

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
04/05/2019
Clerk of the
Appellate Courts

LARRY E. PARRISH, P.C. v. NANCY J. STRONG

Chancery Court for Lincoln County
No. 13039

No. M2017-02451-SC-A10B-CV

ORDER

This matter is a recusal appeal, pursuant to Tenn. Sup. Ct. R. 10B, § 3.02(c), filed by Larry E. Parrish, P.C. The appellant seeks to appeal from the Court of Appeals' order denying its motion to recuse an appellate court judge.

This case originated in the Lincoln County Chancery Court from a lawsuit brought by Larry E. Parrish, P.C., a professional organization, against a former client of Larry Parrish, an attorney practicing through that organization. In an opinion filed December 28, 2018, a majority of the panel of the Court of Appeals affirmed in part, reversed in part, and vacated and remanded in part the trial court's judgment. One member of the panel of the Court of Appeals filed a separate opinion, concurring in part and dissenting in part.

Following the entry of the opinions of the Court of Appeals, both parties filed petitions to rehear. Before the court ruled on the petitions to rehear, the organization, Larry E. Parrish, P.C., filed motions to recuse the two appellate judges participating in the majority opinion. Both judges entered orders denying the respective motions to recuse. Larry E. Parrish, P.C., then filed a "Motion for Court Review," pursuant to Tennessee Supreme Court Rule 10B, section 3.02(a), challenging the denial of recusal as to Judge Frank G. Clement. The three-judge panel of the Court of Appeals reviewed the matter and agreed that denial of the motion to recuse Judge Clement was appropriate. The court also awarded attorney's fees to the former client for having to respond to the motion for court review, with the amount to be determined by the trial court.

Larry E. Parrish, P.C., asks this Court to vacate the judgment of the trial court based on the trial court's lack of subject matter jurisdiction. The organization raised this issue before the Court of Appeals in the court's adjudication of the merits of the appeal.

However, we decline to address the issue in the present recusal appeal. See Tenn. Sup. Ct. R. 10B, § 3.02(c).

Alternatively, the organization argues before this Court that the December 28, 2018 majority opinion was not determined in a neutral way and demonstrates a “results-oriented adjudication.” For that reason, the organization requests that Judge Clement be recused and that the Court of Appeals’ December 28, 2018 opinion be vacated.

Based on our review of the recusal appeal and the papers filed in the Court of Appeals, we conclude that the Court of Appeals did not err in denying recusal. As stated by the reviewing panel of the Court of Appeals in denying recusal:

The appellant’s motion to recuse begins with the conclusory assumption that the December 28, 2018 opinion in which Judge Clement concurred is so wrongly decided that it must be a “results-oriented adjudication,” which, the appellant contends, is *per se* evidence of a disqualifying appearance of non-neutrality. All of the appellant’s arguments rely on this assumption of a results-oriented adjudication. We find no factual support for this assumption. The appellant cites to no facts supporting a results-oriented adjudication, and our review reveals no such facts. Appellant’s attorney’s belief that the opinion was a “results-oriented adjudication” is nothing more than his opinion and not a fact.

The appellant contends the opinion in which Judge Clement concurred must be a results-oriented decision because it fails to follow controlling precedent and the rule of law. The correctness of the court’s opinion is not before us. Even if errors exist, however, such errors, without more, do not support a finding of a results-oriented adjudication or otherwise justify disqualification. *State v. Alley*, 882 S.W.2d 810, 821 (Tenn. Ct. Crim. App. 1994). A judge’s adverse rulings are generally not sufficient to establish bias. *State v. Cannon*, 254 S.W.3d 287, 308 (Tenn. 2008). “[T]he mere fact that a judge has ruled adversely to a party . . . is not grounds for recusal.” *Davis v. Liberty Mut. Ins. Co.*, 38 S.W.3d 560, 565 (Tenn. 2001). Rulings of a judge, “even if erroneous, numerous and continuous, do not, without more, justify disqualification.” *State v. Alley*, 882 S.W.2d at 821 (Tenn. Ct. Crim. App. 1994).

Parrish v. Strong, No. M2017-02451-COA-R3-CV, per curiam order at *2 (Tenn. Ct. App. Mar. 6, 2019).

We agree with the Court of Appeals. The organization has provided no facts demonstrating that the December 28, 2018 opinion was a “results-oriented adjudication” outside of its contention that the matter was wrongly decided. Accordingly, we affirm

the decision of the reviewing panel of the Court of Appeals. Costs are taxed to the appellant, Larry E. Parrish, P.C., for which execution may issue if necessary.

PER CURIAM