

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

9/8/20

Name: _____ Emily Faye Abbott _____

Office Address: _____ 101 S. Main Street, Suite 300, Clinton TN 37716 _____
(including county) _____ (Anderson County) _____

Office Phone: _____ 865-457-5640 _____ Facsimile: _____ 865-457-9352 _____

Email Address: _____ [REDACTED] _____

Home Address: _____ [REDACTED] Knoxville, TN 37919 _____
(including county) _____ (Knox County) _____

Home Phone: _____ [REDACTED] _____ Cellular Phone: _____ [REDACTED] _____

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 Microsoft Word 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 Microsoft Word 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 ceesha.lofton@tncourts.gov, or via another digital storage device such as a flash drive. See section 1(g) of the application instructions for additional information related to hand-delivery of application packages.

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

PROFESSIONAL BACKGROUND AND WORK EXPERIENCE

1. State your present employment.

Assistant District Attorney, 7th Judicial District, composed solely of Anderson County

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

2006; 025231

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; 025231; 2006; 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).

Assistant District Attorney, 7th Judicial District, composed solely of Anderson County, September 2009-present.

Assistant District Attorney, 4th Judicial District, composed of Sevier, Grainger, Jefferson, and Cocke Counties, January 2007-September 2009.

After taking the bar exam, but prior to my employment as an Assistant District Attorney, I had employment in the Appeals Department of HealthSpring in Nashville through a temporary employment agency from August 2006-December 2006.

During my studies at University of Tennessee College of Law, I completed two legal clerkships. One was at the 20th Judicial District Attorney's Office in Nashville in Summer 2004. There, I was assigned to Criminal Court, Division I. The second was at the 6th Judicial District Attorney's

Office in Knoxville, where I completed an externship in Summer 2005. During that summer, I was assigned to Knox County Felony General Sessions Court.

Throughout high school, college, and law school, I worked at various part-time retail and food service jobs.

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.

I represent the State of Tennessee as an Assistant District Attorney in Anderson County where my work is 100% criminal law. I routinely appear in Criminal Court, General Sessions Court, and Juvenile Court. My day-to-day activities include consulting and advising law enforcement, conducting contested hearings, negotiating plea agreements, interviewing and counseling victims and witnesses, drafting and filing pleadings, trying cases to a jury, and conducting post-conviction litigation.

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.

Since my admission to the bar, I have worked exclusively in criminal law. I have spent my entire legal career as a prosecutor in East Tennessee, working in two different District Attorney General's offices. I have litigated thousands of cases in Criminal Court. I have tried dozens of cases to a jury, including several homicide cases, one in which the State sought the death penalty. I have handled hundreds of hearings, including violations of probation, suppression hearings, sentencing hearings, applications for and denials of judicial diversion, motions to withdraw guilty pleas, post-conviction relief petitions, and other complex litigations. I also have had numerous cases affirmed on appeal.

January 2007-September 2009

My work as a prosecutor began in the 4th Judicial District Attorney General's Office. I served as a Sevier County Criminal Court prosecutor in front of Judge Rex Henry Ogle and the late Judge Richard Vance, trying cases both major and minor. I was principally assigned to Sevier County Criminal Court, but I also frequently prosecuted felony cases in General Sessions Court in front of Judge Dwight Stokes and Judge Jeff Rader.

I routinely appeared in General Sessions and Criminal Court in Cocke County and General Sessions Court in Grainger County.

During this time, I began working with the Child Protective Investigative Team (CPIT), which is a multidisciplinary team of prosecutors, law enforcement officers, social workers, and Department of Children's Services' staff. As a member of CPIT, I participated in the investigation, classification, and prosecution of child physical abuse, child sexual abuse, and the

exploitation of children.

September 2009-Present

In September 2009, I moved to the 7th Judicial District Attorney General Dave Clark's Office, which oversees prosecutions in Criminal Court, two General Sessions Courts (Division I in Clinton and Division II in Oak Ridge), and Juvenile Court. The Office previously staffed State cases heard in Municipal Court in Oliver Springs.

Until 2011, I appeared extensively in front of Criminal Court Judge Donald R. Elledge, General Sessions Court Judge Don Layton, and General Sessions Court Judge Ron Murch.

In Spring 2011, I took over the sole general prosecution duties in General Sessions Division II in Oak Ridge. I personally handled and prosecuted thousands of cases during my time in that Court. I forged a close working relationship with Judge Murch and the Anderson County Public Defender's Office, as well as the private defense bar. Judge Murch's courtroom had a collegial atmosphere, and I treasured my time there.

In November 2014, I changed positions in the Office and was assigned to Anderson County Criminal Court in front of Judge Don Elledge, and began serving as lead prosecutor in Juvenile Court in front of Judge Brian Hunt. I have had extensive experience in Juvenile Court, including dealing with transfers of some juvenile offenders charged with serious offenses to Criminal Court. At that time, I resumed duties with CPIT and have continued in that capacity to the present day.

I now practice in front of my former colleague, Judge Ryan M. Spitzer. Watching him transition from Assistant District Attorney to Circuit Court Judge has given me great insight into the obstacles and rewards that this process entails.

Since 2015, I have been the prosecuting attorney on the Child Fatality Review Team for the 7th Judicial District. The Child Fatality Review Team meets quarterly and investigates every child death in Anderson County. As a result of our collaboration, we make certain findings and recommendations to report to the Department of Health. As the District Attorney's Office representative, I make a special effort to ensure no prosecutable child death falls through the cracks.

In addition to my work in the 4th and 7th Judicial Districts, I have been assigned multiple cases out of county on a pro-tempore basis. I appeared in numerous counties in the Eastern Section of Tennessee, including Knox, Greene, Blount, and Campbell Counties.

Additionally, I have appeared in front of the Parole Board very selectively and for egregious cases.

The number of cases I have handled doesn't tell the full story of my legal experiences to date. Just as important have been the close working relationships I have forged during my time as a lawyer. I have, over time, learned the value of listening and trying to see issues from a perspective different from my own. My accumulated experiences over my career have not just

allowed me to gain knowledge and competence, but also perspective and wisdom.

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

State v. Norman Lee Follis, B2C0092A (Anderson County Circuit Court). I served as co-counsel at trial for the State in the prosecution of Mr. Follis for the murder of his uncle Sammie Adams in Anderson County. Mr. Follis had been exploiting his elderly uncle and stealing money from him to buy drugs. It is believed that Mr. Adams had refused to give Mr. Follis any more money, and Mr. Follis set up a plan to rob Mr. Adams who was known to carry a large amount of cash. Sometime before Christmas in 2011, Mr. Follis robbed and strangled the elderly victim to death with an extension cord in his own home. Mr. Follis then placed the victim's body in the closet of the home, where he remained for over a month. Mr. Adams was the subject of a missing person's report. Mr. Follis was seen using Mr. Adams car after the murder, which he later sold for a profit. After he became a prime suspect in the investigation, Mr. Follis was interviewed and confessed to the murder. Investigators were then able to find the remains of Mr. Adams. The State of Tennessee sought the death penalty in this case, with the aggravating factors that the killing was especially heinous, atrocious, and cruel, and because the victim was especially vulnerable due to his age. After trial, the Defendant was convicted of first-degree murder and theft. After the bifurcated sentencing hearing, the Defendant was sentenced to life without the possibility of parole. This trial, due to the State seeking capital punishment, gave me the unique experience of an individual voir dire process, a sequestered jury, and potential juror questionnaires. Furthermore, since the Defendant forged the victim's name for the sale of the victim's car after the murder, Tenn. Rule of Evidence 404(b) issues were extensively litigated. The main issues on appeal were whether the Defendant's statement was properly admitted at trial and the sufficiency of the evidence. The conviction and sentence were affirmed on appeal. See *id.*, No. E2018-01667-CCA-R3-CD, 2019 WL 5302853 (Tenn. Crim. App. October 18, 2019), perm. app. Denied (Tenn., Mar. 26, 2020). The Defendant filed for post-conviction relief and that matter is still pending in Anderson County Circuit Court.

State vs. Christy Viola Comer, B9C00034 (Anderson County Circuit Court). I prosecuted Ms. Comer for the murder of JC Copeland. In August 2018, Ms. Comer needed money to buy narcotics, and formulated a plan to rob and tie up her disabled elderly neighbor. Mr. Copeland was robbed and strangled to death in his own home in the city of Rocky Top. Ms. Comer stole many items from the victim including his car and a DVD player, which she later admitted she sold for the equivalent of \$10 worth of methamphetamine. The State sought enhanced punishment, of life without the possibility of parole, since the murder was especially heinous, atrocious, and cruel and that the victim was especially vulnerable due to his elderly age. After consulting with the family of Mr. Copeland, the Defendant was allowed to plead guilty on June 7, 2022 to life in prison, plus an additional 20 years to serve consecutively.

State v. Kenneth Darrin Fisher, B1C00719 (Anderson County Circuit Court). I served as lead counsel for the State in the prosecution of Mr. Fisher for the attempted first-degree murder of his wife. Mr. Fisher had become estranged from his wife and believed her to be unfaithful to

him. In August 2011, while on active duty with the United States Army, he went AWOL and returned to his home in Clinton, Tennessee because he was distraught over the deterioration of his marriage. He formulated a plan, which he disclosed to several friends, to torture, mutilate, and kill his wife. The night of August 26, 2011, he put his plan in motion, and took a M-14 and a large quantity of ammunition from his home. Mr. Fisher's father and friends, who knew his intentions, called law enforcement to urge the police to stop Mr. Fisher before he could get to his wife in the city of Lafollette in Campbell County. Police were able to apprehend him in Clinton, prior to him being able to reach his wife. Mr. Fisher was taken to the Clinton Police Department, and he gave a lengthy statement about his plan to torture and kill his wife. This case was heavily litigated in Anderson County Circuit Court prior to trial on a myriad of legal issues. These issues included sufficiency of the indictment, whether the State had to elect a particular substantial step the Defendant took that constituted the criminal attempt, and sufficiency of the State's bill of particulars. At trial several interesting legal issues emerged. One issue was the admission of two 911 calls from the Defendant's father and friend, and whether they were admissible as exceptions to the hearsay rule and not violative of the Confrontation Clause. Another issue was a State's witness, who had previously testified at a preliminary hearing and gave law enforcement a detailed written statement about the crime, claimed lack of memory at trial. The State followed the requirements set out in both the Tennessee Rules of Evidence and Case Law (*State v. Marlo Davis*, W2011-01548SC-R11-CD (filed June 3, 2015)) to properly admit, as substantive evidence, a statement the witness gave as a past recollection recorded (Tennessee Rule of Evidence 803(5)). The Court also admitted, as substantive evidence, the preliminary hearing testimony of that witness as former testimony of an unavailable witness (Tennessee Rule of Evidence 804(b)(1)). I argued to the jury that the Defendant set forth with an entire course of conduct from the moment he went AWOL until he was apprehended. The jury convicted Mr. Fisher of attempted first degree murder on June 11, 2015 and he was subsequently sentenced to serve 18 years in prison. The Defendant appealed, and the conviction was affirmed on appeal. See *id.*, No. E2016-01333-CCA-R3-CD, 2017 WL 4083785 (Tenn. Crim. App. September 15, 2017), perm. app. Denied (Tenn., Feb. 14, 2018). Mr. Fisher filed for post-conviction relief alleging ineffective assistance of counsel. The Trial Court denied relief, and Mr. Fisher appealed. Post-conviction relief denied at *Fisher v. State*, 2020 Tenn. Crim. App. LEXIS 456 (Tenn. Crim. App., July 1, 2020), perm. app. denied (Tenn., Nov. 16, 2020).

Two vehicular homicide cases that I had the opportunity to try were *St. v. Noelle Leigh Patty*, B7C00016 (Anderson County Circuit Court) and *St. v. Justin Lee Seeber*, B4C00277 (Anderson County Circuit Court).

In *St. v. Patty*, Ms. Patty was convicted of criminally negligent homicide and reckless endangerment. Special issues that arose during the trial were the use of several expert witnesses, presenting complex accident reconstruction and speed calculations to a jury. Further, I was able to demonstrate the difference between simple negligence and criminal negligence to the jury. Ms. Patty waived appeal.

The noteworthy aspect of the *St. v. Seeber* case was that the initial officer failed to properly investigate a traffic fatality on the night of the wreck. The next day, accident reconstructionists completed a thorough investigation, including speed calculations, despite the loss of valuable

evidence at the scene. Due to the work of the late Trooper Randall Massengill, the State was able to seek justice for the victim in this case. This case provided me with the opportunity to work with expert witnesses who presented scientific evidence and accident reconstruction to the jury. This case ended with a deadlocked hung jury and a subsequent plea agreement between the State and Defendant.

St. v. Jordana Jenyane Wright, B7C00313 (Anderson County Circuit Court) and *St. v. Bryant Lamont Thomas*, B8C00153 (Anderson County Circuit Court). I prosecuted these individuals for the State. These cases are noteworthy, distinct from each other, because they dealt with the denial of judicial diversion. In both of these cases, the defendants were otherwise eligible for judicial diversion, but the State argued against it due to the nature of the offenses.

In *St. v. Wright*, the Defendant had pled to theft and left the issue of judicial diversion and whether to be placed on the State of Tennessee Elderly and Vulnerable Adult Abuse Registry up to the Court. Ms. Wright was a custodial employee at an assisted living/nursing facility in the City of Oak Ridge. She stole and pawned precious jewelry belonging to one of the elderly tenants of that facility, ultimately abusing the trust the victim had placed in the facility and in the Defendant personally. The Court went through the required factors and denied judicial diversion by weighing aggravating factors against the Defendant, including her amenability to correction, the circumstances of the offense, the deterrence value to Defendant and others, and the interests of the public. She was also placed on The Elderly and Vulnerable Adult Abuse Registry. Defendant appealed and the Court of Criminal Appeals affirmed the decision of the Trial Court. See *id.*, No. E2019-01599-CCA-R3-CD, 2020 WL 7091383 (Tenn. Crim. App. December 4, 2020).

In *St. v. Thomas*, the Defendant had pled to sexual contact with a probationer with a sentencing hearing. At the sentencing hearing, the Defendant sought judicial diversion, which the State opposed. At the time of the offense, the Defendant had been employed by the Tennessee Department of Corrections as a probation officer. He was accused of directing an offender under his active supervision to perform a sexual act on him in exchange for favorable treatment while the victim was on probation. I argued at the sentencing hearing that the Defendant had violated the trust of the public and of the court system. The Court denied the Defendant's application for judicial diversion for several factors, including the fact that the Defendant abused his position of power, authority, and control over the victim for his own sexual gratification. Although I argued for the Defendant to serve this sentence in the Department of Corrections, the Court ordered him to serve the sentence on probation. The Defendant appealed and the Court of Criminal Appeals affirmed the Judgment of the Trial Court. See *id.*, No. E2019-01974-CCA-R3-CD, 2021 WL 306212 (Tenn. Crim. App. January 29, 2021).

St v. Kevin Anthony Dickson, 13010-II, (Sevier County Circuit Court, Div. II). I prosecuted this case for the State at trial and sentencing. The Defendant in this case, fueled by a grudge over a drug deal, in which he felt he had been cheated, set off on a course of conduct that ended up with two victims shot. The Defendant had enlisted two co-defendants in his plan for revenge. One of these co-defendants shot and seriously wounded the victims in this case, including a bystander who was paralyzed due to his injuries. The Defendant was charged with various crimes, including two counts of attempted first degree murder. The Defendant waived his right

to a trial by jury, and I tried the case to the Bench. The issues at hand were whether Mr. Dickson was criminally responsible for the actions of his co-defendant, the shooter in this case. The Trial Court convicted the Defendant of all charges. The Defendant was sentenced to 50 years in the Tennessee Department of Corrections. The Defendant appealed and the case was affirmed in part and reversed in part by the Court of Criminal Appeals, see id, No. E2010-01781-CCA-R3-CD, 2012 WL 2152078 (Tenn. Crim. App. June 14, 2012). The Tennessee Supreme Court accepted the case for review and affirmed the Judgments of the Trial Court, partially reversing the Court of Criminal Appeals, holding that the evidence presented at trial was sufficient to sustain the convictions of the Defendant. See id, No. E2010-01781-SC-R11-CD, 413 S.W.3d 735 (Tenn. October 8, 2013). It is notable that this case was heard in front of the American Legion Boys' State delegation by Tennessee Supreme Court as part of the S.C.A.L.E.S. Program. This Defendant filed various other grievances in both Sevier County Circuit Court and Federal Court, as he insisted that he was a sovereign citizen and not subject to the laws of the State of Tennessee.

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

It is estimated that 80 percent of crime in Tennessee is drug related. I have prosecuted over a dozen homicide defendants where the victims were murdered related to the defendant's desire to procure drugs to feed their addiction or related to the illegal drug trade. Drug overdose deaths continue to rise in our communities and is my belief the criminal justice system must continue to address this growing issue.

I believe the best approach in mitigating, reducing, and preventing drug-related crime must be comprehensive. By aligning strategies and incorporating a community organization model, we are best situated to meet the needs of all residents to either prevent, reduce, or rehabilitate behaviors that lead to substance use and subsequent criminal activity. This means that the court system, while integral, cannot solve this problem alone. It takes a collaborative approach across all sectors of our community to solve this complex problem. To that end, I have served as President of the Board of Directors for ASAP of Anderson, Anderson County's local substance use prevention coalition, for six years, and as a board member at large for two years prior. During my tenure as Board President, our coalition advocated for the passage of many laws and local ordinances dealing with substance abuse prevention at the local, state, and national levels. In addition, I consulted with the Anderson County Underage Drinking Task Force on compliance check operations in accordance with state law, which increased outlet compliance with underage drinking laws. As ASAP Board President, I also liaised between ASAP of Anderson and the District Attorney's Office to offer guidance to local law enforcement on Tennessee's social host liability law.

In my role with ASAP of Anderson and as Assistant District Attorney, I have spoken at schools in Anderson County about the dangers of substance misuse. I also have participated in Anderson County Schools' "Principal for the Day" at Claxton Elementary School and the Clinch River Community School.

When I was the lead prosecutor in Anderson County Juvenile Court, I assisted District Attorney General Dave Clark in his truancy prevention program. That program was designed to identify children at risk of becoming involved with Juvenile Court due to their truancy and offer the parents and children resources in a diversionary program that would keep them out of the court system. Studies have shown that substance use and truancy have a relationship of mutual influence, where students who misuse substances are highly likely to be truant. Likewise, truancy is a predictor of substance use. I agree with General Clark that being proactive amongst children in elementary and middle school will lead to the prevention of crime and result in better outcomes for our students.

I have referred a number of qualified defendants to participate in the Anderson County Recovery Court, the Morgan County Residential Recovery Court, and DC4 in Nashville. I have a good relationship with the program administrator of the Anderson County Recovery Court and I understand how important these programs are to rehabilitate individuals stuck in the criminal justice system. If chosen to serve, I would seek to expand Criminal Court involvement in, and supervision of, the Knox Recovery Court.

Other special items of note in my career relevant to this application are as follows:

In addition to attending annual trainings of the District Attorney's Conference, I have also completed trainings including the District Attorney's Conference Capital Litigation Seminar, the District Attorney's Conference Justice & Professionalism Symposium on Emerging Issues & Ethics, Advanced Roadside Impaired Driving Enforcement for Prosecutors, and have attended several state-wide and locally held Child Advocacy Center Conferences.

I routinely provide in-service trainings for law enforcement agencies in Anderson County, teaching on issues of search and seizure, and developing issues in the law. I take calls and questions from law enforcement on a daily basis, instructing them as to what the law is and what it does and does not allow.

Since 2010, I have coordinated the internship program in my office. Supervising and mentoring future lawyers is one of the most important aspects of my job and it is one of my proudest accomplishments. I allow interns in our office to take part in prosecutions in a meaningful way, from plea negotiations, drafting motions and responses, and participating in Criminal Court trials. I am proud that many of our former interns have gone on to become my colleagues in the District Attorney's Conference.

Outside of my employment in the criminal justice system, I served on the Board of Directors for the Junior League of Knoxville where I was Parliamentarian from 2012-2014. In that role, I drafted and reviewed bylaws, gave my advice as to what the bylaws allow and, more importantly, advised what they did not allow. I also advised the Board as to their legal, fiscal, and ethical responsibilities. During my tenure on the Board, the Junior League of Knoxville embarked on its first Issue-Based Community Impact. These projects arise from research on the needs of Knox County and unfold as multi-year plans to tackle the chosen issue. The issue that was selected by the League was women's education and safety.

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

None prior to this application

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.

University of Tennessee College of Law; Attended 2003-2006; J.D. with Concentration in Advocacy and Dispute Resolution awarded May 2006. Member of the Criminal Law Society where I held office as Vice President and Police Ride-Along Coordinator my third year. Awarded for my Pro Bono Work during third year; Awarded for the Highest Grades in Criminal Law and Prosecutorial Externship; Dean's List, Fall of 2003.

Vanderbilt University; Attended 1999-2003, B.A. in English awarded May 2003. I was a staff member of *The Vanderbilt Hustler*, the student newspaper of Vanderbilt University, all four years of school, working my way up from Staff Writer to Editor-in-Chief.

PERSONAL INFORMATION

12. State your date of birth.

1980

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

I have lived in Tennessee my entire life.

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

I have lived continuously in Knox County since September 2009. I resided in Knox County previously from August 2003 to July 2006, while I was a student at the University of Tennessee College of Law.

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

Knox County

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.

None

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. You may wish to request a report from the appropriate supervisory authority (or authorities) for a complete history.

None

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.

Kevin Anthony Dickson, Jr., Plaintiff, v. Matthew Cubberley, Jeff McCarter, Emily Faye Abbott, and John Doe, Defendants. *Dickson v. Cubberley*, No.: 3:15-CV-47-TAV-CCS (E.D. Tenn. Sep. 9, 2015). This was a pro se civil rights complaint filed in the Eastern District of Tennessee by Mr. Dickson, whom I prosecuted in Sevier County for Attempted Murder. As a result of the prosecution, Mr. Dickson was sentenced to 50 years in prison. This suit was dismissed prior to service issuing, pursuant to the Prison Litigation Reform Act for failure to state a claim.

University Health Systems DBA UT Medical v. Emily F Abbott, docket number 101583H (Knox County Civil Sessions). Nonsuit entered February 26, 2018. This suit was brought by UT Hospital over a nominal medical bill concerning a portion owed after insurance was billed. The suit was dismissed upon prompt payment of the outstanding bill.

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.

Big Brothers Big Sisters of East Tennessee; Big Sister to Sha’Niya since 2017.

ASAP of Anderson, Board of Directors; President from 2017 to present, member at large since 2015.

North Knoxville Rotary Club; currently hold office as President-Elect, member at large since 2020.

Junior League of Knoxville, member since 2007; Nominating Council 2015-2017, Provisional Advisor 2014-2015, Board of Directors (Community Council Director 2011-2012, Parliamentarian 2012-2014), became a sustaining member in 2017.

Vanderbilt Alumni Association; Knoxville Chapter President since 2018.

Christian Hospitality Network; fundraising and event volunteer.

Knoxville Track Club; member and past volunteer.

Tennessee Farm Bureau; 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.

- a) Junior League of Knoxville. The Mission Statement is “The Junior League of Knoxville is an organization of women committed to promoting voluntarism, developing the potential of women, and improving communities through the effective action and leadership of trained volunteers. Its purpose is exclusively educational and charitable.”
- b) I am not currently an active member; however, I still attend events and otherwise support the mission and activities of the League.

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.

Knoxville Bar Association, Member since 2020.

Anderson County Bar Association, Member 2015-2016.

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.

Rising Star of Knoxville, Cystic Fibrosis Foundation, 2018.

Outstanding Service Award, Junior League of Knoxville, 2010-2011.

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.

I have not held or sought public office prior to this application.

ESSAYS/PERSONAL STATEMENTS

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

The competence of the local judiciary is fundamental to the peace, safety, and faith in fairness of this community. I have devoted my professional and private life to public service and service to others. I am highly trained and educated in criminal law and the criminal courts. I have witnessed the real-life effect of the decisions made by criminal court judges on victims, defendants, their families, and the community. The impact of those decisions extends far beyond the courtroom. Knox County is my home, and I have significant roots and ties to this community. It would be an honor to devote myself to the service of the people of this county. I have the right temperament and experience for this job. If chosen, I will seek to do justice and I would serve with integrity, fairness, and humility.

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 am seeking the position of Criminal Court Judge, 6th Judicial District, Division II. The three trial court divisions in Knox County hear criminal cases post grand jury action. I have significant experience at all levels of the criminal justice system handling all manner of cases. I am a seasoned prosecutor who understands the importance of docket management. As a prosecutor in a different jurisdiction, I am unbiased against defendants who appear in Knox County Criminal Court and would have no conflicts with any current cases. This will allow me to be of assistance to the two other Judges starting on Day 1 and not add to their already burdensome caseload. Additionally, if appointed, I would be one of only two female judges in Knox County with criminal jurisdiction.

30. 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)*

I am a strict constructionist of the Constitution. As an Assistant District Attorney, I routinely instruct law enforcement on search and seizure issues. In my practice, I am constantly assessing cases, while being mindful of the Constitutional issues at hand. I vet all cases against the standards of the Constitution and have declined to prosecute against potentially guilty people where there are defects in the case. I have never presented an argument to a court of law I do not believe is firmly rooted in the Constitution. I have sworn an oath to support the U.S.

Constitution and the Tennessee Constitution. As an Assistant District Attorney, I make difficult decisions on a daily basis, putting aside my personal feelings about particular issues. If I were to receive this judicial appointment, I would continue to apply the facts to the law and Constitution as written without respect to personally held beliefs.

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. David S. Clark, District Attorney General, 7 th Judicial District, [REDACTED] Clinton, TN 37716, [REDACTED]
B. Ryan M. Spitzer, Circuit Court Judge, 7 th Judicial District, [REDACTED] Clinton, TN 37716, [REDACTED]
C. Stephanie Strutner, CEO of Prevention Alliance of Tennessee, [REDACTED] Knoxville, TN 37931; [REDACTED]
D. Hugh Nystrom, Director of Development for Webb School of Knoxville, former Director of Childhelp, TN, former Chairman of the Knox County Commission, [REDACTED] Knoxville, TN 37919, [REDACTED]
E. Stephanie Jernigan Hazlewood; Attorney at Law, Ralls and Wooten, [REDACTED] Maryville, TN 37803, [REDACTED]

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 Criminal Court, Division II, for the 6th 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: July 5, 2022.



Signature

When completed, return this questionnaire to Ceesha Lofton, 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.

Emily Faye Abbott
Type or Print Name


Signature

July 5, 2022
Date

025231
BPR #

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