ex Parte Communication	6
Recusal	6
Disability	5
Political Violation	1

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## Judicial Complaints



-What you in here for?

-Didn't do it. Lawyer framed me.

# *Ethical Commissioner Adventures*

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# Judicial Complaints

## *November 2025 Report*

COMPLAINTS OPENED	<i>This Month</i>	<i>YTD</i>	
Failure to Comply with Law	10	145	(20.2%)
Bias, Prejudice, Unfairness	40	347	(48.4%)
Abuse of Office	6	58	(8.1%)
Delay	3	61	(8.5%)
Misc. (Conflict of Interest, Perjury)	9	49	(6.8%)
Discourtesy	2	23	(3.2%)
Ex Parte Communication	3	22	(3.1%)
Recusal	1	11	(1.5%)
Disability	0	1	(0.1%)
Political Violation	0	0	(0.0%)

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### Judicial Complaints

### *Two Things for Peace of Mind*

#### 1 – Complaints Rarely Lead to Discipline!

*2012: Less Than 4% of Complaints Lead to Discipline*

#### **DISPOSITIONS (7/1/11 to 6/30/12)**

Dismissal by Disciplinary Counsel (Summary not Appealed).....	201
Dismissal after preliminary investigation.....	63
Dismissal with warning after preliminary investigation.....	3
Dismissal after appeal of summary dismissal.....	87
Dismissal after full investigation without trial.....	1
Public Reprimand .....	12
Private Reprimand.....	3
Other.....	10

*As of November 2025: 1.2% of Complaints Lead to Discipline*

595 Complaints, 4 Dismissal w/ Warning, 2 Private Reprimand,  
1 Deferred Discipline Agreement

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### *Judicial Complaints*

### *Two Things for Peace of Mind*

2 – Judicial Commissioners Rarely Take the Heat  
*2012: 1.12% of Total Complaints (4/355)*

**ACCUSED JUDGES (7/1/11 to 6/30/12)**

General Sessions.....	85
Juvenile.....	16
Referee.....	8
Special Judges.....	3
Circuit.....	81
Chancery.....	33
Criminal.....	78
Appellate.....	8
Supreme Court.....	8
Probate.....	3
Other.....	8
Magistrate.....	16
Municipal.....	4
Judicial Commissioners.....	4

*As of November 2025: 1 Total Complaint (Abuse of Office)*

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### Examples & Explanations

#### *Country Justice*

- ⚖ In a hearing, judge called a litigant a “tough guy”
- ⚖ Judge stated that he hoped he would run into someone like the litigant one day
- ⚖ Judge told the litigant that “if somebody called [your] grandfather a SOB we would be in more than a cuss fight, we would be in a fist fight, and probably to the death”
- ⚖ Judge allegedly mocked the litigant’s wife’s physical disability by impersonating her movements
- ⚖ Judge told the daughter of the litigant to “shut up” as the daughter tried to explain her mother’s neurological disability, and thus the reason for uncontrolled hand and arm movements in court.

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### Examples & Explanations

#### **Meigs County, 2023**

- 🔪 **Preamble** – Judges are expected to maintain the highest standards of conduct and the dignity of judicial office at all times, including the specific responsibility of being dignified and courteous to those with whom the judge deals in an official capacity.
- 🔪 **RPC 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.”
- 🔪 **Board of Judicial Conduct:** “Regardless of how rude or disrespectful a participant in a legal proceeding may be, the judge cannot reciprocate”

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### Examples & Explanations

#### *How to Steal, According to a Judge*

🔨 Facebook: Provided public with “legal tip of the day”

🔨 June 18, 2021 Legal Tip of the Day:

*“[W]hen stealing, stealth is key. You want to blend in with your surroundings... [For example], you and your 5’ 10” sister walk into [Walmart] with green hair and green toenails and you don’t blend in and you are caught with three steaks shoved into your pants. You forgot to be stealth.”*

🔨 August 15, 2020 Legal Tip of the Day:

*“It is downright damn humiliating when [police are] pulling crack from your crack! Find some place else to hide your stash.”*

🔨 After August 2021 Law License Suspension, posted:

*“Well damn! Give me a black hat and a black horse and call me a desperado, I feel like I was in (sic) just busted...”*

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### Examples & Explanations

#### **Hamilton County, 2021**

- ⚖️ **Preamble** - “Judges are expected to maintain the highest standards of conduct and dignity of judicial office *at all times*.”
- ⚖️ **RPC 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.”
- ⚖️ **RPC 3.1(C)** - Prohibiting personal activities that appear to a reasonable person to undermine the judge’s independence, integrity, or impartiality.

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### Examples & Explanations

#### *Why Scott Will Never Be a Judge*

- 🔨 Judge heard an Order of Protection Hearing for a party with a pending divorce
- 🔨 After Hearing, Judge dismissed the OOP and, in reference to the pending divorce case, said “[the trial judge in that case] would wade through the bullshit”
- 🔨 Judge told two parties that they were putting their child custody dispute “in the hands of a guy who wears a costume” to work, in reference to his robe.
- 🔨 In response to the Complaint, Judge stated he aimed to “encourage the parties to resolve their differences without judicial intervention in order to achieve the best outcome for themselves and their children.”

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### Examples & Explanations

#### **Lewis County, 2021**

- ⚖️ **RPC 1.1** - “A judge shall comply with the law, including the Code of Judicial Conduct.”
- ⚖️ **RPC 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.”
- ⚖️ **RPC 2.8(B)** - “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.”
- ⚖️ **Board of Judicial Conduct:** “While [the Judge] 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 he used.”

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### Examples & Explanations

#### *A Commissioner Makes the News*

- 🔪 Commissioner called to Sheriff's Department to issue an arrest warrant but refused to issue due to "conflict of interest" with the requesting officer. Commissioner then "engaged in a tense and sometimes angry discussion of an unrelated criminal case involving a family member" with the officers.
- 🔪 Commissioner questioned officers for "more than thirty minutes," supervisor called to the scene, confronted and argued with the supervisor as well.
- 🔪 "During the encounter with the officers, [the Commissioner] was sarcastic, argumentative, raised her voice, and banged her hands on the table. She threatened to call the investigating officer's family, dared him to stop her on the street, and taunted him by commenting that he was afraid of her even though he had a gun. She made it clear she did not believe his version of the facts, and she offered alternative facts pertaining to her family member's case."

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### Examples & Explanations

#### **Stewart County, 2021**

- ⚖️ **RPC 1.1** - “A judge shall comply with the law, including the Code of Judicial Conduct.”
- ⚖️ **RPC 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.”
- ⚖️ **RPC 1.3** - “A judge shall not abuse the prestige of judicial office to advance the personal interests of the judge”
- ⚖️ **RPC 2.4(B)** - “A judge shall not permit family or other relationships to influence the judge’s conduct or judgment.”
- ⚖️ **RPC 2.8(B)** - “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.”
- ⚖️ **RPC 3.1(D)** - Prohibiting personal activities that would appear to a reasonable person to be coercive.
- ⚖️ *Agreed to resign and never pursue judicial position again*

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# THE END!

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