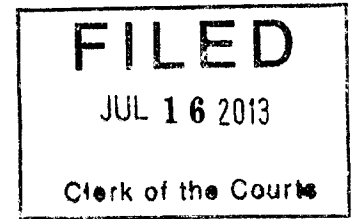


**IN THE TENNESSEE BOARD OF JUDICIAL CONDUCT**

**IN RE: THE HONORABLE KAY SPALDING ROBILIO CIRCUIT COURT JUDGE,  
30TH JUDICIAL DISTRICT, SHELBY COUNTY, TENNESSEE**

**Docket No: M2013-01143-SC-CJ-CJ**

**FILE NO: 12-4986**



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**RESPONSES OF TENNESSEE BOARD OF JUDICIAL CONDUCT TO  
RESPONDENT'S FIRST SET OF INTERROGATORIES**

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For Response to Respondent's First Set of Interrogatories, pursuant to Rules 26 and 33 of the Tennessee Rules of Civil Procedure, the Tennessee Board of Judicial Conduct would state as follows:

Each of these Interrogatories refers to paragraph 3 of the "Formal Charges" which states:

"On said date, Judge Robilio undertook an independent investigation of the conditions present at the residence of the father, by making a personal visit to the residence of the father, inspecting the home of the father, and later utilizing her personal observations in making rulings and referring to matters concerning the parenting issues."

**INTERROGATORY NO. 1:** As alleged in paragraph 3 of the "Formal Charges"

list with specificity the "personal observations" allegedly made by Judge Robilio and when they were made.

**ANSWER:**

Judge Robilio has admitted proposing that she visit the residence of litigant Paul Eric King (see, Letter of September 14 from Judge Robilio to Disciplinary Counsel; Answer of Judge Robilio) . She did visit the residence of Mr. King and according to Deputy Sheriff Jerome Flowers, she went through the residence, and "she was counting the rooms and observing the furniture and stuff like that."

In open court at on March 1, 2012 during a hearing, Judge Robilio stated that she did not find the premises suitable. She referenced a "ratty couch" on which Mr. King sleeps during parenting time and upstairs loft bedroom. These observations indicate matters personally observed by

Judge Robilio. During a hearing on May 8, 2012 Judge Robilio referenced her personal visit to the home of Mr. King. Judge Robilio herself would have knowledge of all matters she observed during her visit "with specificity."

Disciplinary Counsel is unable to determine other "personal observations" which may have been made by Judge Robilio which may have been made, as only Judge Robilio would be able to identify her personal observations.

**INTERROGATORY NO. 2:** As alleged in paragraph 3 of the "Formal Charges,"

list with specificity the "rulings" allegedly made by Judge Robilio and when they were made.

**ANSWER:**

See Response to Interrogatory No. 1 concerning the rulings made and statements made by Judge Robilio on March 1, 2012. Also on May 8, 2012, resulting in an Order entered May 17, 2012, Judge Robilio found that Mr. King " should endeavor to find permanent living arrangements to provide the child her own separate beds and bedroom."

In an Order entered February 7, 2012, Judge Robilio ordered an "Inspection of living arrangements" in Mr. King's residence.

In an Order appointing a Rule 40A Guardian ad Litem, entered March 7, 2012, Judge Robilio directed the Guardian, inter alia, to "investigate and report to the Court as the adequacy and appropriateness of the Child's living and sleeping accommodations." The Order was entered following the inspection previously conducted by Judge Robilio.

**INTERROGATORY NO. 3:** As alleged in paragraph 3 of the "Formal Charges,"

list with specificity the references "to matters concerning the parenting issues" allegedly made by Judge Robilio and when they were made.

**ANSWER:**

Disciplinary Counsel specifically incorporates herein the responses to Interrogatory No. 1 and Interrogatory No. 2, above. Any and all Orders referenced herein specified and related to "matters concerning the parenting issues" as stated in this Interrogatory No. 3.

Investigation is ongoing in this action. These Interrogatory responses will be seasonably supplement as necessary for compliance with the Tennessee Rules of Civil Procedure.

**VERIFICATION**

I, TIMOTHY R. DISCENZA, Disciplinary Counsel, Tennessee Board of Judicial Conduct, being authorized to do so, and after being duly sworn, makes oath that the foregoing answers to Respondent's First Set of Interrogatories are true to the best of my knowledge, information and belief.

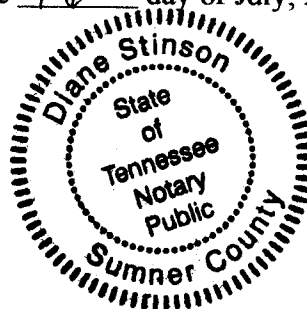
  
TIMOTHY R. DISCENZA

STATE OF TENNESSEE  
DAVIDSON COUNTY

Sworn and subscribed before me this the 16<sup>th</sup> day of July, 2013.

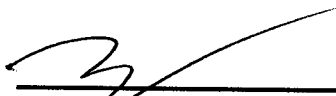
  
NOTARY PUBLIC

My Commission Expires: 4-19-16



**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been forwarded by U.S. Mail, postage prepaid to Leo Bearman, Jr. (#8363) Attorney for The Honorable Kay Spalding Robilio, BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, PC, 165 Madison Avenue, Suite 2000, Memphis TN 38103.

  
Timothy R. Discenza, Disciplinary Counsel  
Tennessee Board of Judicial Conduct

I, TIMOTHY R. DISCENZA, Disciplinary Counsel, Tennessee Board of Judicial Conduct, being authorized to do so, and after being duly sworn, makes oath that the foregoing answers to

Respondent's First Set of Interrogatories are true to the best of my knowledge, information and belief.