

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE

Assigned on Briefs June 29, 2026

FILED

08/17/2026

Clerk of the
Appellate Courts

GRACE MELIDOSIAN COWAN v. TODD THOMPSON ET AL.

Appeal from the Circuit Court for Montgomery County
No. CC 2026 CV 271 Kathryn Wall Olita, Judge

No. M2026-00961-COA-T10B-CV

Appellant filed this petition for recusal appeal after the trial court denied her motion to recuse. Discerning no reversible error, we affirm the trial court's denial of the motion.

**Tenn. Sup. Ct. R. 10B Interlocutory Appeal; Judgment of the Circuit Court
Affirmed and Remanded**

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

Grace E. Melidosian Cowan, Clarksville, Tennessee, Pro se.

Daniel Mark Nolan, Clarksville, Tennessee, for the appellees, Gateway Financial Services, Inc., and Todd Thompson.

OPINION

I. FACTUAL AND PROCEDURAL BACKGROUND

This accelerated interlocutory appeal concerns a “Motion for Disclosure and, if Appropriate, Recusal Pursuant to Tennessee Supreme Court Rule 10B” filed by Grace Melidosian Cowan (“Appellant”) in the Montgomery County Circuit Court (“the trial court”) on June 11, 2026. The motion stated that it was “not being presented for any improper purpose,” and the motion was accompanied by a declaration under penalty of perjury that the facts stated therein were “true and correct to the best of [Appellant’s] knowledge, information, and belief.” *See* Tenn. Sup. Ct. R. 10B, § 1.01.

Appellant’s recusal motion stated that it was “filed respectfully and with no

suggestion whatsoever of any actual bias, prejudice, or impropriety” by the trial court. Instead, Appellant alleged that recusal was necessary based on the appearance of partiality. As the ground for recusal, Appellant alleged that the trial court judge had been an associate and then a partner at the law firm at which opposing counsel is a named partner for twelve of the fifteen years of her practice prior to becoming a judge. The motion stated that “based on the observations” Appellant made at the first hearing in this matter, she gathered this information from the judge’s professional history as listed on the court’s website. Appellant stated that she had no way of knowing the full nature and extent of any continuing relationship between the judge and opposing counsel or his firm without disclosure from the trial court.

The trial court denied Appellant’s recusal motion by order dated June 17, 2026. The trial court noted that, without more, a judge’s previous professional association with a party’s lawyer is insufficient grounds for disqualification. The order stated that the trial court judge had observed a three-year period of disqualification from her former firm’s cases immediately upon taking the bench but explained that the trial court judge’s professional association with the firm and opposing counsel ended more than seven years prior to Appellant’s motion. The trial court judge denied any ongoing “financial interest or referral relationship or other benefit” with the firm. The order recognized that when the trial court judge was “employed at [the firm], a personal and social relationship did spring from the professional relationship[,]” but clarified that the judge “has had limited in-person contact with counsel that includes encounters at local bar association and other public events.” The trial court judge disclosed her attendance at the funeral for opposing counsel’s mother in June 2025, “along with the majority of the past and present employees of the [] firm.” The order stated that the trial court judge had no subjective doubt “concerning her ability to preside over this case impartially and neutrally” and found that being a member of the firm nearly eight years ago “and maintaining an amicable relationship with a former partner thereafter” did not create an objective appearance of impropriety requiring recusal.

Appellant filed this petition for recusal appeal on June 28, 2026.

II. ANALYSIS

Our sole concern in this interlocutory appeal is whether the trial court erred in denying Appellant’s motion for recusal. *See Duke v. Duke*, 398 S.W.3d 665, 668 (Tenn. Ct. App. 2012). Motions to recuse and accelerated interlocutory appeals of orders denying motions to recuse are governed by Rule 10B of the Rules of the Supreme Court of the State of Tennessee. Under Rule 10B, a party is entitled to “an accelerated interlocutory appeal as of right” of an order denying a motion to recuse, with the trial court’s ruling “reviewed by the appellate court under a de novo standard of review[.]” Tenn. Sup. Ct. R. 10B, § 2.01. “If the appellate court, based upon its review of the petition for recusal appeal and supporting documents, determines that no answer from the other part[y] is needed, the court may act summarily on the appeal.” Tenn. Sup. Ct. R. 10B, § 2.05. In this case, we have

determined that no answer from the opposing party is necessary, and we choose to act summarily on this appeal. *See also* Tenn. Sup. Ct. R. 10B, § 2.06 (stating that a 10B accelerated appeal should be decided on an expedited basis).

Tennessee Supreme Court Rule 10, Code of Judicial Conduct Rule 2.11 states that “[a] judge shall disqualify himself or herself in any proceeding in which the judge’s impartiality might reasonably be questioned,” including when “[t]he judge has a personal bias or prejudice concerning a party or a party’s lawyer[.]” Tenn. Sup. Ct. R. 10, RJC 2.11(A)(1). The Tennessee Supreme Court has established that “the proponent of a recusal motion bears the burden of establishing that recusal is appropriate[.]”¹ *Adams v. Dunavant*, 674 S.W.3d 871, 878–79 (Tenn. 2023) (per curiam) (citing *Tarver v. Tarver*, No. W2022-00343-COA-T10B-CV, 2022 WL 1115016, at *2 (Tenn. Ct. App. Apr. 14, 2022)). Indeed, “[a] trial judge has a duty to serve unless the proponent establishes a factual basis warranting recusal.” *Id.* at 879.

Our supreme court has further established that there is both a subjective and an objective component to the recusal question, noting that

a recusal motion should be granted when “the judge has any doubt as to his or her ability to preside impartially in the case” or “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 [v. Liberty Mut. Ins. Co.]*, 38 S.W.3d [560,] 564–65 [(Tenn. 2001)] (quoting *Alley v. State*, 882 S.W.2d 810, 820 (Tenn. Crim. App. 1994)). Even if a judge believes he [or she] can be fair and impartial, the judge should disqualify himself [or herself] when “the judge’s impartiality might be reasonably questioned” because “the appearance of bias is as injurious to the integrity of the judicial system as actual bias.” *Id.* (quoting Tenn. Sup. Ct. R. 10, [RJC 2.11]).

Bean v. Bailey, 280 S.W.3d 798, 805 (Tenn. 2009) (some quotation marks omitted). “Recusal based upon an asserted appearance of bias or prejudice ‘is appropriate only if the facts provide what an objective, knowledgeable member of the public would find to be a reasonable basis for doubting the judge’s impartiality.’” *In re Conservatorship of Milem*, No. W2023-01743-COA-T10B-CV, 2024 WL 326863, at *3 (Tenn. Ct. App. Jan. 29,

¹ We acknowledge that Appellant is proceeding pro se in this appeal. As explained by this Court, “the courts must also be mindful of the boundary between fairness to a pro se litigant and unfairness to the pro se litigant’s adversary[.]” and “must not excuse pro se litigants from complying with the same substantive and procedural rules that represented parties are expected to observe.” *Hessmer v. Hessmer*, 138 S.W.3d 901, 903 (Tenn. Ct. App. 2003) (citations omitted). It is important to note however, that Appellant is herself a licensed attorney. Thus, it should not be necessary to afford Appellant the same leeway as pro se litigants who have “no legal training and little familiarity with the judicial system.” *Id.* (citations omitted).

2024) (quoting *Rose v. Cookeville Reg'l Med. Ctr.*, No. M2007-02368-COA-R3-CV, 2008 WL 2078056, at *2 (Tenn. Ct. App. May 14, 2008)).

In this case, Appellant has consistently denied any allegation of actual bias, instead arguing that the circumstances related to the trial court judge's ongoing personal relationship with opposing counsel and her prior professional association with his law firm would cause a reasonable person to question the judge's impartiality. She concedes that "[s]tanding alone, no single circumstance necessarily requires recusal," but she argues that the totality of the circumstances "would cause a reasonable person to question the appearance of impartiality."

Appellant contends that the "duration and depth" of the trial court judge's former partnership with the law firm supports recusal. Appellant emphasizes that the judge worked at opposing counsel's law firm for the majority of her pre-judicial legal career and highlights that the "judge's reputation, financial and economic success, and foundational career were built" at the law firm with opposing counsel, who is a named partner at the firm. As such, Appellant asserts that the evidence establishes "a sustained professional relationship that was materially closer than the ordinary circumstance of lawyers who merely worked at the same firm for a limited period."

Appellant also argues that the professional association between the trial court judge and opposing counsel has been followed by an ongoing personal and social relationship, further supporting recusal. In particular, Appellant notes that the judge attended the funeral for opposing counsel's mother, which Appellant characterizes as "a personal family event." Appellant contends that the judge's attendance serves as "objective evidence that the relationship retained a strong personal dimension long after the professional association ended" and "materially undercut[s] any characterization of the relationship as merely historical, remote, or professionally incidental."

Appellant acknowledges that the trial court judge has been on the bench, and thus not professionally associated with the law firm, for approximately eight years. And she does not dispute the trial court's finding that no continuing financial interest, referral relationship, or other benefit remains between the judge and opposing counsel or the firm. But Appellant argues that while these facts do not support recusal, they are not dispositive and do not eliminate the need to evaluate "the cumulative appearance created by all disclosed circumstances." Appellant emphasizes the three-year period that the trial court judge recused herself from all cases involving her former law firm. She questions "why the same relationship that warranted self-imposed disqualification for three years no longer presents any appearance concern," particularly as the personal relationship with opposing counsel has continued.

Additionally, Appellant argues that the absence of disclosure of the judge's past professional association and ongoing personal relationship with opposing counsel and his

firm should also be considered as part of the objective test. *See* Tenn. R. Sup. Ct. 10, RJC 2.11, Advisory Comm’n Comment 5 (“A judge should disclose on the record information that the judge believes the parties or their lawyers might reasonably consider relevant to a possible motion for disqualification, even if the judge believes there is no basis for disqualification.”). Appellant asserts that the trial court’s failure to disclose the relevant facts until after she raised the question of recusal “heightens, without independently deciding, the objective concern created by the totality of the undisputed circumstances.”

In light of Tennessee precedent, however, we must respectfully disagree with Appellant’s argument that recusal is necessary in this instance. It is well settled that “[t]he fact that a judge was once professionally associated with a lawyer for one of the parties in a case is not, without more, grounds for disqualification.” *Kinard v. Kinard*, 986 S.W.2d 220, 228 (Tenn. Ct. App. 1998) (collecting cases); *see also* Jud. Ethics Comm. Advisory Op. No. 22-02, 2022 WL 4541268, at *2 (noting that the Code of Judicial Conduct “does not require recusal simply because a judge was associated with the lawyer appearing before the court”). In considering a recusal motion based on a judge’s former association with a party’s counsel, we must consider “the totality of the circumstances[,]” including: “(1) the nature and extent of the prior association, (2) the length of time since the association was terminated, (3) the possibility that the judge might continue to benefit from the relationship, and (4) the existence of personal or social relationships springing from the professional relationship.” *Kinard*, 986 S.W.2d at 229; *see also* Jud. Ethics Comm. Advisory Op. No. 22-02, 2022 WL 4541268, at *2 (noting that “these situations should be reviewed through the lens of the Code and its purposes and principles”).

Moreover, “[t]he Code of Judicial Conduct does not require judges to remain isolated from other members of the bar and from the community.” *State v. Cannon*, 254 S.W.3d 287, 308 (Tenn. 2008) (citing *United States v. Murphy*, 768 F.2d 1518, 1537 (7th Cir. 1985) (“In today’s legal culture friendships among judges and lawyers are common. They are more than common; they are desirable. A judge need not cut himself off from the rest of the legal community.”); *In re Hutter*, 221 B.R. 632, 640 (Bankr. D. Conn. 1998) (noting that “[a] judge is neither required nor encouraged to forego social interaction and involvement upon assuming his or her office”); *Hadler v. Union Bank & Tr. Co.*, 765 F. Supp. 976, 977 (S.D. Ind. 1991) (reasoning that the judicial oath of office “would provide little solace to the thousands of litigants who daily seek redress of their legal claims in federal court were it supposed that judges would regularly be unable to set aside personal friendships in order to uphold the law”)). As such, “[t]he mere existence of a friendship between a judge and an attorney is not sufficient, standing alone, to mandate recusal.” *Id.*; *see also State v. Madden*, No. M2012-02473-CCA-R3-CD, 2014 WL 931031, at *7 (Tenn. Crim. App. Mar. 11, 2014) (“Simply establishing that a trial judge is acquainted with a lawyer or other person connected to a case does not, without more, suffice to establish an abuse of discretion in the denial of a recusal motion.”).

Of course, there is no question that the twelve years the trial court judge spent as an

associate and then a partner at the law firm alongside opposing counsel represent an extensive prior association. Compare *Kinard*, 986 S.W.2d at 229 (affirming the trial court judge's decision not to recuse based on a two-year office-sharing arrangement between the judge and opposing counsel). But there is also no question that the trial court judge's professional association with the firm ended approximately eight years ago or that the judge does not continue to benefit from the relationship. As Appellant notes, the trial court judge did institute a three-year self-disqualification period upon taking the bench. Yet it seems somewhat of an exaggeration to conflate the "appearance concern" that existed immediately after the judge's twelve-year association with the firm ended with the concern that remains eight years later. See *Tyus v. Pugh Farms, Inc.*, No. W2011-00826-COA-R3-CV, 2012 WL 938509, at *4 (Tenn. Ct. App. Mar. 19, 2012) (affirming the denial of the recusal motion where more than thirteen years had elapsed since the judge's association with opposing counsel's law firm and "[t]o avoid any appearance of impartiality, [the judge] intentionally avoided hearing any cases involving his former law firm for many years following his appointment"); ABA Comm. on Ethics & Pro. Resp., Informal Op. 1524 (1987) ("Can the judge's impartiality reasonably be questioned because of the former association? The longer the judge is on the bench, the less the likelihood that the general standard will require his disqualification because of that former association." (quoting E. W. Thode, *Reporter's Notes to Code of Judicial Conduct* 63 (ABA/ABF 1973))). Importantly, there has been no suggestion of any overlap between the judge's association with the law firm and the firm's involvement in the instant case or that the trial court has any extra-judicial knowledge related to this matter. See Tenn. R. Sup. Ct. 10, RJC 2.11(A)(6)(a) (requiring recusal if the judge "was associated with a lawyer who participated substantially as a lawyer in the matter during such association"); Jud. Ethics Comm. Advisory Op. No. 22-02, 2022 WL 4541268, at *2 (explaining that this rule only "requires recusal if the judge, while associated with a lawyer or law firm, can be said to have obtained actual or inferred knowledge of the matter before [her]" and "does not require recusal if the lawyer or law firm was not engaged in the matter while associated with the judge").

The trial court judge's personal relationship with opposing counsel seems similarly overstated in Appellant's argument. Indeed, rather than an ongoing friendship, the trial court judge discusses an "amicable relationship with a former partner" involving only "limited in-person contact" and "sporadic communications" with opposing counsel. Although Appellant asserts that these descriptors "indicate[] the frequency, or the rhythm" of the communication, "not the depth or the intimacy of the interactions[,]" she offers nothing to suggest that a reasonable person would interpret infrequent or arrhythmic communications as giving rise to the sort of closeness that would require recusal. The order further states that the funeral for opposing counsel's mother was also attended by "the majority of the past and present employees" of her former firm, undercutting the intimacy suggested by the Appellant's description of the funeral as a "personal family event." And beyond "courtroom interactions that appeared unusually familiar toward defense counsel[,]" Appellant has not alleged that any communication between the trial court judge

and counsel has occurred during the pendency of this case, related to the case or otherwise. Judges are not required to forego all social interaction with other members of the bar once they take the bench. *Cannon*, 254 S.W.3d at 308. While it is not simply up to the judge's own subjective belief in her impartiality, the objective appearance of impartiality must still be considered from the point of view of a reasonable, knowledgeable member of the public. *In re Conservatorship of Milem*, 2024 WL 326863, at *3.

This focus on reasonableness is also applicable to Appellant's argument that the trial court's failure to disclose her associations with opposing counsel and his firm supports recusal. An advisory commission comment to Rule 2.11 suggests that a judge should disclose "information that the judge believes the parties or their lawyers *might reasonably consider relevant* to a possible motion for disqualification[.]" Tenn. R. Sup. Ct. 10, RJC 2.11, Advisory Comm'n Comment 5 (emphasis added). In this case, the trial court judge's prior employment was not concealed, but rather known in the community, particularly after the three-year period of disqualification. Moreover, given the clear precedent that neither a current social relationship with a party's attorney nor a prior professional association with the attorney's firm necessarily requires disqualification we cannot say that this was a fact that a reasonable person would consider relevant to a possible motion for disqualification. And even if we were to say that the trial court should have disclosed its connections with counsel and his firm, *arguendo*, the failure to do so would remain harmless error in light of our ultimate conclusion that recusal was not necessary in this case. *See* Tenn. R. App. P. 36(b) ("A final judgment from which relief is available and otherwise appropriate shall not be set aside unless, considering the whole record, error involving a substantial right more probably than not affected the judgment or would result in prejudice to the judicial process.").

Overall, we conclude that Appellant has not demonstrated that the totality of circumstances would reasonably put the judge's impartiality in doubt. The length of the trial court judge's previous professional association with her former law firm, her present personal relationship with opposing counsel, and her failure to disclose these connections do not reasonably create an appearance of partiality, especially as the professional association ended approximately eight years ago, the judge does not continue to benefit from the association, and there is no evidence that the personal relationship is particularly close. A person of ordinary prudence in the judge's position, knowing all the facts known to the judge, would not find a reasonable basis for questioning the judge's impartiality. *See Bean*, 280 S.W.3d at 805. We therefore affirm the denial of Appellant's motion for recusal.

III. CONCLUSION

The judgment of the Montgomery County Circuit Court is affirmed, and this matter is remanded to the trial court for further proceedings consistent with this Opinion. Costs of this appeal are taxed to Appellant Grace Melidosian Cowan, for which execution may issue if necessary.

s/ J. Steven Stafford
J. STEVEN STAFFORD, JUDGE