

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

04/15/16

Name: Charlotte U. Fleming

Office Address: 409 North Locust Street
(including county) Springfield, Robertson County, TN 37172

Office Phone: 615-384-7750 Facsimile: 615-384-4871

Email Address: _____

Home Address: _____
(including county) Springfield, Robertson County, TN 37172

Home Phone: n/a Cellular Phone: _____

INTRODUCTION

Tennessee Code Annotated section 17-4-301 et seq. charges the Trial Court Vacancy Commission with assisting the Governor and the People of Tennessee in finding and appointing the best qualified candidates for judicial offices in this State. Please consider the Commission's responsibility in answering the questions in this application questionnaire. For example, when a question asks you to "describe" certain things, please provide a description that contains relevant information about the subject of the question and, especially, that contains detailed information that demonstrates that you are qualified for the judicial office you seek. In order to properly evaluate your application, the Commission needs information about the range of your experience, the depth and breadth of your legal knowledge, and your personal traits such as integrity, fairness, and work habits.

This document is available in word processing format from the Administrative Office of the Courts (telephone 800.448.7970 or 615.741.2687; website www.tncourts.gov). The Commission requests that applicants obtain the word processing form and respond directly on the form. Respond in the box provided below each question. (The box will expand as you type in the document.) **Review the separate instruction sheet prior to completing this document. Submit by the noon deadline date an original (unbound) completed application (with ink signature) to the Administrative Office of the Courts.** In addition, submit a digital copy with electronic or scanned signature via email to debra.hayes@tncourts.gov, or via another digital storage device such as flash drive or CD.

THIS APPLICATION IS OPEN TO PUBLIC INSPECTION AFTER YOU SUBMIT IT.

PROFESSIONAL BACKGROUND AND WORK EXPERIENCE

1. State your present employment.

Attorney, Rule 31 Mediator, Family Law Mediation Trainer, and Managing Partner of The Fleming Law Firm & Mediation Center, 409 N. Locust Street, Springfield, TN 37172.

2. State the year you were licensed to practice law in Tennessee and give your Tennessee Board of Professional Responsibility number.

1987; 012631

3. List all states in which you have been licensed to practice law and include your bar number or identifying number for each state of admission. Indicate the date of licensure and whether the license is currently active. If not active, explain.

Tennessee, 10/28/87; 012631; Active

4. Have you ever been denied admission to, suspended, or placed on inactive status by the Bar of any State? If so, explain. (This applies even if the denial was temporary).

No.

5. List your professional or business employment/experience since the completion of your legal education. Also include here a description of any occupation, business, or profession other than the practice of law in which you have ever been engaged (excluding military service, which is covered by a separate question).

Full-time practicing attorney 1987 to the present. 1987 – 1991 Associate Litigation Attorney Boulton, Cummings, Connors & Berry. 1991-present Managing Partner of The Fleming Law Firm & Mediation Center (formerly known as Fleming & Associates). Adjunct Professor Austin Peay State University; Political Science Department from 2002-2013; Rule 31 Family Law Mediator 2002 to present; Rule 31 Family Law Mediation Trainer 2014 to present. Juvenile Court Referee/Robertson County, Tennessee 1999-2007; IV-D Child Support Referee 2000-2007; City Court Judge/Assistant City Judge 1994 to present. Independent Consultant, Arbonne International, Regional Vice President 2005 - present. Proprietor of the Oak House Bed & Breakfast & Antique Store 1994 – 1997.

6. Describe the nature of your present law practice, listing the major areas of law in which you practice and the percentage each constitutes of your total practice.

My legal career has primarily been in service to families and children. I presently represent individual clients in all types of family law cases such as divorce, custody, and adoptions. This comprises approximately 80% of my work. I am also a Rule 31 Family Mediator and Mediation Trainer which comprises approximately 10% of my work. In addition, I handle other cases such as Civil Litigation, Juvenile matters, and Personal Injury cases which comprise approximately the remaining 10% of my cases. On top of my private cases, I am responsible for all of the management of The Fleming Law Firm & Mediation Center including attorneys, staff, and interns. I presently serve as the Assistant City Judge for Springfield, TN.

7. Describe generally your experience (over your entire time as a licensed attorney) in trial courts, appellate courts, administrative bodies, legislative or regulatory bodies, other forums, and/or transactional matters.

I have extensive experience in civil litigation matters. For the first 5 years of my practice I was an associate attorney at Boulton, Cummings, Conners & Berry in Nashville, TN. As part of their litigation team I consistently represented individuals, corporations such as Gaylord, Inc., and banking institutions including Nashville City Bank. I tried cases in General Sessions Court, Circuit and Chancery Court and the Tennessee Court of Appeals. Since 1991, I have had a robust full-time domestic relations litigation practice. I have represented from start to finish over 4,000 individuals in divorce and other domestic matters. I have practiced primarily in State level Courts in Robertson, Montgomery, Sumner, Cheatham, and Davidson County.

8. Describe any matters of special note involving your practice in trial courts, appellate courts, and administrative bodies.

In my earlier years of practice, several of my trial Court cases have been appealed to the Tennessee Court of Appeals.

9. Describe any other legal experience, not stated above, that you would like to bring to the attention of the Commission.

The sheer volume of domestic cases that I have handled from start to finish in my practice is of note. I am also known for handling difficult clients and complicated cases. In addition, I have coached the JPII Mock Trial Team. As a coach for JPII we went from last place in the Region to 10th place in the State out of 179 teams under my coaching in a two-year period from 2015-2016.

10. List and describe all prior occasions on which you have submitted an application for any state or federal judicial position.

Approximately 12 years ago I applied for the position of Chancellor for Robertson County, Tennessee. After my interview, the Commission selected me as one of the three finalists; however, Chancellor McMillan was appointed to this position.

EDUCATION

11. List each college, law school, and other graduate school which you have attended, including dates of attendance, degree awarded, major, any form of recognition or other aspects of your education you believe are relevant, and your reason for leaving each school if no degree was awarded.

Allegheny College Meadville, PA Bachelor of Arts; Political Science 1980 – 1984; Alden Scholar; Dean's List; Scholarship recipient; Graduated June 1984; Emory University School of Law 1984 – 1987; Graduated with Juris Doctor May 1987; Scholarship recipient; Officer of Legal Association of Women; Mock Trial Participant.

PERSONAL INFORMATION

12. State your date of birth.

'1962

13. How long have you lived continuously in the State of Tennessee?

31 years

14. How long have you lived continuously in the county where you are now living?

26 years

15. State the county in which you are registered to vote.

Robertson County, Tennessee

16. Describe your military service, if applicable, including branch of service, dates of active duty, rank at separation, and decorations, honors, or achievements. Please also state whether you received an honorable discharge and, if not, describe why not.

N/a

17. Have you ever pled guilty or been convicted or are now on diversion for violation of any law, regulation, or ordinance other than minor traffic offenses? If so, state the approximate date, charge and disposition of the case.

No.

18. To your knowledge, are you now under federal, state or local investigation for possible violation of a criminal statute or disciplinary rule? If so, give details.

No.

19. Please identify the number of formal complaints you have responded to that were filed against you with any supervisory authority, including but not limited to a court, a board of professional responsibility, or a board of judicial conduct, alleging any breach of ethics or unprofessional conduct by you. Please provide any relevant details on any such complaint if the complaint was not dismissed by the court or board receiving the complaint.

One Board of Professional Responsibility Claim filed approximately 14 years ago by a client; said claim was dismissed. One claim filed with The Alternative Dispute Resolution Commission in 2018 by a student who requested her money back after taking one-half of my Rule 31 Family Mediation Training. The tuition was returned and the claim was promptly dismissed by the Alternative Dispute Resolution Commission.

20. Has a tax lien or other collection procedure been instituted against you by federal, state, or local authorities or creditors within the last five (5) years? If so, give details.

No.

21. Have you ever filed bankruptcy (including personally or as part of any partnership, LLC, corporation, or other business organization)?

No.

22. Have you ever been a party in any legal proceedings (including divorces, domestic

proceedings, and other types of proceedings)? If so, give details including the date, court and docket number and disposition. Provide a brief description of the case. This question does not seek, and you may exclude from your response, any matter where you were involved only as a nominal party, such as if you were the trustee under a deed of trust in a foreclosure proceeding.

Other than small collection actions on behalf of the law firm; no.

23. List all organizations other than professional associations to which you have belonged within the last five (5) years, including civic, charitable, religious, educational, social and fraternal organizations. Give the titles and dates of any offices which you have held in such organizations.

- a. Robertson County Career Women;
- b. Century Club; Glen Memorial President 2018/2019; Vice-President 2017/2018;
- c. First United Methodist Church, Robertson County, TN;
- d. Chautauqua Women's Club; Board Member; Chautauqua, New York;
- e. Robertson County Chamber of Commerce Member;
- f. White House Chamber of Commerce Member;

24. Have you ever belonged to any organization, association, club or society which limits its membership to those of any particular race, religion, or gender? Do not include in your answer those organizations specifically formed for a religious purpose, such as churches or synagogues.

- a. If so, list such organizations and describe the basis of the membership limitation.
- b. If it is not your intention to resign from such organization(s) and withdraw from any participation in their activities should you be nominated and selected for the position for which you are applying, state your reasons.

No. Each club I am a member of is open to all persons; however, there are presently no male members in the Robertson County Career Women or Century Club. I am willing to resign from either club if the Commission felt that was necessary.

ACHIEVEMENTS

25. List all bar associations and professional societies of which you have been a member

within the last ten years, including dates. Give the titles and dates of any offices which you have held in such groups. List memberships and responsibilities on any committee of professional associations which you consider significant.

- a. Robertson County Bar Association since 1992; President 2002-2004; Judicial Portrait Committee Chairperson 2003 – Present.
- b. Tennessee Bar Association Member, various years from 1987-2001.

26. List honors, prizes, awards or other forms of recognition which you have received since your graduation from law school which are directly related to professional accomplishments.

- a. Robertson County Business Woman of the Year 1999.
- b. Dale Carnegie Golden Key Award Winner, 2000.
- c. Award for Outstanding Dedication to Department of Children's Services, Springfield, TN, 2007.

27. List any public office you have held or for which you have been candidate or applicant. Include the date, the position, and whether the position was elective or appointive.

- a. Springfield City Judge or Assistant City Judge 1994 – present; Appointed bi-annually by the Board of Mayor & Alderman;
- b. Juvenile Court Referee; appointed position by presiding Juvenile Court Judge 1999-2007;
- c. IV-D Child Support Referee; appointed position by General Sessions Judge, 2000-2007.

ESSAYS/PERSONAL STATEMENTS

28. What are your reasons for seeking this position? *(150 words or less)*

I seek the position of Circuit Court Judge to serve the citizens of the 19th Judicial District where I live and work. I have spent my entire adult life representing families and children primarily in Robertson and Montgomery Counties. As an Attorney, Professor, Mediator, Judge and Mediation Trainer I am uniquely qualified for this position. I can provide both gender and geographic diversity to this Judicial District. I do not seek just any Judicial position but this specific Judicial position; The presiding Judge has determined that this Circuit will be a

domestic relations Court. As a sitting City Judge and former Juvenile Court Referee, I will hit the ground running and am familiar with the community and culture that I will serve. I am ready to serve as Circuit Judge for this Judicial District. My children are grown, and I have the time and energy to devote to this position.

29. Describe the judgeship you seek (i.e. geographic area, types of cases, number of judges, etc. and explain how your selection would impact the court. *(150 words or less)*)

I seek the newly created Circuit Court Position for the 19th Judicial District. I would become the 6th Judge in this Judicial District. I feel my selection would strongly impact the Court for three main reasons:

1. **Experience:** I have over 30 years of trial experience in civil litigation cases.
2. **Character and Temperament:** I have the demonstrated character and temperament to be a Circuit Court Judge. I am honest, balanced and will follow the law.
3. **Work Ethic:** I work hard and fight hard for my clients.

I am personally acquainted with and practice in front of the sitting Judges of the 19th Judicial District and I will be an asset to this team. As a Circuit Judge I will continue to work hard and will jump in to help the other Judges whenever needed.

30. Will you uphold the law even if you disagree with the substance of the law (e.g., statute rule) at issue? Give an example from your experience as a licensed attorney that supports your response to this question. *(250 words or less)*

I represented a Father in a Termination of Parental Rights Case who was attempting to pay child support and visit his child. Each time he would attempt to pay support or visit, the Mother would move and return all payments. I fought against his rights being terminated because I thought it was not fair. The Tennessee Adoption Statutes were strict and if the parent had not visited and/or paid 4 months preceding the filing of the termination petition, the rights of the Parent should be terminated. My client's rights were terminated, and I was devastated. I took the case to the Court of Appeals and lost. After the retirement of the Judge who ruled in this case, and the child's majority, I asked the Judge why she ruled this way under such circumstances, and she said despite my personal beliefs, I had to follow the law. This made a huge impression on me as a lawyer. Throughout my career, I have always followed the law to the best of my ability remembering this story. Further, as Juvenile Court Referee, I agonized about whether or not to return a child to his birth parents or continue with his 10th foster home. I reviewed the Juvenile Code and the Child's Foster Care Plan and despite my feelings, ruled exactly in accordance with the law. If I am selected as the next Circuit Court Judge, this Commission and the Governor can

be assured that I will follow the law in every instance.

REFERENCES

31. List five (5) persons, and their current positions and contact information, who would recommend you for the judicial position for which you are applying. Please list at least two persons who are not lawyers. Please note that the Commission or someone on its behalf may contact these persons regarding your application.

A. Carol Catalano, Retired Chancellor;	Clarksville, TN 37042, 931-
B. Dr. David Kanervo; Professor Emeritus Austin Peay State University;	Clarksville, TN 37043,
C. Lew Conner; Attorney/Partner, Waller, Lansden, Dortch & Davis,	Suite 2700, Nashville, TN 37219;
D. Ken Hudgens, Retired Chancery Court Clerk (34 years),	Hendersonville, TN 37075;
E. Jonathan Garner, Attorney,	Springfield, TN 37172,

AFFIRMATION CONCERNING APPLICATION

Read, and if you agree to the provisions, sign the following:

I have read the foregoing questions and have answered them in good faith and as completely as my records and recollections permit. I hereby agree to be considered for nomination to the Governor for the office of Judge of the [Court] 19th Judicial District, Circuit of Tennessee, and if appointed by the Governor, agree to serve that office. In the event any changes occur between the time this application is filed and the public hearing, I hereby agree to file an amended questionnaire with the Administrative Office of the Courts for distribution to the Commission members.

I understand that the information provided in this questionnaire shall be open to public inspection upon filing with the Administrative Office of the Courts and that the Commission may publicize the names of persons who apply for nomination and the names of those persons the Commission nominates to the Governor for the judicial vacancy in question.

Dated: July 17, 2018.

Charlotta J. Flery
Signature

When completed, return this questionnaire to Debbie Hayes, Administrative Office of the Courts, 511 Union Street, Suite 600, Nashville, TN 37219.



**TENNESSEE TRIAL COURT VACANCY COMMISSION
ADMINISTRATIVE OFFICE OF THE COURTS**

511 UNION STREET, SUITE 600
NASHVILLE CITY CENTER
NASHVILLE, TN 37219

**TENNESSEE BOARD OF PROFESSIONAL RESPONSIBILITY
TENNESSEE BOARD OF JUDICIAL CONDUCT
AND OTHER LICENSING BOARDS**

WAIVER OF CONFIDENTIALITY

I hereby waive the privilege of confidentiality with respect to any information that concerns me, including public discipline, private discipline, deferred discipline agreements, diversions, dismissed complaints and any complaints erased by law, and is known to, recorded with, on file with the Board of Professional Responsibility of the Supreme Court of Tennessee, the Tennessee Board of Judicial Conduct (previously known as the Court of the Judiciary) and any other licensing board, whether within or outside the State of Tennessee, from which I have been issued a license that is currently active, inactive or other status. I hereby authorize a representative of the Trial Court Vacancy Commission to request and receive any such information and distribute it to the membership of the Commission and to the Office of the Governor.

Charlotte U. Fleming
Type or Print Name

Charlotte U. Fleming
Signature

7/17/18
Date

#12631
BPR #

Please identify other licensing boards that have issued you a license, including the state issuing the license and the license number.

None