

IN THE COURT OF APPEALS OF TENNESSEE  
AT KNOXVILLE

Assigned on Briefs July 6, 2026

**EMILIOS TAHINCI v. ALEXIS IRENE TAHINCI****Appeal from the Circuit Court for Sullivan County**  
**No. C44636P Katherine Leigh Priester, Chancellor**

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**No. E2026-00998-COA-T10B-CV**

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A husband sought recusal based on the trial judge's decisions in his divorce case. The husband contended that the decisions established a clear appearance of bias or a conflict of interest. After the judge denied the motion to recuse, this accelerated interlocutory appeal followed. We affirm.

**Tenn. Sup. Ct. R. 10B Appeal as of Right; Judgment of the Circuit Court Affirmed**

W. NEAL MCBRAYER, J., delivered the opinion of the court, in which J. STEVEN STAFFORD, P.J., W.S., and THOMAS R. FRIERSON, II, J., joined.

Emilios Tahinci, Kingsport, Tennessee, pro se appellant.

**OPINION****I.**

Ten days before the start of his divorce trial, Emilios Tahinci filed a pro se motion to recuse the trial judge. He claimed that the judge “failed for over two years to realize how impossibly hard it [wa]s for [him] to hire competent legal counsel in Sullivan [County] and adjoining counties to go against another attorney, [his wife].” His wife, according to Mr. Tahinci, had “got[ten] a headstart, possibly several months, in contacting local attorneys about this case before filing for divorce.” Another problem was that “most attorneys will not practice against another attorney,” and if they do, they lack “the ability to proactively defend [Mr. Tahinci] against opposing counsel who uses a loud, aggressive, and overtly exaggerated strategy to push [the] court to acquire positions based on fabricated facts.”

As Mr. Tahinci acknowledged, despite these obstacles, he had recently hired counsel. But the problem was that his newly hired counsel “possessed an unresolvable scheduling conflict with the trial date,” and the trial court had denied a request for a continuance of the trial. This denial prompted Mr. Tahinci’s counsel to request permission to withdraw. So Mr. Tahinci accused the court of “intentionally stripp[ing] [him] of legal representation while knowing that [his] spouse is a local attorney holding an immense structural advantage in these proceedings.”

Mr. Tahinci’s affidavit supporting his motion to recuse included a litany of other issues with the trial court’s rulings nearly dating back to the inception of the case, just over two years earlier. He faulted court orders for allegedly not complying with the service requirements of Tennessee Rule of Civil Procedure 58. He claimed that the court’s characterization of certain of his spouse’s financial records as premarital “demonstrate[d] actual bias and structural prejudice.” He accused the court of “a highly prejudicial and lopsided standard regarding discovery of relevant evidence.” In his view, the court shielded his spouse’s records and placed the therapy records of their child under seal while forcing Mr. Tahinci to meet an impossible standard in producing documents. He faulted the court for impermissibly granting the parties a divorce before his legal counsel was prepared “to litigate the breakdown of the marriage.” It had issued “an economically destructive order forcing the immediate sale of the marital residence,” despite Mr. Tahinci living there. The court had also found him in contempt multiple times for failure to pay child support, “despite overwhelming evidence that [he] lacked the financial ability to comply with the support order.” And, overall, it had allowed his spouse “and her counsel to engage in abusive, continuous, and vexatious motion practice designed solely to create procedural smokescreens, inflate litigation costs, and exhaust [Mr. Tahinci’s] limited resources.”

The trial judge began her consideration of the motion to recuse by observing that Mr. Tahinci was represented by counsel, albeit counsel that had requested permission to withdraw. And a represented party may not file a pro se motion to recuse. *See* TENN. SUP. CT. R. 10B § 1.01 (prohibiting a party represented by counsel from filing a motion to recuse). Although Mr. Tahinci’s pro se motion was prohibited by rule, the judge elected to consider the merits of the motion “because of the unique procedural posture of th[e] case.”

On the merits of the motion to recuse, the judge reasoned that Mr. Tahinci’s grounds for recusal could “be distilled into two primary categories: (1) allegations of judicial bias or prejudice against [Mr. Tahinci], and (2) dissatisfaction with the Court’s prior rulings.” In addressing the grounds, the judge began with the claim that she had engaged in “counsel stripping” by forcing Mr. Tahinci to proceed to trial without representation.

The judge found Mr. Tahinci's claim of being stripped of legal representation "wholly inaccurate." Before his current counsel, Mr. Tahinci had "been represented by and voluntarily terminated four [other] attorneys." His fourth attorney had been discharged approximately 30 days before the scheduled trial date. In granting his previous attorney leave to withdraw, the court specifically advised Mr. Tahinci that the trial would not be continued. The order granting counsel leave to withdraw contained the same warning plus a finding that Mr. Tahinci had been given "ample opportunity to retain counsel."

The judge also found that Mr. Tahinci's current counsel had "not specifically requested a continuance of the trial date, either formally by motion or informally." Rather, as counsel explained in his pending motion to withdraw, after being hired by Mr. Tahinci, he "learned that the trial date set by the Court would not be moved for any reason and that [Mr. Tahinci] was informed of this at the last Court hearing when his prior counsel withdrew." Mr. Tahinci had filed a *pro se* motion for a continuance, but the motion had not yet been heard.

The judge next addressed the issues outlined in Mr. Tahinci's affidavit and a later filed addendum to the affidavit. As she observed, many of the matters raised by Mr. Tahinci occurred some time ago: orders entered in 2024 and 2025; statements made about the characterization of premarital property following a hearing on March 12, 2026; bifurcation of the divorce proceedings in September 2025; and discovery rulings and contempt findings throughout the life of the case, some dating back to 2024. If any of these were a basis for recusal, Mr. Tahinci had not filed his recusal motion promptly after the events occurred as required by rule. *See* TENN. SUP. CT. R. 10B § 1.01 (requiring the filing of a written motion for recusal "promptly after a party learns or reasonably should have learned of the facts establishing the basis for recusal"). Still, the judge thoroughly considered each issue raised by Mr. Tahinci in a 21-page ruling, which she supported with 101 pages of exhibits.

In denying the motion to recuse, the trial judge found "that, based upon all the facts in this case, a person of ordinary prudence would find no reasonable basis for questioning [her] impartiality." The judge also found "that, given the proximity of the trial date and the substance of [Mr. Tahinci's] allegations, the *pro se* Motion to Recuse [wa]s being asserted for an improper purpose and constitute[d] an apparent attempt to delay the trial date which ha[d] been scheduled for more than four months."

## II.

Our review in this accelerated appeal is limited to the denial of the motion to recuse. *Duke v. Duke*, 398 S.W.3d 665, 668 (Tenn. Ct. App. 2012); *see* TENN. SUP. CT. R. 10B §§ 2.01, 4.04. We do "not review the correctness or merits of the trial court's other

rulings.” *Duke*, 398 S.W.3d at 668. We review the denial of the motion to recuse de novo.<sup>1</sup> TENN. SUP. CT. R. 10B § 2.01.

Litigants “have a fundamental right to a ‘fair trial before an impartial tribunal.’” *Holsclaw v. Ivy Hall Nursing Home, Inc.*, 530 S.W.3d 65, 69 (Tenn. 2017) (quoting *State v. Austin*, 87 S.W.3d 447, 470 (Tenn. 2002)); see *Kinard v. Kinard*, 986 S.W.2d 220, 227 (Tenn. Ct. App. 1998) (reasoning that litigants “are entitled to the ‘cold neutrality of an impartial court’” (quoting *Leighton v. Henderson*, 414 S.W.2d 419, 421 (Tenn. 1967))); see also TENN. CONST. art. VI, § 11. It “goes without saying that a trial before a biased or prejudiced fact finder is a denial of due process.” *Wilson v. Wilson*, 987 S.W.2d 555, 562 (Tenn. Ct. App. 1998). So judges should recuse when they have “any doubt as to [their] ability to preside impartially in [a] case.” *Davis v. Liberty Mut. Ins. Co.*, 38 S.W.3d 560, 564 (Tenn. 2001).

Our courts also recognize that “the appearance of bias is as injurious to the integrity of the judicial system as actual bias.” *Id.* at 565; see *In re Cameron*, 151 S.W. 64, 76 (Tenn. 1912) (emphasizing the “lasting importance” of public “confidence in the fairness and uprightness of the judges created to serve as dispensers of justice”). Thus, a judge must “disqualify . . . in any proceeding in which the judge’s impartiality might reasonably be questioned.” TENN. SUP. CT. R. 10, Rule 2.11(A). This test is “an objective one.” *State v. Cannon*, 254 S.W.3d 287, 307 (Tenn. 2008). It requires recusal “when a person of ordinary prudence in the judge’s position, knowing all of the facts known to the judge, would find a reasonable basis for questioning the judge’s impartiality.” *Davis*, 38 S.W.3d at 564-65 (quoting *Alley v. State*, 882 S.W.2d 810, 820 (Tenn. Crim. App. 1994)).

Here, it fell to Mr. Tahinci to establish that recusal was appropriate. See *Adams v. Dunavant*, 674 S.W.3d 871, 878-79 (Tenn. 2023). He claimed the trial judge was biased or prejudiced against him. The words “bias” and “prejudice” generally “refer to a state of mind or attitude that works to predispose a judge for or against a party.” *Alley*, 882 S.W.2d at 821 (citing 46 AM. JUR. 2D *Judges* § 167 (1969)). To merit recusal, however, the “prejudice must be of a personal character, directed at the litigant, ‘must stem from an extrajudicial source and result in an opinion on the merits on some basis other than what the judge learned from . . . participation in the case.’” *Id.* (quoting *State ex rel. Wesolich v. Goeke*, 794 S.W.2d 692, 697 (Mo. Ct. App. 1990)).

Beyond the claim that the court did not comply with Tennessee Rule of Civil Procedure 58 and the local rules in entering orders, Mr. Tahinci’s evidence of bias or prejudice relates to decisions made by the trial judge—to bifurcate the case, to hold Mr. Tahinci in contempt, to order the sale of the marital residence, to limit and to compel

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<sup>1</sup> We have determined that no answer to Mr. Tahinci’s petition for recusal appeal or oral argument is necessary, so we act summarily on this appeal. TENN. SUP. CT. R. 10B, §§ 2.05, 2.06.

discovery, and to not continue the trial. Nothing contained in his affidavit or addendum suggests that those decisions were based on anything other than what the judge learned from her participation in the case. While all those decisions might be adverse to Mr. Tahinci, a “trial judge’s adverse rulings are not usually sufficient to establish bias.” *Cannon*, 254 S.W.3d at 308; *McKenzie v. McKenzie*, No. M2014-00010-COA-T10B-CV, 2014 WL 575908, at \*4 (Tenn. Ct. App. Feb. 11, 2014) (observing that “the mere fact that a judge has ruled adversely to a party or witness is not grounds for recusal”). This is true “even if [the adverse rulings are] erroneous, numerous and continuous.” *Alley*, 882 S.W.2d at 821 (citing *Riva Ridge Apartments v. Robert G. Fisher Co.*, 745 P.2d 1034, 1037 (Colo. App. 1987)). “If the rule were otherwise, recusal would be required as a matter of course since . . . courts necessarily rule against parties . . . in every case.” *Davis*, 38 S.W.3d at 565.

Mr. Tahinci’s complaint about the entry of court orders revolves around the application of Tennessee Rule of Procedure 58 and Rule 9 of the Sullivan County Local Rules of Practice and Procedure. Under Rule 58, an order that lacks the signatures of all parties or counsel is not effective unless it contains a certificate showing that it was served on the parties or counsel that did not sign.<sup>2</sup> TENN. R. CIV. P. 58. Local Rule 9 specifies that, if a dispute arises over the wording of a proposed order, the party charged with preparing the order must submit the proposed order to the judge “with notice to opposing counsel.” Mr. Tahinci claims that the judge signed proposed orders prepared by his wife’s counsel before his various attorneys were given an opportunity to review or object to them. And the judge adopted proposed orders prepared by opposing counsel without revision.

In her order denying the motion to recuse, the judge reviewed each order, stating how each complied with the rules. And she confirmed that each order accurately reflected

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<sup>2</sup> In pertinent part, Rule 58 provides as follows:

Unless otherwise expressly provided by another rule, entry of a judgment or an order of final disposition or any other order of the court is effective when a judgment or order containing one of the following is marked on the face by the clerk as filed for entry:

- (1) the signatures of the judge and all parties or counsel, or
- (2) the signatures of the judge and one party or counsel with a certificate of counsel that a copy of the proposed order has been served on all other parties or counsel, or
- (3) the signature of the judge and a certificate of the clerk that a copy has been served on all other parties or counsel.

the court's ruling.<sup>3</sup> In one instance, the proposed order had been modified by the court before entry. She also noted that no objections were made by Mr. Tahinci's attorneys following entry of the orders.

Having considered Mr. Tahinci's claims and the judge's responses, we agree that a person of ordinary prudence in the judge's position, knowing all of the facts known to the judge, would not find a reasonable basis for questioning the judge's impartiality. *Davis*, 38 S.W.3d at 564-65. So Mr. Tahinci's motion to recuse was properly denied.

### III.

We affirm the denial of Mr. Tahinci's motion to recuse. We remand the case for such further proceedings as may be necessary.

s/ W. Neal McBrayer  
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W. NEAL McBRAYER, JUDGE

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<sup>3</sup> Two orders cited by Mr. Tahinci were entered in another civil case in which he was involved. With respect to those orders, the judge only noted that no appeal was taken and that the case was closed.