Tennessee Trial Court Vacancy Commission

Application for Nomination to Judicial Office

04/15/16

Name: Jennifer Smith Nichols

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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 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 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.

I am the Deputy District Attorney General for the Shelby County District Attorney General's Office, 30th Judicial District.

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

I became licensed to practice law in Tennessee in 1990 and my BPR number is 14429.

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 was admitted to practice law in Florida in 1988. My Florida license is not active. In January of 1990, I moved from Orlando to Memphis, Tennessee with no intention of returning to Florida to practice law. My bar number was 771546 and my license was placed on permanent inactive status after I moved to Tennessee.

I was admitted to practice law in the State of Tennessee in 1990. My license is active and my bar number is 14429.

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).

I have never been denied admission to, suspended or placed on inactive status by the Tennessee Bar.

With respect to the Florida Bar, as explained in answer #3, my Florida license is not active. I never received private or public discipline and was never the subject of a bar complaint in Florida.

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).

August 1988 through December 1989 - I was employed by the law firm of Taraska, Grower, Unger and Ketcham in Orlando, Florida.

September 1991 through November 2003- I was employed by the Shelby County District Attorney General's Office as an Assistant District Attorney in Memphis, Tennessee.

November 2003 through October 2009- I worked for the United States Postal Service's Law Department. I represented the USPS in a five-state region but my office was located in Memphis, Tennessee.

October 2009 to the present- I was employed by the Shelby County District Attorney General's Office in Memphis, Tennessee.

August 2012 to the present- I am an Adjunct Professor at the University of Memphis, Cecil C. Humphreys School of Law. I teach a Criminal Law section of Trial Advocacy each Fall and Spring semester and teach the Honors Prosecutors Externship during Summer term.

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.

One hundred percent of my practice is devoted to criminal law. As the Deputy District Attorney General, I serve as the first assistant to the elected District Attorney, Amy P. Weirich, and I oversee the day-to-day activities of the office. I supervise the staff of 225 attorneys, investigators, victim witness coordinators and support staff assigned to Criminal Court, General Sessions Court, Juvenile Court and Special Prosecution Units.

I review proposed settlements of criminal cases that fall under the District Attorney's "No-Deals Policy," which requires me to spend a substantial amount of time meeting with trial assistants in our office and members of the defense bar. I review, approve, and sign dismissed warrants, coordinate intrastate extraditions, and governor's warrants. Additionally, I work closely with the Public Defenders Office to resolve cases involving defendants who are involuntarily committed as a result of mental health issues. My position allows me to exercise great discretion with respect to resolving cases when appropriate and in the interest of justice.

I monitor and write position letters to the Tennessee Department of Correction regarding parole eligible inmates. I accept speaking engagements on behalf of our office and coordinate staffing issues including interviewing prospective Assistant District Attorneys.

I maintain an active, though limited, caseload comprised of capital murder cases and finally, I spend a substantial amount of time working on multiple special projects assigned by the District Attorney.

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.

During the course of my career at the District Attorney's office (1991-2003 and 2009- present) I worked for three elected District Attorneys. Each of them asked that I serve as Chief Prosecutor of a special unit. I left the District Attorney's Office in 2003 at a point in my career when I was serving in a challenging and supervisory position. I loved the work, but as a single parent, I needed more predictable hours. I accepted a position with the United States Postal Service where I worked for six years. Though I enjoyed the opportunities presented by that position, I missed criminal law and returned to the District Attorney's Office when my daughter started college in 2009.

Between 1991 and the late 1990s I was assigned to misdemeanor court and then to Criminal Court as a trial assistant. District Attorney John Pierotti asked me to serve as the first Chief Prosecutor of Child Abuse and Child Homicide. At that time, the prosecution of crimes against children was the topic of much discussion and debate among those in the field. Child Advocacy Centers were growing in number, and educational opportunities for prosecutors and law enforcement were abundant. Prior to this time Memphis and Shelby County did not have a Child Protection and Investigation Team that formally united law enforcement, Department of Children's Services, Rape Crisis Center and the District Attorney's Office. In my new position, I was housed with the Memphis Police Department and the Department of Children Services at the Child Advocacy Center. Together we overcame the growing pains of working with other agencies, and 20 years later the partnership remains. I handled many child abuse and child homicide cases as a result of that assignment.

I was next assigned to the Major Violators Unit (MVU) and prosecuted repeat and violent offenders. It was not unusual to try 15-18 jury trials per year and to dispose of hundreds more through negotiated pleas.

After my time in MVU, District Attorney Bill Gibbons selected me to serve as the first female Chief Prosecutor of the Gang Unit. I worked closely with law enforcement and investigators assigned directly to the Gang Unit advising, approving charges and preparing cases to be presented to the Grand Jury. In addition to local law enforcement and our own investigators, I worked with state and federal officials on gang prosecutions and enjoyed trying multiple interesting cases. In 2003, while serving as Chief Prosecutor of the Gang Unit, I left the District Attorney's Office to work for the USPS.

I returned to the District Attorney's office in 2009, and resumed working in the Gang Unit for one year. In 2010, General Gibbons asked that I help develop and lead the first Special Victims Unit. For the first time in the Shelby County District Attorney General's Office, crimes against children including sexual and physical abuse and homicides along with adult sex crimes, elder abuse and vulnerable adult abuse cases were combined into one vertical prosecution unit. Our unit met daily with Department of Children's Service and law enforcement regarding new complaints and investigations. I advised law enforcement on charging decisions, prepared case files for presentment to the Grand Jury, and maintained a full caseload.

In summary, during my years in the courtroom, I represented the State in crimes ranging from

misdemeanors to capital murder. While I have tried many jury trials, I have, in the pursuit of justice, recommended dismissal of cases, negotiated plea agreements for many others and declined prosecution when the proof is deficient, insufficient or inadmissible.

On February 1, 2014, General Weirich asked me to serve in my current position of Deputy District Attorney General. My responsibilities as Deputy are described in # 6 above.

Between November 2003 and September, 2009 I worked as in-house counsel for the United States Postal Service. I represented the Postal Service in the Southeast area and our practice involved Title VII, ADA and ADEA claims where I served as of-counsel (US Attorney's Office was lead counsel) in cases pending in Federal District Court and lead counsel before the EEOC and MSPB. We handled complaints pending in Tennessee, Alabama, Mississippi, Georgia and Florida. I spent a significant amount of time engaged in a heavy motion practice, answering complaints, drafting and submitting discovery requests, preparing Motions for Summary Judgment and taking and defending frequent depositions. My time at the Postal Service was beneficial in that I was able to devote significant time to research and writing and learning a new area of the law. During the six years I worked for the Postal Service, I consistently exceeded national and office goals for win, dismissal and payout rates and received several merit awards.

After taking the Florida Bar in July 1988, I worked for the law firm of Taraska Grower Unger & Ketcham in Orlando, Florida through December 1989. The firm's practice was heavily concentrated on medical malpractice defense work. I worked under the supervision of a senior partner who assigned various projects to me including research and writing, drafting motions, and preparing discovery requests and responses. I sought and retained experts to assist in the defense of our clients and defended their depositions as well.

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

Throughout my career, I have been trusted with many challenging and serious cases. The cases listed below are a few examples.

2017—State vs. Zachary Adams, Jason Autry and Dylan Adams. This case has been referred to as the Holly Bobo case and Zachary Adams was the first of three co-defendants to be tried in Hardin County, Tennessee. Holly was abducted on April 13, 2011 and in September 2017 Zachary Adams was convicted of Murder in the Perpetration of Kidnapping, Murder in the Perpetration of Rape, Premeditated Murder, Especially Aggravated Kidnapping, and the Aggravated Rape. The case is significant for several reasons. First, the egregious nature of the crime, second, the matter was the subject of three years of investigation and was already in the early stages of prosecution before I was appointed as the Special Prosecutor. Next, the amount of material generated by the Tennessee Bureau of Investigation was staggering and it took several months to even review the investigative file. Finally, after my appointment and after reviewing the file, I recognized the need to submit additional charges to the Grand Jury; that was accomplished in Decatur County, TN. Managing the prosecution was challenging because of the tremendous publicity the case attracted, a change of venue, multiple days of Voir Dire in order to

seat a jury, moving approximately 2000 pieces of physical evidence from various locations in Tennessee to Hardin County, moving our trial materials, equipment and ourselves to Hardin County for the trial and finally, securing the presence of many out of town witnesses.

2015—State vs. Henry Lee Jones. The Defendant was tried and convicted for the First Degree Murder of an elderly couple in Bartlett, Tennessee. The Defendant represented himself during the prosecution, which is an unusual decision in a death penalty case. The trial judge advised the Defendant against self-representation on numerous occasions however, the Defendant elected to proceed Pro Se. The Defendant was previously tried, convicted and sentenced to death in Florida for a different homicide; he represented himself in that trial as well. The Court of Criminal Appeals recently affirmed the case. State v. Henry Lee Jones, No. W2015-02210-CCA-R3-DD, 2017 Tenn. Crim. App. LEXIS 853 (Tenn. Crim. App. Sept. 18, 2017).

2015—State vs. Ronald Goodwin. After suffering a debilitating stroke, an elderly woman moved to Memphis to be cared for by her son, the Defendant. He lived in her home and was allowed access to her monthly checks in order to care for her. Rather than care for her, the Defendant used her money to buy drugs. The victim was found dead atop mounds of garbage and was malnourished, dehydrated and had not received any medical care. The house did not have running water or electricity and it is unclear when the victim died. The Grand Jury returned an indictment against the Defendant for Murder in the Perpetration of Theft. The case was interesting because the theft was based upon the Defendant's theft of the victim's funds; though he had legitimate access to the money, he did not use it for the things it was intended for. The Defendant pled guilty to Second Degree Murder.

2014—State vs. Cedrick Clayton. The Defendant was charged with three counts of First Degree Murder after he shot and killed the mother of his four-year old child as well as her parents one morning. The child's mother was murdered in front of the four -year old and she saw parts of the crimes against both of grandparents. The child, who was seven at the time of trial, was qualified by the trial judge as competent to testify and gave an eyewitness account of the events. One of the victims called 911 while the crimes were occurring thus a horrific portion of the homicide was heard through the open telephone line. We called a blood spatter expert as a witness at trial to explain the complicated crime scene to the jury. The defendant was found guilty of all three homicides and sentenced to death. The Court of Criminal Appeals affirmed the case and the Tennessee Supreme Court has heard oral arguments; we are awaiting their opinion. State v. Cedrick Clayton, No. W2015-00158-CCA-R3-DD, 2016 Tenn. Crim. App. LEXIS 614 (Tenn. Crim. App. Aug. 18, 2016).

2014—State vs. Maurice Brown. The Defendant was tried and convicted for the First Degree Murder of his two-year old son. The Defendant reported the child missing and gave television interviews regarding the disappearance. The Defendant's statements were broadcast prior to his arrest and a massive city, county and nationwide search ensued including involvement by the Center for Missing and Exploited Children. At trial, a television reporter authenticated a taped interview of the defendant, the substance of which was disproved by the evidence. Through the use of cell tower records and the Defendant's phone records, the search for the child was re-focused to a particular area of Memphis and the victim's body was recovered from a garbage dumpster approximately one mile from Defendant's home. State v. Maurice Brown, Sr., No. W2015-00466-CCA-R3-CD, 2016 Tenn. Crim. App. LEXIS 839 (Tenn. Crim. App. Nov. 7,

2016).

2012—State vs. Shakara Dickens. This was a "no-body" case where the victim's remains were never found. It is commonly thought that a homicide prosecution cannot go forward without a body; however, that is a misconception, although it definitely makes proving a case more challenging. In this particular instance, there was not an identifiable crime scene or DNA or confession or eyewitness. A nine-month old baby was simply gone. I worked backwards from the last person who saw the victim alive (other than the Defendant) and went from there. We used cell phone records, photographs, text messages, and statements made by Defendant to friends, family and co-workers. It was necessary to disprove every reasonable scenario, other than murder, including multiple stories given by the Defendant. The Defendant was convicted of Second Degree Murder. After the verdict and before she was sentenced, I reached an agreement with defense counsel to recommend a particular sentence in exchange for 1) an opportunity to interview the Defendant; 2) the Defendant would tell how she killed the victim; 3) the Defendant would tell what she did with the victim's body; and 4) Defendant would waive her right to appeal. Ultimately, the Defendant admitted under oath to purposefully suffocating the 9-month old baby, putting her body in a trash bag and disposing of her in a dumpster.

2012—State vs. Robert Brown. The Defendant was tried and convicted for the Rape and Intentional Exposure to HIV of his nine year old granddaughter. The abuse was discovered when the victim became ill, was diagnosed with HIV and disclosed the perpetrator's identity to medical personnel. The Defendant was aware of his HIV status for several years prior to the abuse. Under the law of Intentional Exposure to HIV, contraction of HIV is not a requirement, only exposure. Unfortunately in this case, the young victim contracted the disease. State v. Robert Brown, Sr., No. W2012-02458-CCA-R3-CD, 2013 Tenn. Crim. App. LEXIS 1119 (Tenn. Crim. App. Dec. 19, 2013).

2011—State vs. James Hawkins. The Defendant was convicted of First Degree Murder, False Reporting, and Abuse of a Corpse. The Defendant was charged with the murder of the victim with whom he had three children. The proof at trial revealed that Defendant stabbed the victim before decapitating and dismembering her. After the murder, the Defendant was captured on store surveillance purchasing and later returning a saw he used to decapitate and dismember the victim. We requested and the judge allowed the jury to travel to Mississippi for a jury view of the place where the victim's torso was found. The Defendant was found guilty as charged and sentenced to death. The Court of Criminal Appeals affirmed the case. State v. Hawkins, 519 S.W.3d 1 (Tenn. Crim. App. Nov. 7, 2016).

2010—State vs. Kenneth Spencer. In this case, the Defendant fired his weapon at his intended target, who was sitting in a vehicle. Instead of hitting that person, the bullet traveled down the street, through the window of a house and struck the unsuspecting victim, who was sitting at his desk working on his computer; he was killed instantly. The doctrine of transferred intent was significant in this case and the Defendant was convicted of First Degree Murder. State v. Kenneth Spencer, No. W2010-02455-CCA-R3-CD, 2011 Tenn. Crim. App. LEXIS 903 (Tenn. Crim. App. Dec. 8, 2011).

2001—State vs. William Wilson and Chico McCracken. The Defendants were convicted of First Degree Murder for killing a police officer. The officer pursued the Defendants in his police car

following an Aggravated Robbery complaint that was made against them by a citizen. The police officer caught up to the Defendants following a high speed chase and it was determined through testimony, including an accident reconstructionist, witnesses and the police radio transmissions that the officer died as a result of a car crash after he was purposefully run off the road by the Defendants. State v. Chico McCracken, No. W2001-03176-CCA-R3-CD, 2003 Tenn. Crim. App. LEXIS 285 (Tenn. Crim. App. Mar. 24, 2003); State v. William Wilson, No. W2001-02601-CCA-R3-CD, 2003 Tenn. Crim. App. LEXIS 916 (Tenn. Crim. App. Oct. 22, 2003).

2001—State vs. Angalee Love. The Defendant was tried and convicted of Aggravated Child Abuse as a result of causing both illness and injury to her child. The child abuse discovered in this case was apparently associated with a syndrome called Munchausen by Proxy. Prior to the Defendant's arrest, the victim was a frequent patient at LeBonhuer Children's Hospital and was in and out of the Pediatric Intensive Care unit. The jury learned, and saw in a video, that the Defendant injected fingernail polish remover into the 17-month-old victim's feeding tube thereby causing the child to become ill and to have seizures. Fortunately, once the child was away from the Defendant, she recovered from her prior "chronic" health issues. State v. Angalee Love, No. W2002-03063-CCA-R3-CD, 2003 Tenn. Crim. App. LEXIS 999 (Tenn. Crim. App. Nov. 26, 2003).

2001—State vs. John Williams, et al., (two trials). This case was significant due to the number of Defendants, the number of victims, issues that arose due to trying multiple defendants at the same time and the near paralyzing fear on the part of several victims when called to testify. Six Defendants were arrested and charged with the Especially Aggravated Kidnapping and other crimes against seven victims. Four of the victims were severely beaten, stripped, bound and placed in the trunk of two cars and driven away. Police spotted the two cars when one of the other victims managed to call 911. After a car chase with the police, the defendants abandoned the cars and the victims were rescued.

1997—State vs. Joyce Lindsey. This was the first "no-body" case tried in Shelby County. The Defendant was charged with the Second Degree Murder of her niece. The Defendant babysat the victim one day and the five-year old child was never seen again. Her disappearance launched a nationwide search. In addition to the challenge of trying a murder case without a body, it was also one of the earlier cases in Shelby County where DNA was used as key evidence. A small amount of blood was recovered from the trunk lining of the Defendant's car despite the fact that the Defendant had bleached the trunk. Because the investigators did not have a DNA sample from the victim to compare to that small blood sample, a DNA profile was generated from the biological parents and then sent for comparison. An older sibling of the missing child was able to testify to the bizarre actions of the Defendant on the day in question. Ultimately the blood in Defendant's trunk matched the DNA profile and the Defendant was convicted as charged. State v. Joyce M. Lindsey, No. 02C01-9804-CR-00110, 1999 Tenn. Crim. App. LEXIS 1107 (Tenn. Crim. App. Oct. 28, 1999)

Of special significance to me are the following: Ashley, Maurice, Aiden, Sameira, Anaya, Denise, Lauren, Landon, Zaquan, Amylia, and Rosalind. These first names belong to children who lost the opportunity to grow up. In fact, the oldest child listed was five years old. Each is the name of one of the victims of a child homicide I prosecuted. Unfortunately there are more. These cases present special issues because there are rarely independent witnesses or confessions.

Nearly always, the State is reliant upon medical evidence without the benefit of a substantial crime scene.

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

Not applicable

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

Not applicable

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.

Cumberland School of Law at Samford University, 1985-1988. I received my Juris Doctor and was a member of the Moot Court Board, Winner of The Haley Trial Competition and elected to serve on the Honor Court.

University of Alabama, 1980-1984. Bachelor of Arts in Political Science, Minor in Criminal Justice

PERSONAL INFORMATION

12. State your date of birth.

My date of birth is May 28, 1962.

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

I have lived continuously in Tennessee for over 27 years.

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

I have lived continuously in Shelby County for over 27 years.

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

Shelby County

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

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.

In 2017, after 28 years of practice, including 20 years as a prosecutor, I received my first two Board of Professional Responsibility complaints.

The first was filed by a Defendant who was convicted of First Degree Murder. The Board of Professional Responsibility dismissed it without filing a charge against me.

The second was filed on September 26, 2017, a few days after the guilty verdict in the Zachary

Adams' trial for the murder of Holly Bobo. Mr. Adams' third- chair attorney filed the complaint alleging that I threatened him during a conference with the judge. The complaint is not supported by the Judge or Lead Counsel for Zachary Adams, who were present. I categorically deny misconduct. The complaint is in the preliminary investigative stage and I have asked that it be dismissed.

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.

James Grant Nichols (Plaintiff/Counter Defendant) v. Jennifer Ann Smith Nichols (Defendant/Counter Plaintiff) Circuit Court of Shelby County No. 138602-2 R.D. Divorce proceeding. Divorce granted on December 9, 1992.

Steven Cooper, et al. v Larry Parrish, et al., USDC (W.D.Tenn.) No. 97-2625. Motion to Dismiss granted. As an Assistant District Attorney General, individuals indicted in State Court sued the District Attorney General and others in Federal Court. Judge Bernice Donald dismissed the case.

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

Crime Stoppers of Shelby County, Board Member and Member of Awards Committee

Junior League of Memphis, Sustainer

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.

Zeta Tau Alpha. This sorority limits membership to women. I was a member between 1980-1982 while attending the University of Alabama. I am not presently affiliated with the organization.

Junior League of Memphis. This organization limits its membership to women. I am not an active member but rather have "sustainer" status. The organization is a service organization and it is not my intention to resign because I am not an active member.

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.

Supreme Court's Advisory Commission on the Rules of Practice and Procedure, Memphis Bar Foundation Fellow 2014- present, Leo Bearman Sr. American Inn of Court Master 2010-2013, National District Attorneys Association 2016- present, Executive Committee of the Shelby County Republican Party 2017- present, Memphis Bar Association Government Lawyers Section, Board Member 2010-2011.

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.

In 2016, I was selected by the National District Attorneys Association to join a small group of prosecutors from across the country to draft a training curriculum for capital litigation training to be used across the country.

Honored in 2014 at Memphis Child Advocacy Center following a significant donation made in

my name by an anonymous donor.

Veronica D. Coleman Law Enforcement Professional of the Year, 2013 presented by Sheriff Bill Oldham, Mayor Mark Luttrell, Mayor A.C. Wharton and District Attorney General Amy P. Weirich

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.

Not Applicable

ESSAYS/PERSONAL STATEMENTS

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

I seek this position in order to more broadly serve my community and my profession. My career has allowed me to gain jury trial experience that few attorneys are fortunate to acquire. I have practiced in the civil courts of Orlando, in the General Sessions, Juvenile and Criminal Courts of Shelby County, and before the Equal Employment Opportunity Commission and the Merit Systems Protection Board. That rich experience gives me a unique perspective on the importance of having a good trial judge and the qualities that make him or her an excellent trial judge. I know the appropriate rules, procedures and case law and just as important, if selected, I will work hard to ensure that everyone who comes into my courtroom, whether a litigant, witness, or lawyer, will be treated with respect, regardless of the outcome.

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

I am seeking the position of Criminal Court Judge for Division 10 in the 30th Judicial District of Tennessee that includes Memphis and Shelby County. There are ten Criminal Court Divisions in Shelby County. As of October 1, 2017, Division 10 has approximately 1200 pending indictments and 59 Defendants have cases set for trial. The trials are set through May of 2018; thus, whoever is selected must transition into the position seamlessly to ensure that neither the defendant nor the victim is subjected to unnecessary delay. My experience in Criminal Court will allow me to do that. There are few scenarios that I have not encountered during my years in Criminal Court and very few crimes that I have not resolved through negotiated settlement, dismissal or trial. As a result, the cases pending in Division 10 will not linger while I familiarize myself with the subject matter.

30. Will you uphold the law even if you disagree with the substance of the law (e.g., statute or rule) at issue? Give an example from your experience as a licensed attorney that

supports your response to this question. ***(250 words or less)***

I will absolutely uphold the law even if I disagree with it. One of my primary responsibilities as Deputy District Attorney is to review and approve the dismissal of indicted cases due to legal deficiencies or for ethical reasons. I also approve the reduction, or plea agreement, of certain indicted offenses for the same reasons. For example, I recently signed a dismissal of a murder charge. Due to a rather technical rule of law, the State could not proceed at this time even though the evidence indicated the correct person was charged. Dismissing the case was both ethically and legally required under the circumstances. I also recently approved a dismissal of a domestic violence case. Again, the correct person was charged, but this time the victim was unwilling to testify and the proof was insufficient without her cooperation. I am required at times to approve the dismissal of warrants prior to indictment based upon insufficient evidence, statute of limitations, and other issues. I make those decisions based upon the law and the facts, regardless of how I feel personally about the victim, the suspect or the crime.

REFERENCES

31. List five (5) persons, and their current positions and contact information, which 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. Amy Weirich
B. William Gibbons
C. Karen Bobo
D. Michael Scholl
E. Dr. Catherine Collins

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 Division 10 of Criminal Court in the 30th 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: October 13, 2017.

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.

Jennifer S. Nichols
Type or Print Name

Jennifer Nichols
Signature

10/13/17
Date

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