

Tennessee Judicial Nominating Commission
Application for Nomination to Judicial Office

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INTRODUCTION

Tennessee Code Annotated section 17-4-101 charges the Judicial Nominating 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 <http://www.tncourts.gov>). The Commission requests that applicants obtain the word processing form and respond directly on the form. Please respond in the box provided below each question. (The box will expand as you type in the word processing document.) Please read the separate instruction sheet prior to completing this document. Please submit the completed form to the Administrative Office of the Courts in paper format (with ink signature) **and** electronic format (either as an image or a word processing file and with electronic or scanned signature). Please submit seventeen (17) paper copies to the Administrative Office of the Courts. Please e-mail a digital copy to debra.hayes@tncourts.gov.

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

PROFESSIONAL BACKGROUND AND WORK EXPERIENCE

1. State your present employment.

I am in private practice in Jackson, Tennessee. A general practice that includes civil, criminal, juvenile, etc., in all Courts, both State and Federal.

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

1981 – Board Member - #9615

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 – Admission Date: 1981 – Bar #9615

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).

- (1981-1987) Associate, Donnell & Cox Law Firm,
- (1987 – 2005) Started private practice

- (1983 – 1998) Assistant District Attorney
 Madison, Chester & Henderson Counties
 26th Judicial District
 (Part-time, one of only two part-time Assistants in the State at that time).
- (1987-2005) Tennessee Board of Law Examiners, (2010 - Special Writer for the Board)
 Write and grade a portion of the State Examination which determines attorney
 readiness to practice law
- (1988 – 2005) City of Jackson Tax Attorney
 Collects and enforces all tax collection, laws and procedures for the
 municipality involving sale of lands and other relief.
- (1992 – present) General Counsel – Lane College
- (2005-2008) Professor at Jones School of Law – Faulkner University
- (2008- present) Private practice

6. If you have not been employed continuously since completion of your legal education, describe what you did during periods of unemployment in excess of six months.

N/A

7. 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 general practice consists of civil (contracts, small business, family law, probate, personal injury) – 50%, General Counsel to Lane College - 30% and Criminal Defense – 20%. I practice in all Courts; State, Federal and Juvenile.

8. 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. In making your description, include information about the types of matters in which you have represented clients (e.g., information about whether you have handled criminal matters, civil matters, transactional matters, regulatory matters, etc.) and your own personal involvement and activities in the matters where you have been involved. In responding to this question, please be guided by the fact that in order to properly evaluate your application, the Commission needs

information about your range of experience, your own personal work and work habits, and your work background, as your legal experience is a very important component of the evaluation required of the Commission. Please provide detailed information that will allow the Commission to evaluate your qualification for the judicial office for which you have applied. The failure to provide detailed information, especially in this question, will hamper the evaluation of your application. Also separately describe any matters of special note in trial courts, appellate courts, and administrative bodies.

I have, over the course of my practice, tried and handled cases of every kind and character, from automobiles to zoning issues. I have represented clients in jury trials in both civil and criminal courts, again in simple to complex proceedings. I have tried over hundreds of non-jury matters and at least seventy jury trials. Most of my practice has been as a sole practitioner therefore, I tried the cases without assistance; conducting investigation, evidence formulation, motions and trials by myself. This required me to work long hours in preparation and to be extremely diligent with my time. I do not think there is a lawyer in Jackson who works longer hours. Also, because my practice is diverse, it requires me to be extremely knowledgeable about the legal issues in question. Clerks, Judges and other Attorneys frequently contact me about me difficult questions and problems. I try to help them all.

9. Also separately describe any matters of special note in trial courts, appellate courts, and administrative bodies.

- Taylor vs. Haywood County - a voting rights case that helped change the way officials were elected in Haywood County, Tennessee.

- In Re: Henry Pettigrew- A complex civil proceeding in the Circuit Court of Crockett County, Tennessee, concerning a wrongful death action. This matter involved over 10 expert witnesses and 7 law firms.

- Butler vs. State – I was asked by the Supreme Court to take this case on appeal. It involved a criminal matter that led to a change to the DUI Laws at that time.

- State vs. Peoples – A pro-bono case that was started in the Municipal Court of Jackson, then Circuit Court and finally the Court of Criminal Appeals. It concerned the Court's ability to expunge a criminal record. This was argued in 2011.

10. If you have served as a mediator, an arbitrator or a judicial officer, describe your experience (including dates and details of the position, the courts or agencies involved, whether elected or appointed, and a description of your duties). Include here detailed description(s) of any noteworthy cases over which you presided or which you heard as a judge, mediator or arbitrator. Please state, as to each case: (1) the date or period of the proceedings; (2) the name of the court or agency; (3) a summary of the substance of each case; and (4) a statement of the significance of the case.

I served as a General Sessions Court Referee until 1998. I heard cases when there was a conflict or the Judge was unavailable. No cases of significance were tried.

11. Describe generally any experience you have of serving in a fiduciary capacity such as guardian ad litem, conservator, or trustee other than as a lawyer representing clients.

I have not served as a fiduciary

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

I have taught classes for CLE seminars. I have given presentations to civic groups on family law, school law, juvenile justice and bankruptcy. I have been the Attorney for Lane College for several years. This role requires a need to be experienced and knowledgeable in several areas, including contracts, employment, construction, school law and sometimes criminal law.

While a member of the Tennessee Board of Law Examiners, I had the opportunity to research and write the Bar Examination Questions for over 15 years. This required me to learn and understand complex legal issues and analysis. That experience was significant. I left the Board to teach in 2005. However, they asked in 2010, if I would be a special writer for the July Examination. I was happy to assist them.

I was a member of the U.S. District Court Magistrate Judge Selection Committee.

I taught Law School from 2005 until 2008, at Faulkner University, Jones School of Law. The courses that I taught were Evidence, Sales, Negotiable Instruments and Legal Drafting. These are very difficult courses. Teaching required mastering of these courses and I am still writing a Negotiable Instruments Book. This required me to become an expert on these areas of the law. They are essential to a practice in the Circuit Courts.

Also, while at the Law School, I was one of the coaches for the Douglas Mock Trial team that won the National Competition in 2008. The first team in school history to win a National Award.

13. List all prior occasions on which you have submitted an application for judgeship to the Judicial Nominating Commission or any predecessor commission or body. Include the specific position applied for, the date of the meeting at which the body considered your application, and whether or not the body submitted your name to the Governor as a nominee.

Application for the Circuit Court Division II in the 26th Judicial District, following the retirement of the sitting Judge in approximately 2002. My name was submitted to the governor at that time.

Application for Chancellor in the 26th Judicial District upon the death of the sitting Judge in 2004. My name was submitted to the Governor at that time.

I was an applicant for the Court of Appeals and the Supreme Court vacancies following the death of Justice Birch and Judge Crawford. My name was not submitted to the Governor at that time.

EDUCATION

14. 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.

Tennessee State University (1974-1978) – Bachelor of Science Criminal Justice (magna cum laude)

University of Georgia (1978-1981) - Juris Doctorate Law School

Frederick Douglas Moot Court Team

Clerk for the Office of Continuing Judicial Education in 1980 and 1981

Honor Court Justice

Alumni Award Most Outstanding 3rd Year Student

Legal Aid & Defender Society

PERSONAL INFORMATION

15. State your age and date of birth.

Age 55 – D.O.B.: July 14, 1956

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

1981-2005 (24 years)

I lived in Alabama for 3 years, but also maintained a Tennessee address.

2008 to present, in Tennessee only

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

30 years

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

Madison County, Tennessee

19. 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.

None

20. Have you ever pled guilty or been convicted or are you now on diversion for violation of any law, regulation or ordinance? Give date, court, charge and disposition.

No

21. 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

22. If you have been disciplined or cited for breach of ethics or unprofessional conduct by any court, administrative agency, bar association, disciplinary committee, or other professional group, give details.

I received a private reprimand by the Board of Professional Responsibility after doing what I thought was good Samaritan deed for a client. Unfortunately, the client lied to me and that led to

an account being unpaid and the and the Board thought I should have monitored the client closer.

23. 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.

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

No.

25. 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.

No.

26. 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.

I am a member of East Jackson Church of Christ, Alpha Phi Alpha Fraternity, Jackson Masonic Lodge #72 FAM. I have served on the following organizations Y.M.C.A., GUIDING Hands for the Blind, Mission Convalescent Home, Methodist LeBonheur Healthcare, Tennessee Human Rights Commission, Jackson Regional Hospital (Board Chair from 2003 to 2005). I am currently a member of the Board of Trustees for Freed Hardeman University (2004 to present).

27. 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.

ACHIEVEMENTS

28. 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.

- National Bar Association: 1986 to present
- Jackson-Madison County Bar Association: 1981 to present
- Phi Alpha Delta Legal Fraternity: 1981 to present
- American Association of Law School: 2005 to present

29. 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.

- Southwest Community Service Award
- Mother Liberty William A. Graves Award
- Sigma Gamma Rho-Blue and Gold Award
- SAACA Legal Services Award
- J.S.C.C. Pace Program Award
- Alpha Phi Alpha Leadership Award
- Lane College – Law Award

* I have received numerous other awards, but I have not kept an accurate list of them.

30. List the citations of any legal articles or books you have published.

Currently writing a Negotiable Instruments Reference Book.

31. List law school courses, CLE seminars, or other law related courses for which credit is given that you have taught within the last five (5) years.

I taught Law School from 2005 until 2008. It is an ABA Accredited Law School. The courses I taught were: Federal Rules of Evidence, Negotiable Instruments, Sales and Legal Drafting.

32. 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.

1998 Candidate for the new Circuit Court Judgeship, Division III in the 26th District

33. Have you ever been a registered lobbyist? If yes, please describe your service fully.

No

34. Attach to this questionnaire at least two examples of legal articles, books, briefs, or other legal writings which reflect your personal work. Indicate the degree to which each example reflects your own personal effort.

I have attached three samples of my work; a civil brief, a criminal brief in the Court of Appeals and the Supreme Court. Each of these cases were prepared and argued by me.

ESSAYS/PERSONAL STATEMENTS

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

I wish to serve the people of our district who deserve the very best person to serve as their Circuit Judge. Being able to continue the legacy set by Judge Page of competency, fairness, timeliness, courtesy and intelligence is important.

The new Circuit Court Judge must be a person who has the background of trial experience, the temperament to handle the personal matters that are heard and knowledge of the law, so there will be no loss of service to our state. I am that person and wish to serve our district and its people.

36. State any achievements or activities in which you have been involved which demonstrate your commitment to equal justice under the law; include here a discussion of your pro bono service throughout your time as a licensed attorney. *(150 words or less)*

My entire practice has been built upon equal justice. The clients I represent are diverse as well; wealthy, poor, black, white or immigrants, the level of service is the same.

In August, 2010, I started a free legal clinic called the "Water Tower Justice Center". It serves poor residents of east Jackson, college students and others. The Clinic, in 2011, counseled 168 people and took 80 clients' cases. The Clinic, in the present economic times, serves people who otherwise; have no hope of quality legal service.

Prior to starting the Clinic, worked with West Tennessee Legal Services as part of their Pro-Bono Program.

37. 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)*

This Judgeship would be Circuit Court, Division III, in the 26th Judicial District. The region consists of Madison, Chester and Henderson Counties. The Court has civil and criminal jurisdiction. It also tries Appeals from the General Sessions and Municipal Courts. Currently, there are two (2) other Circuit Judges in the District; the Honorable Roy B. Morgan, and the Honorable Donald H. Allen.

The impact that I would have on the Court would be significant. Currently, there are no minority Judges in rural West Tennessee. Young people would have a role model they could hope to emulate. I would bring my wealth of trial and practical experience to the Court.

38. Describe your participation in community services or organizations, and what community involvement you intend to have if you are appointed judge? *(250 words or less)*

I have worked with many community service organizations. Currently, I serve as Commissioner with the Tennessee Human Rights Commission. I believe that my resignation would have to be extended to that body, if I am appointed to the Judgeship. I also serve on the Board of Trustees for Freed-Hardeman University. I would maintain that position after my appointment. The other organizations that I work with, should not be affected by my appointment.

39. Describe life experiences, personal involvements, or talents that you have that you feel will be of assistance to the Commission in evaluating and understanding your candidacy for this judicial position. *(250 words or less)*

I have not maintained a law practice that required me to grow stale. Instead, I have worked hard to be the very best advocate for my clients, learning the law in all phases, carrying that knowledge to the Courts and beyond. The Evaluation Committee will find no one who has worked harder, has the wealth of experience in all of the areas of the law that a Circuit Judge with a dual calendar, must have and is able to articulate that knowledge to the Plaintiffs, Defendants, Jurors and Lawyers who come before the bench. I have written the law, I have practiced the law and I have taught the law.

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

Yes, I will uphold all laws, even if I personally disagree with the substance of the law. As an Assistant District Attorney and as City Tax Attorney, I was required to take people's freedom and property. Some of the rules to enforce these provisions were harsh. Nonetheless, I carried out the assignments, in spite of my personal feelings that sometimes, the best of our people were punished.

REFERENCES

41. 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. Dr. Wesley McClure, Pres.-Lane College, 545 Lane Ave, Jackson, TN 38301 (731) 426-7595

B. Mark Hawks, Architect, 6 Wildwood Lane, Jackson, TN 38305 (731) 234-2699

C. Atty. Stephen C. Brooks, 423 N. Highland, Jackson, TN 38301 (731) 422-6895

D. LaShonda M. Patterson, Legal Assistant, 42 Cotton Hill, Jackson, TN 38305 (731) 267-8297

E. Atty. Terica Smith, West TN Legal Srvcs, E. Main St., Jackson, TN 38301 (731) 423-0616

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] Circuit Court, Division III – 26th Judicial District 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: _____, 2012_____.

Signature

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



TENNESSEE JUDICIAL NOMINATING COMMISSION

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

**TENNESSEE BOARD OF PROFESSIONAL RESPONSIBILITY
TENNESSEE COURT OF JUDICIARY
AND OTHER LICENSING BOARDS**

WAIVER OF CONFIDENTIALITY

I hereby waive the privilege of confidentiality with respect to any information which 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 Court of 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 Tennessee Judicial Nominating Commission to request and receive any such information and distribute it to the membership of the Judicial Nominating Commission.

Type or Printed Name

Signature

Date

BPR #

<p>Please identify other licensing boards that have issued you a license, including the state issuing the license and the license number.</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
