

**Tennessee Trial Court Vacancy Commission**  
***Application for Nomination to Judicial Office***

9/8/20

Name: Sharon Diane Frankenberg

Office Address: 400 W. Main Street  
Room L-142A  
Knoxville, TN 37902  
Knox County

Office Phone: (865)539-2100 Facsimile: (865)531-7271

Email Address: [REDACTED]

Home Address: [REDACTED]  
Knoxville, TN 37922  
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](http://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](mailto: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.

Judicial Magistrate for Knox County, Tennessee

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

1988 BPR #013243

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 October 24, 1988 BPR #013243 Active

Missouri April 28, 1989 Bar #39209 Inactive, moved back to Tennessee and did not maintain active status.

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).

**Litigation Specialist**, American National Property & Casualty, Springfield, Missouri (1988-1989) In my first job out of law school, I learned everything I could about insurance. I

completed a 3 week Casualty Claims Adjuster Training School at Crawford & Company, Atlanta, Georgia. I became licensed as independent adjuster in Kentucky, company adjuster in West Virginia, staff adjuster in Oklahoma, nonresident company adjuster in Florida and an adjuster trainee in Texas. I was responsible for \$8 million dollars in reserves. I worked with local counsel on both liability claims and policy coverage disputes in most of the continental United States. I also took and passed the Missouri Bar examination after studying in the evening after work.

**Associate**, Norton & Luhn, Knoxville, Tennessee (1989-1990)

**Managing Attorney**, Ingram & Lowe/Amqui Title, Knoxville, Tennessee (1990-1992)

**Contract Attorney**, Shapiro & Kirsch, Memphis, Tennessee (1991-2001)

**Managing Attorney**, Sawyer & Frankenberg/Bankers' Title, Knoxville, Tennessee (1992-1993)

**Judicial Commissioner for Knox County, Tennessee**, Knoxville, Tennessee (1994-1996)

**Sole Practitioner**, Knoxville, Tennessee (1994 to present)

**Contract Attorney**, Wilson & Associates, Little Rock, Arkansas (1994-2003)

**Contract Attorney**, Law Office of J. Phillip Jones (2009 to present)

**Judicial Magistrate for Knox County**, Tennessee, Knoxville, Tennessee (2015 to 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.

My current Judicial Magistrate position is focused on criminal law. I am responsible for reviewing arrest warrants for probable cause, advising defendants in custody of their Constitutional rights, explaining what charges they face and appointing legal counsel if I determine that they are unable to hire an attorney. I review and issue search warrants and conduct property seizure hearings. I am permitted to have a part time civil practice which currently includes probate work (20%), debt collections (40%), evictions (20%), representing creditors in bankruptcy cases (10%) and some real property matters (10%).

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.

Over my 32 year legal career, I have spent most of my time in trial courts. The first part of my career took me into insurance defense litigation regarding asbestos and other workers' compensation injuries. Then I focused my attentions on real property law, specifically foreclosures and real estate closings. My firms have operated two title companies. I handled boundary line disputes, actions to quiet title and partition suits. I have filed probate matters and have been an executor myself a few times. I have litigated will contests and dealt with disputed estate claims. I have been appointed guardian ad litem in chancery to represent the mentally ill in termination of parental rights cases and even once represented an individual in a coma. I have represented parties in divorces including one that was highly contested. I understand both the joy and heartbreak of adoption. I have represented lenders and creditors in bankruptcy cases in the Eastern District of Tennessee since 1990 and a few cases in other districts. As a result, the concept of a receivership is very familiar to me. In my present position, I process reports of domestic violence on nearly an hourly basis. A myriad of victims seek criminal prosecution of and protective orders from their abusers. I also expect that as our population continues to age, we will be confronted with more elder abuse situations that will seek assistance from the chancery courts in the form of conservatorships.

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

One of my best learning experiences came from my first out of county trial as a sole practitioner. The case was in Hawkins County Chancery Court and concerned a dispute as to the proper beneficiary of a bank account. My client received the balance of a bank account that was held with his mother as joint tenants with rights of survivorship. His daughter insisted that that money should be included in her grandmother's estate and divided according to the will which would mean the daughter would receive a third of the account funds. I lost the trial and took it up on appeal. I had to learn about making contracts with court reporters before the hearing starts. My other lessons included: How to write a statement of facts. How to read the rules and actually file the appeal. How to file another appeal when the Court of Appeals rules against you. How to prepare for oral argument before the Tennessee Supreme Court while still in my twenties. Why you should always write a trial brief to make sure that the Court knows which law must apply and why the facts require it. In the end, I won the appeal and remember all of my lessons. In re Estate of Nichols, 856 S.W.2d 397 (Tenn. 1993).

I also took another lost case up on appeal during that same time. A bankruptcy trial I had brought an unexpected decision that permitted the debtor to unilaterally modify her mortgage with my client, a finance company. Once again, the intermediate appellate court let things stand. The case was taken to the United States Court of Appeals, Sixth Circuit which reversed the bankruptcy court. In re Iris June Davis, 989 F.2d 208 (6<sup>th</sup> Cir. 1993).

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

**Weekly Columnist**, "Focus on the Law," Knoxville Focus Newspaper (2013-2015) I wrote 500-600 words every week on legal issues of interest to the public. I had to discontinue this when I became a judge.

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

Application was made in 2015 for a position for Magistrate Judge for the United States District Court, Eastern District of Tennessee in Greeneville, TN.

Application was also made for my current position of Judicial Magistrate in 2015.

### **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, Knoxville, Tennessee 1981-1985 Bachelor of Arts with Honors in Psychology and Political Science, Dean's List every year, Phi Eta Sigma Honors Society, President of Psi Chi National Honors Society in Psychology, Dean's Student Advisory Council, Academic Review Board, Testing Proctor and Tutor in General Psychology

University of Tennessee, George C. Taylor College of Law, Knoxville, Tennessee 1985-1988 Doctor of Jurisprudence, Who's Who Among American Law Students, Top Grade in Law and Medicine Seminar

### **PERSONAL INFORMATION**

12. State your date of birth.

1963

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

31 years

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

31 years

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

Knox County, Tennessee

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

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.

Zero

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.

Yes. Sharon Frankenberg v. Richard Dean Massey and Misty R. Massey, Knox General Sessions Court No. 25698G, filed 3/14/07. Suit for unpaid attorney's fees. Judgment was satisfied 7/31/07.

Sharon Frankenberg v. O'Charley's, Knox Circuit Court No. unknown, filed 2003. Suit for personal injury. Case was settled.

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.

First Presbyterian Church, Knoxville, Tennessee

Toys for Tots, Annual Fundraising Party

Habitat for Humanity Build, Knoxville, Tennessee

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.
- 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

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.

East Tennessee Lawyers' Association for Women (1989 to present) President, (1993 and 2007)  
Community Outreach Organizer for YWCA and Volunteers of America Shelter, multiple years, Co-Editor, Legal Rights of Women in Tennessee

Tennessee Bar Association, (2000-2020) General Practice, Solo and Small Firm Section Chair, (2012-2013) Producer and Moderator of General Practice Bootcamp Seminar/Fast Track Seminar (2012-2016)

Tennessee Lawyers' Association for Women, (2006-2020) Corresponding Secretary (2007)

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.



Top Attorney Social Security Disability Law, Citiview Magazine 2014

Invited to be Attorney Panelist at U.T. College of Law as well as LMU Duncan School of Law

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.

Judicial Magistrate, April 15, 2015, nominated by the General Sessions Court Judges and appointed by Knox County Commission.

**ESSAYS/PERSONAL STATEMENTS**

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

I am seeking this position to increase the public's access to justice in all of our courts. Chancery court is not just a court for wealthy business people. It is a court for human beings in times of crisis in their marriages, in their family relationships, in their employment, in their health, in their homes. It is a court where we seek, in the words of Justinian, "To live honestly, to harm nobody, to render to each man his due." I hope to live up to this sacred trust.

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 Sixth Judicial District geographically encompasses all of Knox County, Tennessee. According to the U.S. Census the population in Knox County last year was estimated at 470,313. The Knox County Chancery Court is made up of 3 Chancellors and a Probate Division overseen by the Clerk and Master. The Clerk and Master oversees administration of probate matters, subject to review and approval of the Chancellors. My selection to the court would add legal experience, life experience and diversity to the Chancery Court.

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)*

The Center for Disease Control (CDC) issued a new regulation on September 4, 2020 that no evictions should be permitted until after December 31, 2020 where, among other things, the tenants state that eviction would force them to become homeless. I disagree that this should be the case because this applies to the landlord's privately owned property. It holds the landlord's real property hostage for the benefit of someone who may never be able to repay the rent owed. It forces the landlord to continue to pay the utilities on property where they may not be receiving

any money from the tenants at all. Yet, it is the law and I can only advise my clients not to take any adverse action despite their frustration with the current situation. They must wait and obey the law.

**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. Linda W. Knight, Partner, Gullett, Sanford, Robinson & Martin, [REDACTED] South, Suite 1700, Nashville, TN 37201 [REDACTED]
B. Hon. Sharon Bell, Retired Chancellor, [REDACTED] Knoxville, TN 37923 [REDACTED]
C. Todd J. Moody, Partner, Hagood Moody Hodge, [REDACTED] Suite 2100, Knoxville, TN 37902 [REDACTED]
D. Mamosa Foster, Educator, [REDACTED] Knoxville, TN 37914 [REDACTED]
E. Dr. Diane Raines, Professor of English, Roane State Community College, [REDACTED] Lane, Knoxville, TN 37931 [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 Chancellor of the 6th Judicial District Chancery Court 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: September 28, 2020.

s/Sharon Frankenberg  
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.

Sharon Diane Frankenberg

Type or

\_\_\_\_\_/s/ Sharon Diane Frankenberg  
Signature

September 28, 2020  
Date

013243  
BPR #

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

Texas State Bd of Insurance [REDACTED]

Florida Dept of Insurance [REDACTED]

Kentucky Dept. of Insurance [REDACTED]

West Virginia Ins. Commissioner No. [REDACTED]

Oklahoma State Ins. Dept. No. [REDACTED]

New Mexico Dept. of Ins. [REDACTED]

Missouri State Bar [REDACTED]