Tennessee Judicial Nominating Commission

Application for Nomination to Judicial Office

Rev. 22 December 2011

Name: GLENDA ADAMS

Office Address: (including county) District Attorney General Office
201 Poplar, Suite 301
Memphis, Shelby County, TN 38103

Office Phone: (901) 222-1329 Facsimile: (901) 222-1302

Email Address: [redacted]

Home Address: (including county) [redacted]

Home Phone: [redacted] Cellular Phone: [redacted]

INTRODUCTION

Tennessee Code Annotated section 17-4-101 charges the Judicial Nominating Commission with assisting the Governor and the People of Tennessee in finding and appointing the best qualified candidates for judicial offices in this State. Please consider the Commission's responsibility in answering the questions in this application questionnaire. For example, when a question asks you to "describe" certain things, please provide a description that contains relevant information about the subject of the question, and, especially, that contains detailed information that demonstrates that you are qualified for the judicial office you seek. In order to properly evaluate your application, the Commission needs information about the range of your experience, the depth and breadth of your legal knowledge, and your personal traits such as integrity, fairness, and work habits.

This document is available in word processing format from the Administrative Office of the Courts (telephone 800.448.7970 or 615.741.2687; website http://www.tncourts.gov). The Commission requests that applicants obtain the word processing form and respond directly on the form. Please respond in the box provided below each question. (The box will expand as you type in the word processing document.) Please read the separate instruction sheet prior to completing this document. Please submit the completed form to the Administrative Office of the Courts in paper format (with ink signature) ***and*** electronic format (either as an image or a word processing file and with electronic or scanned signature). Please submit seventeen (17) paper copies to the Administrative Office of the Courts. Please e-mail a digital copy to debra.hayes@tncourts.gov.

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

PROFESSIONAL BACKGROUND AND WORK EXPERIENCE

1. State your present employment.

Assistant District Attorney General, Shelby County District Attorney General Office

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

1999, BPR #019948

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, BPR #019948

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).

Shelby County District Attorney General Office, Assistant District Attorney, September 2009-present

Shelby County Public Defender's Office, Assistant Public Defender, 2000-2009

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

I have been employed continuously since completing my legal education in 1999.

7. Describe the nature of your present law practice, listing the major areas of law in which you practice and the percentage each constitutes of your total practice.

I am a criminal trial lawyer. I have been a criminal trial lawyer for the last 12 years. As a defense attorney, I interviewed clients and witnesses; did legal research; negotiated settlements; prepared defendants and witnesses for trial testimony; and represented defendants in several trials over the past twelve years. Now, as a prosecutor, I interview victims, lay witnesses, police officers and expert witnesses in preparation for trial. One hundred percent of my practice is criminal trial practice.

8. Describe generally your experience (over your entire time as a licensed attorney) in trial courts, appellate courts, administrative bodies, legislative or regulatory bodies, other forums, and/or transactional matters. In making your description, include information about the types of matters in which you have represented clients (e.g., information about whether you have handled criminal matters, civil matters, transactional matters, regulatory matters, etc.) and your own personal involvement and activities in the matters where you have been involved. In responding to this question, please be guided by the fact that in order to properly evaluate your application, the Commission needs information about your range of experience, your own personal work and work habits, and your work background, as your legal experience is a very important component of the evaluation required of the Commission. Please provide detailed information that will allow the Commission to evaluate your qualification for the judicial office for which you have applied. The failure to provide detailed information, especially in this question, will hamper the evaluation of your application. Also separately describe any matters of special note in trial courts, appellate courts, and administrative bodies.

Since 1999, I have practiced criminal law. I began my legal career in the Shelby County Public Defender's Office as an Assistant Public Defender in the General Sessions courts of Shelby County. Public Defenders represent indigent defendants who find themselves in the criminal justice system. These defendants usually are not able to post their bonds and get out of jail and cannot afford to hire a private attorney to represent them.

I started in General Sessions Criminal Court. General Sessions in Shelby County is the court of first appearance for most defendants. In General Sessions, defendants are told what charges and penalties they are facing. They are given a chance to hire an attorney or if they cannot afford an attorney, an attorney, usually a Public Defender, is appointed to them. In General Sessions, I

represented defendants who only had misdemeanor cases. I negotiated plea offers and conferred with my clients about the strength of the State's case against them. I explained the offer that had been made and went over their legal rights. I explained to each client that they had the right to plead guilty or take their case to trial – bench or jury trial. On several occasions, my clients opted for bench trial. In General Sessions, there was less formality but I was still able to argue my clients' cases. I cross-examined witnesses and when necessary directed clients and their witnesses through testimony.

Later during my time working in General Sessions, I moved on to handle felony drug cases. In this assignment, I negotiated settlement offers with the prosecution and represented clients at preliminary hearings. I did more oral motion practice in this assignment – challenging the legality of stops and searches. Also, as an assistant in drug court, I participated in the screening and monitoring process for drug court participants. I assisted in recommending clients for the program; assessing their sincerity in getting help; and in deciding their fate if they did not comply with the directives of the program.

I was eventually moved to the Criminal Courts of the State of Tennessee. All felony cases that are not reduced to misdemeanors are sent to the grand jury for a decision of whether the case should be bound over to Criminal Court. Criminal Court is similar to General Sessions except for the introduction of jury trial.

In Criminal Court, I represented criminal defendants on cases ranging from C misdemeanor driving cases to First Degree Murder. As the defense attorney for defendants, I conducted initial interviews with my clients; investigated evidentiary and legal matters in cases; negotiated their cases with the prosecution; gathered and reviewed discovery information; argued motions for bail reduction, exclusion of evidence, dismissal of all criminal proceedings; and in several cases represented clients at both bench and jury trial proceedings. As the trial attorney, I argued evidentiary motions, conducted voir dire, cross examined witnesses and put on proof on my client's behalf. I protected the rights of criminal defendants.

While doing defense work, I was given the opportunity to work on the federal prosecution of a prominent public official. I worked closely with his attorneys strategizing a defense, researching legal issues to support that defense, reviewing evidence and preparing the defendant for trial and most importantly his testimony during trial.

In 2009, I moved on to the Shelby County District Attorney General's Office as an Assistant District Attorney. When I began as an ADA in 2009, I was assigned to the state Criminal Courts. In this position, I reviews cases against defendants accessing the strength of the State's case against them; reviewed the evidence needed to meet the State's burden; negotiated offers of settlement with defense attorneys; argued motions for and against evidence inclusion in trial; conducted voir dire; and presented evidence in trial against defendants before juries.

In my current assignment in the Shelby County DAG Office, I review all felony cases that are presented for first arraignment in general session court. I review the arrest information and the defendants' prior record and some preliminary evidence against defendants and make offers of settlement on the cases. I review matters set for preliminary hearing and advise the assistants

handling the preliminary hearings on how to proceed to get probable cause. I speak with defense attorneys regarding their client's offers and review any evidence presented that may help resolve the case and ensure that justice is served. In my current assignment, I am able to ensure that justice is being served. I have learned in this line of work, there are several cases which should not be prosecuted, and as an Officer of the Court, it is my duty to recognize those cases and handle them in the interest of justice. Justice is not always about getting a conviction, it sometimes means dismissing cases which should not be in the system.

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

As a Public Defender, I took great pride in giving my clients first-rate representation. So many believe that Public Defenders are second-rate attorneys who could not get employment elsewhere. I gave my clients the best representation that I could give them. I had a client in 2008 whose case went to a jury trial on felony possession of drugs. The case against him was strong and he was convicted. Not being one to just give up on a case after a conviction, I remembered some recent case law that was favorable to my client and very closely matched the facts of my case. I used that information in preparing a motion for new trial and eventually was able to get my client's B felony conviction reduced to an A misdemeanor. He went from facing 8-12 years to only being sentenced to 11 months and 29 days in jail.

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

No

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

As an officer on the board of Smart People, Inc – the entity that funds the New Consortium of Law and Business, we oversee the fundraising and dispensing of funds for the school. All decisions for major use of funds are brought before the board.

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

I have been a criminal trial lawyer my entire legal career.

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

I have never submitted an application to the Judicial Nominating Commission.

EDUCATION

14. List each college, law school, and other graduate school which you have attended, including dates of attendance, degree awarded, major, any form of recognition or other aspects of your education you believe are relevant, and your reason for leaving each school if no degree was awarded.

University of Memphis

1991-1995, Bachelor of Arts, Criminal Justice

Brandeis School of Law, University of Louisville

1996-1999, Juris Doctorate

PERSONAL INFORMATION

15. State your age and date of birth.

39, December 8, 1972

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

I have lived in Shelby Tennessee for 27 years.

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

I have lived in Shelby County for 27 years.

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

Tennessee

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

I have never served in the military.

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

I have never pled guilty or been convicted of any violation of any law, regulation or ordinance.

21. To your knowledge, are you now under federal, state or local investigation for possible violation of a criminal statute or disciplinary rule? If so, give details.

To my knowledge, I am not under any federal, state or local investigation for possible violation of a criminal statute or disciplinary rule.

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

I have never been disciplined or cited for breach of ethics or unprofessional conduct by any court, administrative agency, bar association, disciplinary committee or other professional group.

23. Has a tax lien or other collection procedure been instituted against you by federal, state, or local authorities or creditors within the last five (5) years? If so, give details.

Recently my former dentist filed a collection action against me over a missed appointment in his office over 3 years before. The matter was settled and the suit was dismissed.

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

I have never filed bankruptcy personally or as part of any partnership, LLC, corporation or other business organization.

25. Have you ever been a party in any legal proceedings (including divorces, domestic proceedings, and other types of proceedings)? If so, give details including the date, court and docket number and disposition. Provide a brief description of the case. This question does not seek, and you may exclude from your response, any matter where you were involved only as a nominal party, such as if you were the trustee under a deed of trust in a foreclosure proceeding.

May 2004, Juvenile Court Child Support, R394 – my petition to set support for children

September 2011, CT-003972-11, Thomas Moore v. State of Tennessee, Glenda Adams, individually. Mr. Moore filed a lawsuit claiming malicious prosecution, false imprisonment, false arrest, intentional infliction of emotional distress, libel and slander on a case where my name appears on his judgment sheet. The case was dismissed upon motion of my attorney.

July 2012 – Shelby County Juvenile Court – R394 - Father's petition to modify support

26. List all organizations other than professional associations to which you have belonged within the last five (5) years, including civic, charitable, religious, educational, social and fraternal organizations. Give the titles and dates of any offices which you have held in such organizations.

New Consortium of Law and Business Charter School, Board Chair, 2010 – present

Smart Schools, Inc, Vice-President, 2010 – present

Oak Grove Missionary Baptist Church, Member

27. Have you ever belonged to any organization, association, club or society which limits its membership to those of any particular race, religion, or gender? Do not include in your answer those organizations specifically formed for a religious purpose, such as churches or synagogues.

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

    b. If it is not your intention to resign from such organization(s) and withdraw

from any participation in their activities should you be nominated and selected for the position for which you are applying, state your reasons.

I have never belonged to any organization association, club or society which limits its membership to those a particular race, religion or gender.

ACHIEVEMENTS

28. List all bar associations and professional societies of which you have been a member within the last ten years, including dates. Give the titles and dates of any offices which you have held in such groups. List memberships and responsibilities on any committee of professional associations which you consider significant.

Tennessee Association of Criminal Defense Lawyers, 2000-2009

29. List honors, prizes, awards or other forms of recognition which you have received since your graduation from law school which are directly related to professional accomplishments.

I have not received any honors, prizes, awards or any other form of recognition since graduating from law school.

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

I have not had any legal articles or books published.

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

I have not taught any law courses, CLE seminars or other related courses.

32. List any public office you have held or for which you have been candidate or applicant. Include the date, the position, and whether the position was elective or appointive.

I have not held any public office.

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

I have never been a registered lobbyist.

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

ESSAYS/PERSONAL STATEMENTS

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

I am seeking this position because I am qualified to fill the position. I have been on both sides of the table and have a better and more meaningful understanding of the need for an equal playing field for both victims and defendants in criminal cases. As a Public Defender, I often told those who asked that it was not my job to get defendants "off" but rather, it was my duty to protect their rights and ensure that the State has met its burden without unfairly prejudicing my clients in the process. As a prosecutor, I work to ensure that the cases I handle are cases that should be prosecuted. I try to avoid frivolous prosecutions.

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

In 2002, the District Attorney's Office in conjunction with the Public Defender's Office and area churches conducted a Saturday court session where defendants with outstanding warrants could come to the church, New Salem Baptist, and get their criminal cases handled on site without, in most cases, having to be taken to jail or hire attorneys. I participated in the program advising defendants of their charges and negotiating a settlement for them. Most defendants who participated had misdemeanor charges and could handle their matters on the spot. Those with felony charges were given a chance to go to criminal court with an offer already worked out for them. The program helped to clear hundreds of outstanding warrants and allowed several defendants to live without having to keep a constant watch over their shoulder.

37. Describe the judgeship you seek (i.e. geographic area, types of cases, number of judges, etc. and explain how your selection would impact the court. ***(150 words or less)***

I am seeking to fill the Criminal Court Division 6 judge position left open with the recent appointment of Judge John Fowlkes to the federal judiciary. I practiced in this division from

2002-2009.

This court is located in Memphis, Tennessee. Memphis has been recognized recently as one of the most violent cities in the country. There are ten criminal court judges and nine general session criminal court judges. The cases handled in Criminal Court range from A misdemeanor driving charges to Capital murder charges. There are thousands of cases that flow through the system on a yearly basis.

My appointment would give the court another well-rounded, experienced, fair and hard-working judge to serve the needs of the Memphis and Shelby County community. It would give the community a fair and impartial advocate for justice for all citizens despite race, color, gender or economic status.

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

I am on the board of the New Consortium of Law and Business Charter School. The school is in its infancy and I have been on board since it began. The school is aimed at exposing students to the areas of law and business at an early age. We take students from low-income households and show them that legal and business careers are within their reach. I am currently working on a pre-law curriculum, which I plan to teach beginning in the fall.

I am involved with the children in my church, Oak Grove Missionary Baptist Church. I am a Sunday school teacher. I am also the Administrative Assistant for the Singles Ministry at the church.

For the last 2 years, I have organized my fellow high school alumnae from East High School to help the current principal, who happens to have graduated with me in 1991, in helping with school registration at the beginning of the school year. Last year at Christmas, we helped to assemble and distribute food baskets to students who were less fortunate in the area around East High School.

If appointed judge, I will continue my work with the kids in all areas. I was raised in low-income areas by a single parent and want to let all children know, no matter what their situation is, that they can do whatever it is they want to do if they put their minds and full effort into doing it.

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

I have the good fortune of having been a defense attorney and a prosecutor. I have the ability to evaluate a case from both sides of the table. I have worked with prosecutors as a fellow prosecutor and as an opponent. I have worked with defense attorneys as a fellow defense attorney and as an opponent. I have been on both sides. I believe this gives me a better understanding of what true justice is and should be. I have the respect of colleagues on both sides of the table and give the same respect.

My life experience of growing up in the inner cities helps me to better understand both victims and defendants. It also gives me a reference point from which I can have and show mercy when it is due. I have represented and prosecuted former classmates and friends and feel like my having been raised in similar homes as they were gave me the ability to empathize when needed and at the same time be firm when needed. There has to be a balance and it is sometimes difficult to know how to strike that balance if you don't have some reference point of what some defendants and victims have had to endure.

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

As a judge, it would be my duty to uphold the law. That is the oath that I would take and would do so without hesitation.

I do have issue with criminal laws, which through their application, civil cases become criminal cases. One in particular is the theft statute as used by rent-to-own companies to settle, which are in essence, civil disputes. In my current assignment with the Shelby County District Attorney's Office, I have seen several cases involving defendants who rent items from rent-to-own companies and fall behind in payments. If the company is unsuccessful in locating and repossessing the rented items, they file criminal theft charges instead of civil suits. In most of the cases I have seen, the renter is still paying on the items or has paid so much in rental cost that it would have been cheaper for them to have purchased items out right.

In other cases, renters pawn the items they have rented. While there is a clause in the contract signed by the renter that they will not pawn the rented items, criminal prosecution should not be a remedy for the company if the items are pawned. Again, this seems to be a contract dispute that is best handled in civil court. In many of these cases, the renter is still making rental payments and has not yet deprived the rental company of the property rented.

REFERENCES

41. List five (5) persons, and their current positions and contact information, who would recommend you for the judicial position for which you are applying. Please list at least two persons who are not lawyers. Please note that the Commission or someone on its behalf may contact these persons regarding your application.

A. Tommie Henderson, President, Smart School, Inc, [redacted]
B. Derrick Phillips, Owner, Probation Works Inc, [redacted]
C. Coleman Garrett, Attorney, [redacted]
D. Garland Erguden, Assistant District Attorney, 188[redacted]
E. Pam Skelton, Vice President of Legal and Corporate Transactions, Ensafe[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 [Court] Shelby County Criminal Court Division Six 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 30, 2012.

Signature

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

TENNESSEE JUDICIAL NOMINATING COMMISSION

511 UNION STREET, SUITE 600