

Tennessee Judicial Nominating Commission
Application for Nomination to Judicial Office

Rev. 22 December 2011

Name: Glenna Walker Overton

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37923
(including county)

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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 fourteen (14) 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.

Owner of Glenna W. Overton Law Firm

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

Licensed in 1992; BPR# 015600

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

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).

1992 – 2002 Partner in Overton & Overton

2002 – Present sole practitioner as Glenna W. Overton Law Firm

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.

Not applicable

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.

Construction 15%

Contracts 15%

Nuisance 10%

Estate Planning 10%

Fraud 10%

Property 10%

Consumer Protection Act 10%

Conservatorship/Guardian Ad Litem 5%

Taxation 5%

Transactional 3%

Personal Injury 2%

Trademark/Copyright 2%

Franchise 1%

Employment 1%

Divorce .5%

Criminal .5%

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.

When I first started practicing law, it was in a two man firm. Since 2002, I have been a sole practitioner. I have always performed my own research and written my own briefs. I personally draft all of my pleadings including estate planning documents.

The majority of my work has been on the civil side of the law. I have been appointed to criminal cases and have been hired to represent clients on misdemeanor cases. Since I began my practice, I have requested and received guardian ad litem and attorney ad litem cases. In some guardian ad litem cases, I have waived my fee because it was in the best interest of the Respondent.

At the trial and appellate levels, I have represented both plaintiffs and defendants. I have tried both jury and bench trials. Most of my litigation have been cases about construction, contracts, fraud, land use, nuisance, property, and consumer protection.

My practice in the administrative/regulatory field have been representation before a planning commission and representation before property owners associations.

The majority of my transactional work is drafting contracts, business setups, estate planning, trademark applications and analysis of the Uniform Franchise Offering Circular.

In addition to my legal training, I have an accounting background. This background has allowed me to evaluate building contracts, quantum meruit, damages and tax audits. Accounting has also allowed me to set new business clients up in the accounting area.

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

On two occasions my appellate cases were selected for the SCALES program.

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.

From 2005 to 2010, on numerous occasions, I sat as Special Judge in Knox County Civil Sessions Court for Judge Brenda Waggoner, Judge Bob McGee, Judge Tony Stansberry and Judge Geoffrey Emery. Judge Emery, Judge McGee and Judge Stansberry specifically inquired whether or not I would be available to sit as Special Judge on designated days. The cases I heard were debt collections, detainer warrants and small claims.

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.

On numerous occasions, I have been appointed Guardian Ad Litem. I have found each case rewarding because I become involved in the aspect of human relationships and needs. As an attorney, you sometimes only see your client in your office or the courtroom. Guardian Ad Litem cases allow you to see the Respondent in a different setting.

I was my aunt's Conservator because she had Alzheimer disease. Not only were my duties to manage her finances but I also helped her find appropriate assisted living and made health care decisions. It was my decision to take her off life support. This was the second time that I had made that decision for the person. The first was for a client. Making this decision for a family member is an emotional decision.

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

I have represented two lawyers before the Board of Professional Responsibility.

May 2002 – received certification in General/Civil Mediation

May 2003 – received certification in Family Law Mediation

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.

None

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.

May 1977 – Received Bachelor of Science from Purdue University in applied mathematics and statistics with minors in accounting and French

May 1978 – additional courses in accounting

May 1992 – Received Doctor of Jurisprudence from the University of Tennessee

PERSONAL INFORMATION

15. State your age and date of birth.

I am 57 years old. My date of birth is June 5, 1955

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

35 years, since 1977

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

35 years, since 1977

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

Knox County

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.

Not applicable

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.

2012 – I agreed to plead that I had failed to diligently administer a testamentary trust because I failed to adequately communicate with the trust beneficiaries.

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.

Yes, credit card judgment by Midland Funding in general sessions court.

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.

Yes.

I believe in 1998 I was the Plaintiff in the case of Glenna Walker Overton v. Lloyd E. Walker. It was a Will contest in Johnson County, Indiana. The case was settled.

I am currently a Defendant in the case of Joel Campbell v. Glenna Overton in Blount County Circuit Court. The issue is whether or not the statute of repose applies to a temporary and continuing nuisance. My attorneys are in the process of filing a Motion for Summary Judgment.

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.

Knox County Volunteer Republican Women's Club

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.
- If so, list such organizations and describe the basis of the membership limitation.
 - 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.

Knoxville Bar Association – present member

Tennessee Bar Association – past member

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.

None

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

None

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.

2011 – Blount County Bar Association; Trademark and Franchise Law

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.

Not applicable

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.

Please see the attached briefs of McCoy v. Wilkerson and Goodman v. Jones. I was the sole author of each brief.

ESSAYS/PERSONAL STATEMENTS

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

When I sat as Special Judge in General Civil Sessions Court I believed that I was fair. I have had attorneys that tried cases before tell me that they may not have liked my decision but they thought I was fair and that I explained my position.

I believe my mediation training, both civil and family law, as well as my life experiences will make me a good candidate for judge.

I am seeking this position because I believe that I can be an asset to Knox County. The citizens of Knox County deserve a judge who not only has experience in the courtroom but also they can also benefit from the candidate's experiences outside the courtroom. I want to give back to the community and I believe that being a judge would be that avenue to give back.

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 husband is in law enforcement. In my opinion, I do not believe the officers are paid enough for the work that they perform. I believe that estate planning is very important, especially to those who put their life on the line. Because of that belief, I will prepare estate documents for the officer and his spouse for free.

There have been cases that have come into my office that I do not charge a fee because it would be unfair for the client to pay a lawyer to receive the justice that they deserve. For example, I represented a single Mother who paid to have a new roof put on her house and it was poor workmanship. She did not have the money to have the roof redone nor did she have the money to pay a lawyer. I was able to obtain a new roof for her.

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)*

I am seeking the appointment to the Knox County Circuit Court, Division 3. Circuit Court is the tort court. This court hears "civil wrong" cases where the plaintiff is seeking money damages, as opposed to Chancery Court which tries cases in equity.

Through my mediation training, as well as my cases, I have learned how to look at the case from both sides. The job of a mediator is to show each side their strength and weakness in their case, but yet the mediator is impartial. I know mediation training has assisted me in my law practice and I believe it will be an asset as a judge.

With my volunteer work at STAR, I have learned to be patient to allow the rider to complete a

task even though it would be easier and quicker if I did the task. Patience is an important asset for a judge.

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)*

2002 to present, and into the future, I am a volunteer at Shangri-la Therapeutic Academy of Riding ("STAR"). STAR provides equine therapy and training for disabled and challenged persons. I was the 2009 STAR Volunteer of the Year and the 2011 STAR Barn Helper of the Year. During my years at STAR, I have represented volunteers, pro bono, on traffic tickets and other legal issues. In addition, I have represented STAR, pro bono, on a few contractual issues and I am representing STAR families on legal issues. If I am appointed judge, I will continue my volunteer hours at STAR, not only because I enjoy it but also because I have found that when the STAR volunteers and families learn that I am an attorney who is willing to listen or help, the STAR family becomes more comfortable with the legal profession and they learn that lawyers are also human.

In 2013, I will be taking classes to become a Master Gardner. Once I have completed the forty hour course I am required to give back to the community forty hours of my time before I am certified. No matter what your profession is, it is important to give back to the community in areas that you have talent and training. If I am appointed judge, I will still make time to help teach the citizens of East Tennessee about nature.

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 began practicing law when I was 37 years old. Prior to the law practice, I had an accounting business. After I started practicing law, some of my accounting clients came to me for legal advice. One of those persons was the man who appointed me as Trustee of his Testamentary Trust for which I was publicly censured. This man also gave me his Power of Attorney for Health Care. Through my twenty-one year business and friendship relationship with this gentleman, I learned from him how disappointed he was with his family. I formed a pre-conceived idea of his family, even though I had never met them. It was because of this pre-conceived idea that I had that I was not as responsive to the trust beneficiaries as I should have been. I have learned not to have pre-conceived ideas. This has helped me to be more open minded about people.

During my practice I have represented two lawyers before the Board of Professional Responsibility. I have had other attorneys approach me about ethical issues. In this legal profession, the public does not believe that lawyers are allowed to make mistakes. I have taken these ethical issues that I have encountered, learned from them and attempted to modify my

practice.

I am always learning from my environment. I believe as a judge, you need to have the ability to grow.

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)*

In my practice I have, at times, found it difficult to argue the law when I believe that morally the court should make an exception. This situation arises when a potential client comes to me and the statute of limitations has run. In nuisance cases, homeowners try to seek relief from the county or use "self help" before they contact an attorney to sue the landowner that has flooded their property. There are times that the homeowner has simply waited too long to bring their case to court.

Based upon my desire to help a client, I have attempted to think "outside the box". In one case, I represent a man who had received a judgment against a corporation. Through post-judgment discovery, I found that the individual was using the corporation as a sham corporation. I convinced the court to allow me to add the individual as a defendant even though judgment had been entered.

When I sat as Special Judge in General Civil Sessions Court, some of the cases that I heard were debt collection and detainer warrants. With respect to the detainer (eviction) cases, the tenant would admit that they were behind in their rent but would give compelling hardship stories if they were evicted. As tough as it was, I enforced the Landlord/Tenant Act and ordered the eviction. This would be the same in the debt collection cases. In today's economy, it is hard not give the debtor a break, but that is the law.

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. Tim Christol
Chief of Red Bank Police

<p>[REDACTED]</p>
<p>B. Lynn Petr Director of Shangri-La Therapeutic Academy of Riding 11800 Highway 11E Lenoir City, TN 37772 (865) 988-4711</p>
<p>C. J. Tucker Montgomery, Esq. [REDACTED]</p>
<p>D. Doug Kirchhofer Tennessee Smokies 3540 Line Dr. Kodak, TN 37764 (865) 286-2310</p>
<p>E. Randall Lange, D.V.M. 10405 Kingston Pike Knoxville, TN 37922 (865) 690-6481</p>

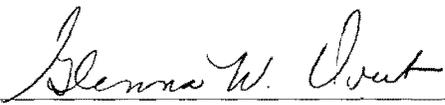
AFFIRMATION CONCERNING APPLICATION

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 Knox County Circuit Court, Division 3 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: November 7, 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

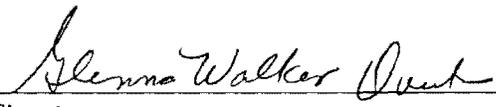
511 UNION STREET, SUITE 600
NASHVILLE CITY CENTER
NASHVILLE, TN 37219

**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.

Glenna Walker Overton
Type or Printed Name


Signature

November 7, 2012
Date

015600
BPR #

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