

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

04/15/16

Name: Gwen Hewitt

Office Address: 5050 Poplar Ave., Ste. 2400, Memphis, TN 38157
(including county) Shelby

Office Phone: 901-844-7144 Facsimile: 901-844-7143

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 word processing 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 word processing 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 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 debra.hayes@tncourts.gov, or via another digital storage device such as flash drive or CD.

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

PROFESSIONAL BACKGROUND AND WORK EXPERIENCE

1. State your present employment.

Self-employed, Gwen Hewitt Law
Partner with Upright Law, LLC

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

Year: 1996

TN Board of Professional Responsibility Number: 17754

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, licensed in 1996.

Bar Number: 17754

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).

Since completion of legal education in 1995, all professional positions held have been legal experience. From 1995 to Present, I have served as the Delinquent Tax Attorney for the City of Memphis, as well as the Administrator of the Real Estate Department. Prior to law school, I worked at FedEx from 1984-1992, where I advanced from taking packages over the counter to project management, implementing major corporate projects and eventually earning the Star

Award. I then left FedEx to attend law school at the University of Memphis, Cecil C. Humphrey School of Law.

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.

Bankruptcy in Western TN District 65%;
Bankruptcy in Middle District of Tennessee, 20%;
Civil: PI, Divorce: 10%;
Administrative: Tax Appeals & Social Security 4%;
Criminal 1%.

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.

Practiced in Chancery Court for 14 years, almost daily, regarding tax collection class action lawsuits. Wrote a brief that was published (nearly) verbatim by appellate court challenging the CBID special assessment. Defended the lawsuits against City, County and Assessor for 14 years, on challenges to tax rolls. For the last 8 years, I've assisted debtors with bankruptcy issues, providing relief for individuals. I also have extensive experience in the tax appeal process, as well as social security cases. As a city attorney, I have suggested changes to state statutes, including visiting Nashville on promulgation. Additionally, I have made several appearances before City Council, especially relating to the redevelopment of the Rhodes Jennings Court Square Project.

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

Revamped the tax sale process for Shelby County and City of Memphis and conducted tax sale proceedings for 13 years.

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

Please see the attached resume.

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

None.

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.

George Washington University, B.A. Economics and Soviet Studies, 1979-1983.

George Washington University, M.A. Economics and Policy-making, 30 credits; moved to TN to marry

University of Memphis, Cecil C. Humphreys School of Law, J.D. 1995.

I attended law school after divorcing and becoming a single mother, successfully completing all degree requirements in the expected three years despite the challenges of having sole custody of twin one-year olds and a two year old. I was awarded the Assoc. Women's Attorney's scholarship in 1995.

PERSONAL INFORMATION

12. State your date of birth.

May 25, 1962

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

28 years.

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

28 years.

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

Shelby, TN.

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.

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)?

Yes, in 1998.

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.

Gwenthian Roseman v. Kenneth Roseman, CT 140547, Divorce, Circuit Court of Shelby County, 1992.

Gwenthian Hewitt v. Brian Halley. CT-3505-12, Divorce, Circuit Court of Shelby County, 2012.

Ally Financial v. Patrick Donahue, Gwen Hewitt; Law Solutions dba Upright Law, LLC, Sperro LLC, dba Sperro Towing and Recovery and Brian Fenner, Bankruptcy 3:15-8588, Adv Proc 3:16-ap-90048. Nominal party.

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.

Christ United Methodist Church. No titles.

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.

Memphis Bar Association, since 1996.

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 40 Under 40 (2000).

PTI Award, Governmental, award for using internet to drive tax sales.

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)*

29. My desire to be a lawyer began at age five. I have always been a helper, a giver, a leader, and an academic. I was a National Merit Scholar in High School, but declined my West Point appointment to pursue my passion for law. Prior to law school, I pursued jobs that would help me relate to clients, and broaden my understanding of people, community, and business relationships. At FedEx, I started taking packages over the counter and worked my way up to implementing corporate projects. These experiences helped me be a better lawyer by providing me not only with client-facing experience, but by honing a dynamic and perceptive approach to challenges. For the last 20+ years, I have counseled local constituents on monetary and legal issues, remaining active in a wide range of the Memphis population. I believe I am an integral part of both the legal and non-legal Memphis community, and have connected with the people who live here. My experience in law and managing people with grace and consideration will help me be a strong judge for our community.

30. 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)*

31. There are nine Circuit Courts in Shelby County. This is an application for Division Seven. These courts hear contests on auto accidents, breach of contract, divorce, medical malpractice, personal injury, worker's compensation, wrongful death, name changes and appeals from lower courts. Approximately 6,000 cases are filed annually in Shelby County and the flexibility of the court to mete out justice is impacted by the speed that the courts can hear and resolve the disputes. If chosen I would be taking the place of a white woman, which would maintain the current status quo of race and gender that helps us keep a balance of diversity in our courts. Why me? I love productivity and completing tasks. There is a balance between planning and organizing and getting the work done, and I have the skills, drive, desire and ability to hear cases and make appropriate rulings efficiently, effectively and fairly.

32. 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)*

33. The famous Aristotle quote comes to mind: "The law is reason free from passion". What this means is that laws are made and upheld to provide a standard of conduct for every one and allowing passion in to the process would lead to corruption of the uniform result. An example of how I have upheld the law even if I disagreed with the substance of the law has to do with delinquent tax collections. Regardless of circumstances, every property owner has to pay their property taxes or their property is sold at tax sale to satisfy the tax lien. Many times there were individuals who had nowhere else to go and they could not pay their taxes. On a personal level, I disagreed with putting people out of their homes, but it was my job to enforce the lien. Period.

34. In 1996-1997 I created project schedules to enforce the tax lien uniformly across the delinquent tax rolls. These project schedules are still used by Shelby County today. In 2000 I devised a way to leverage internet applications for specific properties to drive overall collections by leveraging demand, by application, against the delinquent tax property list. What I learned is that when the free market pushed collections—i.e. when the lien was enforced without bias—that collections increased. My experience has taught me that removing passion from the process makes for a more uniform process and better results. In sum, tough mindedness in application results in a better overall product.

REFERENCES

35. 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.

Richard P. Theis, General Counsel, Dept of Justice,
Honorable Steve Cohen, Congressman,
Willie W. Herenton, Prior City of Memphis Mayor,
Diane Jalfon, Development Memphis Library Foundation,
Honorable Kenny W. Armstrong,

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] Seventh Circuit 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: July 6, 2016.



 Signature

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



**TENNESSEE TRIAL COURT VACANCY COMMISSION
ADMINISTRATIVE OFFICE OF THE COURTS**

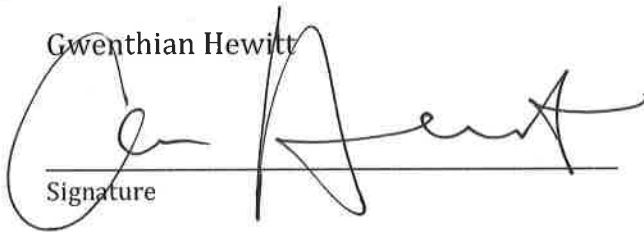
511 UNION STREET, SUITE 600
NASHVILLE CITY CENTER
NASHVILLE, TN 37219

**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.

Gwenthian Hewitt



Signature

7/6/2016

Date

17754

BPR #

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

GWENTHIAN J. HEWITT

Accomplished attorney with 21 years of private and public sector legal experience. Filed plaintiff's suits, including collection, lien enforcement, tax sale, and bankruptcy actions; defended governmental policies and operations, including taxation policies and procedures; as government counsel advocated and created policies, enforced tax collections, managed the collections departments for local county and city governments; and, for three years, managed the real estate department for a city government--acquired easements, right of ways and conveyed surplus property. Prior to law school, 8+ years of non-legal professional technical experience, at Fortune 500 FedEx, excelling from customer service to implementing major corporate projects: this experience was punctuated by developmental opportunities, accomplishments, awards & promotions. Also 5 years of graduate studies in law and governmental policymaking.

KEY SKILLS & QUALITIES

Skills: Licensed Lawyer; Delinquent Tax Collections; Property Law; Bankruptcy Law; Project Management; HR Management; Environmental & Brown-fields; Databases & IT. Qualities: Loyalty & Dedication to Excellence. Committed to Ecological Sustainability & Promoting Diversity. Approved Closing Attorney Chicago Title Insurance Company.

PROFESSIONAL LEGAL EXPERIENCE

GWEN HEWITT LAW (Memphis and Nashville Practices) June 2008 – Present
Solo Practitioner

- Debtor Bankruptcy, Ch. 7 & 13, loan modifications and restructuring
- Ad Valorem Tax Assessment Appeals
- Litigation
- Knowledge of Dodd-Frank Regulations & Applications

UPRIGHT LAW, LLC (Memphis and Nashville Practices) 2014 – Present
Middle & Western Tennessee District, Partner

LINEBARGER, GOGGAN, BLAIR & SAMPSON, LLP (Memphis, TN) 2004 – 2008
Delinquent Tax Attorney, Partner

- Managed and coordinated start up operations for LGBS Memphis Delinquent Tax Office, annual collections: \$19m to \$22m, including realty lawsuits managing over 15,000 defendants annually, and public auction/tax sale of properties.
- Lead attorney defending lawsuits against tax rolls, including prevailed on class action suit contesting forced assessments on Business Personal Property; defeated challenges to fees arising under the City's Anti-Neglect Ordinance. Represent Division of Fire Services in Shelby County Environmental Court, crafting solutions for problem properties including EPA sites and other dump/waste sites.
- Worked on Receivership legislation and Tax Sale legislation to create or amend statutes to facilitate recycling of blighted properties and buildings.

CITY OF MEMPHIS (Memphis, TN) 1998 – 2004
Assistant City Attorney, Delinquent Tax Attorney
Administrator of Real Estate 2001 – 2004

- Delinquent tax collections ranging from \$15 to 19m annually, including realty lawsuits, tax sales and any other City liens and collections, with minimal staff support. Improved on tax collection process utilizing expertise and IT knowledge and won national award for efforts. Bankruptcy & Collections.
- Targeted tax sale of pivotal downtown properties (Court Square, Rhodes Jennings) to aid in rebuilding downtown district.
- Created subrogation recovery process and recovered over \$400,000 annually.
- Managed Real Estate Department, acquisition of easements, right of ways and fee simples & conveyance of surplus property, in addition to maintaining delinquent tax collection duties.

- Lead attorney for defending lawsuits against tax rolls, including prevailing on summary judgment brief on a class action suit against the Central Business Improvement District special assessment.
- Collected \$250,000 unsecured sewer liens in an adverse bankruptcy case.
- Brown-fields experienced, including negotiated acquisition option for client to acquire 80 acre brown-field Firestone Site. Utilized project management skills to garner state clean up site at Pear & Plum geographically needed for fire station, & acquired 12 acre site for free. Tax sale & develop Rhodes Jennings Court Square project. Flipped for development to CCC. On redevelopment selection committee for Court Square and for Peabody library.

SHELBY COUNTY TRUSTEE

Legal Manager

1995 – 1998

- Responsible for \$25 - \$35m annual delinquent tax collections, including annual realty lawsuit with over 20,000 defendants, 3,000 properties assigned to tax sale, & over 700 bankruptcy claims annually.
- Managed six employees in tax sale department & three contract attorneys.
- Revamped legal department and increased tax sale productivity 600%; Shelby County continues to utilize improved tax collection process. Eventually promoted to City-level.

MCDONNELL BOYD dba WYATT, TARRANT & COMBS — Summer Associate (1994)

SHELBY COUNTY PROBATE COURT — Clerk (1994)

PROFESSIONAL NON-LEGAL EXPERIENCE

FedEx (Washington, DC, 1984 – 1988; Memphis, TN, 1988 – 1992)

Positions: Customer Service Agent; Dispatch Trace; Dispatch Ops; Expediting Ops; Capital District Coordinator; National Accounts Sales Coordinator; Systems Analyst; Sr. Systems Analyst, Project Management.

- Star Award for stellar performance evaluation
- Suggestion Award for CQMC Job Aid
- Created Government Bill of Lading Job Aid
- Revamped Capital District Expediting Operation
- Systems and equipment beta testing
- Project management training, including use of tools and software support.
- Implemented ASTRA project for Ground Ops.
- Promoted repeatedly from 1984 – 1992

AWARDS & ACCOMPLISHMENTS

- Top 40 Under 40, Memphis Business Journal, 2000
- PTI Award for Internet Tax Sale Project, 2002
- Memphis & Shelby County Bar Association, 1996 – Present
- Leadership Memphis Class of 2009
- Ultra-marathons: winner of Ouchita Trail 50K: Overall Female 2001, 2002, Masters Female 2004; Sylamore Trail 50K: Overall Female 2002. Completed Laurel Highlands 70 miler, 2001 & 2003

EDUCATION

George Washington University

B.A. Economics & Soviet Studies

1979 – 1983

M.A. International Law; National Security & Policy

1983 – 1988

University of Memphis

J.D. Cecil C. Humphreys School of Law

1992 – 1995

REFERENCES: Available upon request.