

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

1/17/23

Name: Richard M. Murrell

Office Address: Office of Tennessee Secretary of State Tre Hargett
Administrative Procedures Division, 312 Rosa L. Parks Ave., 6th Floor.
Nashville, Davidson County, TN 37243

(including county)

Office Phone: (615)948-2193 Facsimile: (615) 741-4472

Email Address: [REDACTED]

Home Address: [REDACTED]
Lewisburg, TN, 37091
Maury County

(including county)

Home Phone: N/A 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. Your complete application, including both the original and digital copies, must be received by the Administrative Office of the Courts on or before the deadline prescribed in the Notice of Vacancy. 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.

I am an Administrative Law Judge within the Administrative Procedures Division of the office of the Tennessee Secretary of State.

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

1983 - 010270

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.

I am licensed only in 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).

Hoffman, Hughes, McWhorter, Wener and Brannon, associate 1983 - 1984; 100 N. Main, Ste. 1234, Memphis, TN.

Brannon, Murrell and Associates, partner 1984 - 1992; 295 Washington Ave., Memphis, TN.

Dann, Allen, and Murrell, 1992 - 1996, independent assn. of attys, Poplar Ave., Memphis TN.

Seale and Murrell, 1996 - 1998, independent assn. of attys., Poplar Ave., Memphis TN

Law Office of Richard M. Murrell 1998 - 2000 (space share with Holland and Associates) Union Ave., Memphis, TN.

Memphis and Shelby County Juvenile Court, 2001 - 2003

Office of the Tennessee Attorney General, General Civil Division, 2003 - 2005

Tenn. Dept of Labor and Workforce Development Workers' Compensation Division (Now the Bureau of Workers' Compensation), 2005 – 2018

Tennessee Secretary of State, Administrative Procedures Division, 2018 – present.

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.

As an administrative law judge, I preside over cases from approximately 80 state agencies which covers more than 490 case types. The greatest volume of cases come from the TennCare program which account for approximately 73% of cases. These are typically not legally complex and less time consuming. Appeals from the State Board of Equalization, for instance, comprise 4.5% in volume but are typically more complex, particularly with the commercial appeals which require a value analysis based on the income approach. Presently five of the thirteen administrative judges may be assigned these more complex cases, with four more undergoing specialized training. I am one of the four judges able to be assigned cases of all types, including Special Education, Health Board and Health Facilities licensure, asset forfeiture, Environment and Conservation, Commerce and Insurance, Department of Transportation and Child Care agency summary suspension cases. Employment appeals from state and some municipal government entities are also part of the caseload. I conduct hearings sitting alone as well as sitting with panels, such as the Board of Medical Examiners, where the panels operate as a type of specialized jury. These more complex case types account for 70 to 80% of my caseload in terms of work required. Many of these cases require an active motion practice ranging from evidentiary motions to discovery motions to dispositive motions.

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

I have been licensed for 41 years. I was in private practice for 18.5 years (described below) before embarking on a career in the government sector including the past six years as an administrative law judge in the Administrative Procedures Division.

While in private practice, between 1988 and 1992, I served as an adjunct professor with the

University of Memphis School of Law, teaching research and writing in the first year Legal Method classes and served periodically as a lecturer in the Evidence class. In addition to my current employment, I serve as an unpaid faculty member of the National Judicial College, University of Nevada, Reno (NJC). For NJC, I serve as a group facilitator and presenter in the Administrative Law: Fair Hearings course and have participated as part of a smaller faculty that travels to other states for presentation of custom courses as arranged by NJC and the jurisdiction requesting the training. I also present regularly for the National Association of Hearing Officials (NAHO) on a variety of topics including docket management, conducting trials, motion practice, best practice with self-represented litigants, decision making and judicial ethics.

Regarding my career experiences, in private practice I was a generalist and trial specialist (not certified) primarily representing clients in civil matters. In government practice I represented the State of Tennessee in Title IV D Child support cases, served in the General Civil Division of the Attorney General's Office, and served in the Division of Workers' Compensation, now the Bureau of Workers' Compensation (BWC) beginning in 2005. I held many roles with the BWC. I represented the BWC in various trial courts. I was appointed as an administrative judge first in 2006. I also served as the Director of Quality Assurance where I was responsible for reviewing and improving processes in various work groups using LEAN principles.

I have appeared in every level of court in Tennessee with first chair responsibilities in over 100 hearings and trials in Municipal, Juvenile, General Sessions, Probate, Circuit and Chancery Courts. I have been admitted pro hac vice for first chair service in Mississippi and Colorado trial courts. I have performed first chair trial duties in the Federal District Court of the Western and Middle Districts of Tennessee. I have briefed and/or argued cases before the Court of Appeals, the Supreme Court Special Workers' Compensation Panel, and the full Tennessee Supreme Court.

I have represented clients in personal injury cases, workers' compensation, and family law. I supported with research and trial preparation other attorneys in criminal cases. I handled cases involving traffic or misdemeanor violations. I defended a private school in a gender discrimination claim before both the EEOC and Federal court. I also have practiced in the areas of business organization, real estate closing, estate planning and have participated in contract negotiations with the U.S. Department of Defense for a client in air freight forwarding services.

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

There are no cases I have handled that set precedent. I have attached orders I recently issued as they address some novel situations.

I became a Rule 31 Listed mediator in 2001 in family law. I mediated property division, child custody and visitation issues (shared parenting) until leaving private practice. After joining the BWC in 2005, I became dual listed adding the general civil category. I regularly mediated workers compensation issues for 6 of the 13 years I was at the BWC. Thereafter, I taught mediation techniques and supervised mediators statewide. I continue to mediate cases as

assigned through the Administrative Procedures Division, especially in special education cases. However, changes in the Rules of the Alternative Dispute Resolution Commission longer permit listing for judges who are not available for appointments from trial courts.

I served terms as a board member and later as President of the Tennessee Association of Professional Mediators and as a board member of the Mediation Center of Columbia. I have been a presenter through NAHO at conferences nationwide on mediation techniques with “high conflict persons” as a special emphasis.

I served as an arbitrator with the Better Business Bureau in Memphis in the mid 1990's. There were few cases referred and were all disputes between member business and their customers. During that period, I also served a Special Judge in the Shelby County General Sessions Court in both the Civil and Criminal Divisions. The Civil Division cases included forcible entry and detainer actions, personal injury, and contract issues. The Criminal Division cases included, arraignments, preliminary hearings, misdemeanor trials and guilty pleas. I also served as a Special Judge in Division 5 of the Circuit Court for some motion dockets.

In 2012, a Court of Appeals decision resulted in liability for GM in many pending workers' reconsideration cases. I worked as a mediator with attorneys representing GM, including Kent Krause, Brett Burrow, and Kenneth Switzer, along with Rocky McElhaney representing more than 150 GM employees. I managed the facilitation of negotiations that included 5 employer representatives who appeared by phone from Michigan. As a result, we were able to schedule and conduct 36 mediations in three days resulting in a frame work that allowed all 150 plus cases to be settled by agreement and approved at the Bureau of Workers' Compensation. The mediation saved the Bureau many man-hours. The parties saved many thousands of dollars because I creatively modified processes to meet the litigants' needs for streamlined dispute resolution.

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

I am a regular presenter for the National Association of Hearing Officials and a Faculty Lecturer for the National Judicial College in conferences or course designed to educate judges and further their professional development. Following is a list of presentations I have made since 2017.

National Association of Hearing Officials CLE Presentations -

2017 – Constitutional Issues in Work-injury Compensation Initiatives, Supporting Decisions with Evidence: Comparing Evidence-based Medicine and Evidence-based Adjudications.

2018 – Handling Encounters with High Conflict People (Part I and II), Advanced Mediation: Understanding Causes of Impasse and How to Avoid Them (part I and II)

2019 - Managing High Profile Cases, Considerations in Special Education and Section 504 ADA claims, Loose Cannons: Controlling the Out-of-Order Attorney, Managing Hearing with Self-

Represented Litigants.

2021 – Handling Encounters with High Conflict Persons, Judicial Demeanor, Using Plain English for Administrative Judges.

2022 – Basic Evidence: Laying a Foundation and Determining Reliability, Are Internet Facts Judicially Cognizable, Professional Responsibility Issues in Administrative Hearings.

2023 – Pre-hearing Matters: Motions and Discovery, Qualifying Expert Witnesses.

National Judicial College Presentations –

2022-2023 - Issues with Self-Represented Litigants Sovereign Citizens, etc., Personal Security Measures for Judges, Conducting a Pre-Hearing Conference, Docket and Caseload Management, Writing Orders in High-Volume Hearings.

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

I completed a similar form in 2014 for consideration for appointment to the Workers' Compensation Appeals Board.

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.

Harding University, Searcy, AR 1971-1975, B.A. psychology, Cum Laude

Cecil C. Humphreys School of Law, University of Memphis 1979-1982, Juris Doctor, (December graduate)

Member of the Moot Court Board in law school

Certified Administrative Law Judge designation through the National Association of Hearing Officials. First Certified in 2013 with renewals based on continuing judicial education and currently valid through 2026.

PERSONAL INFORMATION

12. State your date of birth.

██████████ 1953.

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

I was born in Tennessee. After undergraduate school, I returned to Tennessee in 1976, and have lived in Tennessee for the last 48 years.

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

I have lived in Maury County almost 17 years beginning in July 2007.

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

Maury

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.

Not Applicable.

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.

I received a private informal admonition on September 23, 1991, from the Board of Professional Responsibility. Steve Young, the former husband of one of my divorce clients filed the complaint. My client had contacted me, post-divorce, because Mr. Young was delinquent in child support. Mr. Young's divorce counsel had informed me that he would not represent Mr. Young after the divorce case. I called Mr. Young at his place of employment and left a message for him to contact me regarding his child support obligation. The Board indicated that the better practice would have been to contact Mr. Young's divorce counsel first since he had not filed a formal motion to withdraw.

Mr. Young filed a second complaint in July of 1994 after I initiated a wage assignment proceeding with the IV D child support services contractor. That complaint was dismissed administratively.

There were four other complaints made between 1986 and 1995 that were administratively dismissed without formal response.

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)?

Yes, I filed a personal chapter 7 bankruptcy petition after my divorce in 2001.

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.

September 15, 1993 - Cheryl Lemieux v Richard Murrell, Shelby County Circuit Court 56480T - This was an approval of a minor's settlement from my home-owner's insurance after my young

cousin, Paul Lemieux was bitten by a dog I owned. Cheryl, now deceased, was Paul's mother and my first cousin.

April 4, 2001 - Joyce Murrell v Richard Murrell, Shelby County Circuit Court CT-002134-01 - uncontested divorce.

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.

Maury Hills Church - I served as a small group leader for several years and taught some Bible classes. I held no formal office.

24. Have you ever belonged to any organization, association, club or society which limits its membership to those of any particular race, religion, or gender? Do not include in your answer those organizations specifically formed for a religious purpose, such as churches or synagogues.
- a. If so, list such organizations and describe the basis of the membership limitation.
 - b. If it is not your intention to resign from such organization(s) and withdraw from any participation in their activities should you be nominated and selected for the position for which you are applying, state your reasons.

No.

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.

Tennessee Association of Professional Mediators – 2008 – 2016

Vice President - 2010, President 2011

Tennessee Alliance For Legal Services - Board Member 2011-2013

National Association of Hearing Officials - 2010 to present.

Certification Committee Member –2013 (review applications for certification as hearing officials or administrative law judges to assess compliance with educational requirements for certification.)

Board Member – 2013 – 2023

Presenter at Annual NAHO Professional Development Conference -2013 – Present

NAHO Leadership Award 2021

National Judicial College - Faculty lecturer and group facilitator 2022 - present

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.

None other than as listed above.

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.

None.

ESSAYS/PERSONAL STATEMENTS

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

Serving as a circuit court judge would permit the highest use of both my expertise and my natural inclination to serve people in a time of stress or conflict. I have the education and professional experience to be recognized as an accomplished jurist in the field of administrative law. Most of that experience is directly transferrable to the circuit bench.

I have the training, disposition, and demeanor to conduct proceedings so that persons who come to be heard will be confident the process is fair regardless of the outcome. I would consider the appointment a public trust. I believe in continuous improvement. I always seek to improve the process that help resolve disputes and improve my ability to act wisely in the role of judge. I have prepared myself for years to accept a responsibility like this. I am ready to step in and serve.

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)*

The 22nd Judicial District includes Giles, Maury, Lawrence, and Wayne Counties. In 2023, a fifth Circuit Judge position was added because of the increasing case load in view of significant population increase. Presently serving are Judge David Allen, Judge Caleb Bayless Judge J. Russell Parkes, Judge Christopher Sockwell and Judge Julie Heffington. Judge Allen is retiring in August. That is the position now being addressed.

The Circuit Court is a court of general jurisdiction. The judges hear criminal cases, civil cases with an amount in controversy over \$25,000, divorces and related family law matters and appeals from tertiary courts. There is some overlap in jurisdiction with chancery court.

My selection would replace a well-respected judge with a seasoned judge. My specialized training will ensure the least transition time. I will quickly work alongside my colleagues to assume a caseload.

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)*

Yes, I will uphold the law, regardless of my agreement with its substance. Laws are enacted by legislators elected for that purpose. They are accountable through the electoral process to those whom they represent. It is not the place of the judge to modify, contract or expand any statute or rule that is constitutional. Instead, a judge should apply the law consistent with the legislature's intent.

I have decided cases beginning in 2005 with the BWC and for the past six years in the Administrative Procedures Division as an Administrative Law Judge. The laws and rules have changed over that period. All my decisions reflected my understanding of the law as of the time of the decision, whether granting or denying benefits. Judges from jurisdictions across the United States have consulted with me about decision making processes that respect the law even when the outcome seems unexpected or harsh.

An attorney at a Workers' Compensation Conference prefaced a question by asking if I ever grew tired of being every comp lawyer's big brother. His remark revealed confidence in my professional competence and integrity. The members of the bar expect that I know the law and follow it without favor toward any party. I have learned how to effectively deal with the stress of making decisions that will be unpopular with some litigants. Being committed to the rule of law and upholding the law with integrity are essential to knowing how to stay in your judicial lane.

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.

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|---|
| A. Hon. Phillip R. Hilliard, Chief Administrative Judge, Administrative Procedures Division [REDACTED] |
| B. Justice W. Michael Gillette, Oregon Supreme Court (ret) [REDACTED] [REDACTED] |
| C. Larry Bridgesmith, Attorney, Vanderbilt Law Adjunct Professor [REDACTED] [REDACTED] |
| D. Shannon Sallies, Pilot- Delta Airlines, [REDACTED] Columbia, TN, [REDACTED] [REDACTED] |
| E. Patti Hollinsworth, Maury County Commissioner, [REDACTED] [REDACTED] |

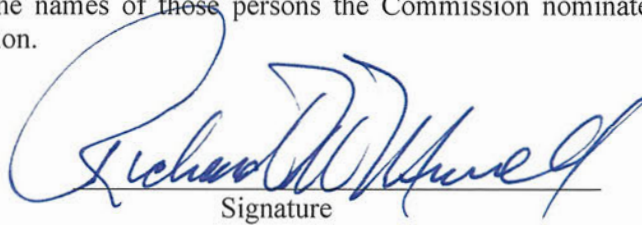
AFFIRMATION CONCERNING APPLICATION

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 Circuit Court For the 22nd 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: April 9, 2024.



Signature

When completed, return this questionnaire to John Jefferson at the 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.

Richard M. Murrell

Type or Print Name

Signature

April 9, 2024

Date

010270

BPR #

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

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