

Judge knot: Nashville jurist's lawyer decries 'damn lie'

Tempers flare after ex-judge pursuing Judge Dumas accuses another judge of being uncooperative

By E. Thomas Wood 02-24-2010

You might half-expect to see tag-team wrestling gear under the black robes.

A judge-versus-judge battle in the special state court that deals with alleged judicial misconduct has spilled over to involve the presiding judge of Davidson County General Sessions Court, Dan Eisenstein. An unidentified investigator claims Eisenstein told court employees "not to provide any answers" to questions about fellow General Sessions Judge Gloria Dumas.

"It's a damn lie! You can print that." That was the response of Nashville attorney David Raybin, counsel to Eisenstein, when NashvillePost.com contacted him yesterday to ask about former Judge Steve Daniel's assertion in a Monday filing that a Metro employee had told him of Eisenstein's orders on Feb. 3.

Daniel, who was a Circuit Court judge in Murfreesboro from 1980 to 2004, serves as chief disciplinary counsel for Tennessee's Court of the Judiciary. He has led the investigation into charges that Dumas was persistently late in attending court and improperly employed her daughter as a court officer. Representing Dumas is — wait for it — a former presiding judge at the state's Court of Appeals, Ben Cantrell.

Early this month, Daniel asked the TCJ to force Dumas to comply with requests for information and evidence. She replied by arguing Daniel had procured and served subpoenas for evidence in the case without giving notice to the defense, violating the state's rules of legal procedure. A hearing on the evidentiary dispute is to take place today.

In his most recent filing, available at this link, Daniel says Dumas "has yet to articulate any legitimate basis for opposing discovery other than it is inconvenient or time-consuming for her." He says his investigation has been "rendered acutely necessary due to Judge Dumas' continued delay and obstreperous recalcitrance in meeting her obligations."

Raybin said Eisenstein had merely done what was required of him by law. "Judge Eisenstein told them that if anybody wanted any personnel records or confidential documents, they needed to come and see him about it," he said. "People cannot just release private personnel records."

Daniel had "unleashed this investigator and tried to surreptitiously get private personnel records that he was not entitled to have," Raybin alleged. "I then called Steve Daniel myself. I told him that if he wanted private, confidential documents, then he needed to issue a subpoena for them like everybody else."

Daniel soon did just that, though parties to the case dispute whether he gave the required legal notice of the subpoenas to those affected by them.

"He thinks he's some privileged character and that he can just have people give records out illegally," Raybin complained of Daniel. "If he was a judge, he ought to know how to issue a subpoena."

The trial of Dumas is scheduled to begin April 5. The court's hearing panel can punish judges through a range of measures, from a private reprimand up to recommending removal from office — an act requiring a two-thirds vote of Tennessee's General Assembly.