

Tennessee Judicial Nominating Commission
Application for Nomination to Judicial Office

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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 fourteen (14) 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.

Member, Gullett, Sanford, Robinson & Martin, PLLC
Suite 1700, 150 Third Avenue, South
Nashville, TN 37201

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

1981 – BPR No. 9205

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.

Alabama: Bar Number 0036-N74L. Licensed September 28, 1976. Since moving to Tennessee in 1980, I have remained a member of the Alabama State Bar as a Special Member, which applies to members who practice outside Alabama.

Tennessee: Bar Number 9205. Licensed April 11, 1981. My license is currently active.

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).

August 1976 – July 1980: Associate, Balch, Bingham, Baker, Hawthorne, Williams & Ward (now Balch & Bingham), Birmingham, Alabama

June 1981 – August 1982: Law Clerk, Justice Frank F. Drowota, Tennessee Supreme Court

September 1982 – Mid-1986: Associate, Martin & Cochran, Nashville, Tennessee (merged with Gullett, Sanford & Robinson, mid-1986)

Mid-1986 – Present: Associate, then Partner, then Member, Gullett, Sanford, Robinson & Martin, PLLC, Nashville, Tennessee

Occupations I have ever been engaged in other than the practice of law:

Summer 1969: Clerk at Jack Holland's Bandbox, a women's clothing store in Jackson, Tennessee. The store went out of business many years ago.

September 1971 – December 1972: Bank teller, Exchange National Bank, Colorado Springs, Colorado, while my husband was stationed with the Army at Ft. Carson, Colorado. The bank no longer exists under that name.

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.

My husband and I moved to Nashville in the summer of 1980. A few weeks later, Justice Frank Drowota appointed me to serve as his law clerk. The position began in the summer of 1981. During the intervening months, I was a homemaker, studied for and sat for the February 1981 Tennessee Bar Examination, and worked on the estate of my father, who died in January 1981.

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.

Bankruptcy law occupies perhaps 80% of my total practice.

Commercial litigation occupies perhaps 15% of my total practice.

The remaining 5% of my law practice is miscellaneous work, such as real estate, probate/trust and transactional.

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.

Alabama: For my first four years as a licensed attorney, I was an associate with the Birmingham, Alabama firm then called Balch, Bingham, Baker, Hawthorne, Williams & Ward (now Balch & Bingham). The firm was one of the largest firms in Alabama, with about 35 attorneys and offices in Birmingham and Montgomery. I was its first female attorney. The firm

was engaged in a broad civil practice, representing all types of business clients. The firm followed what was then the Atlanta model, having associates spend much of their time on research, writing and assisting more senior attorneys. I assisted attorneys in preparing discovery. I assisted in several areas of the firm's practices. I reviewed countless contracts. I became familiar with construction law and was designated to attend a seminar in Washington, D.C. presented by Prof. Alfred Kahn, Chair of President Carter's Council on Wage and Price Stability.

One of the firm's largest areas of practice was utility law. It represented Alabama Power Co. and its parent (The Southern Company) and sister utilities (e.g., Georgia Power, Gulf Power, Mississippi Power) and an affiliate, Southern Services. I worked on major matters including rate cases, and defense of lawsuits brought by property owners whose land had been flooded when Alabama Power acted on the orders of the Corps of Engineers in opening their dams. There was a huge nationwide lawsuit against Westinghouse having to do with uranium. I did collection work to recover from delinquent customers. Once upon a time, I had a friend, Tom Buckner, who is still practicing law in Memphis, repossess a washer and dryer that someone had purchased from Alabama Power.

I was heavily involved in a contentious stockholder derivative suit brought by a disgruntled ex-employee of Alabama Power. I recall researching subjects as wide-ranging as loan participations and "cut, skid and haul" contracts pertaining to forestry. I recall a matter involving a will for a person of modest means, which must have been a *pro bono* matter.

Alabama Power frequently acquired real property for rights-of-way, substations, offices, power plants, etc. I spent substantial time preparing title opinions, learning a great deal about real estate law. One opinion, covering a block in downtown Montgomery, took an entire month.

I worked closely with one of the senior partners who was bond counsel for industrial revenue bond issues. I became familiar with how bond issues work and are documented, and attended numerous closings of these large transactions.

A case that took a great deal of time during my tenure was a lawsuit brought by descendants of Mr. Robert I. Ingalls, seeking to have several trust documents construed to allow the most remote descendants to share in the trusts during the lives of their mothers, i.e., a *per capita* distribution scheme, when all of the trust documents expressly stated that the distribution scheme was *per stirpes*. Several prominent Birmingham firms participated in the litigation. My firm represented the Ingalls Iron Works Company, whose stock was held by the trusts, in defending the *per stirpes* distribution scheme. Bradley, Arant, Rose & White (now Bradley, Arant, Boulton Cummings) represented another client taking the same position. In reviewing the case, I discovered earlier trust litigation involving the same minor plaintiffs, whose fathers as their guardians had assented to the premise that the distribution scheme was *per stirpes*. The topic on which I drafted the Alabama Supreme Court brief for our client (under the name of my senior partner) was res judicata or collateral estoppel. There was little or no law on the precise point – that the outcome of the earlier case could not have been as it was unless the distribution scheme was *per stirpes*. I argued this issue during our share of the Supreme Court argument time. The Supreme Court upheld the *per stirpes* distribution scheme, and devoted a substantial portion of its opinion to holding that collateral estoppel applied. *Wheeler v. First Alabama Bank of Birmingham*, 364 So. 2d 1190 (Ala. 1978). Please note: The firm's representation of Ingalls Iron Works Co. does not appear in the Lexis version of this case. The West Reporter does show our client as a party, represented by my senior partner. The Supreme Court does not have a record of who argued.

In 1979, I served on a jury in a week-long condemnation case. I was elected foreperson.

Supreme Court Clerkship: As noted, my husband and I moved to Nashville in the summer of 1980. He joined the Law Department of the former NLT Corp. We moved within five years after being admitted to practice in Alabama, so we had to take the Tennessee Bar Examination in February 1981. As we had two tiny daughters and my father had died the month before the exam, preparation was difficult. We passed and were admitted that spring. That summer, I began my clerkship with Justice Frank Drowota. Fortunately, I was able to work with my predecessor, Mr. George T. (Buck) Lewis, III, for a short period.

It was an incomparable privilege to work with Justice Drowota. There could not have been a finer appellate judge, lawyer or gentleman, and I continue to treasure his friendship. He was a wonderful mentor, placing a great deal of confidence in my reviews of the records on appeal, analyses of the facts and law, and drafting of opinions for his consideration. Naturally, these opinions dealt with a variety of substantive and procedural issues, from workers' compensation to a death penalty case. Clerking for Justice Drowota allowed me to observe the Justices off the bench, to attend the arguments, to read all of the briefs, records on appeal, trial and intermediate court opinions, etc., and study the Rules of Civil, Criminal and Appellate Procedure, both in cases in which the court granted permission to appeal, and in cases in which permission to appeal was not granted (including petitions denied and petitions denied concurring in result only ("DCRO")).

Some of the opinions with which I assisted Justice Drowota are:

State v. Campbell, 641 S.W. 2d 890 (Tenn. 1982) (whether, where prosecuting instrument was a warrant, the disposition of the case must be on that instrument, so that State could not prosecute defendant on a presentment (or indictment) after dismissal of the warrant)

Allstate Ins. Co. v. Young, 639 S.W.2d 916 (Tenn. 1982) (insurance – dispute about coverage under policy)

State v. Melson, 638 S.W.2d 342 (Tenn. 1982) (death penalty – farm worker bludgeoned employer's wife to death with ball peen hammer, including many issues)

Hale v. Commercial Union Assurance Cos., 637 S.W.2d 865 (Tenn. 1982) (workers' compensation – whether case should have been dismissed based on finding that plaintiff had elected Arkansas benefits and was precluded from seeking Tennessee benefits)

Watkins v. Naifeh, 635 S.W.2d 104 (Tenn. 1982) (validity and interpretation of ordinance governing distance of beer establishments from churches and schools)

Tenn. Nat. Gas Lines, Inc. v. King, 635 S.W.2d 95 (Tenn. 1982) (correct manner of computing credit for corporate excise taxes, which credit is deducted from gross receipts taxes paid by certain utilities and other types of businesses)

Goldsmith's Division, Federated Dept. Stores, Inc. v. City of Memphis, 631 S.W.2d 396 (Tenn. 1982) (tax - appeal of dismissal of Goldsmith's action for relief from overpayment of taxes under the Business Tax Act, Tenn. Code Ann. (T.C.A.) § 67-5801 *et seq.*)

Anderson v. Chattanooga Gen. Services Co., 631 S.W.2d 380 (Tenn. 1981) (workers' compensation – employee intentionally failed to disclose condition when she applied for job)

Drew v. The Tappan Co., 630 S.W.2d 624 (Tenn. 1982) (workers' compensation - whether employee's injury arose out of and in the course of his employment)

State v. Smith, 627 S.W.2d 356 (Tenn. 1982) (criminal - correctness of jury instructions)

Wester v. Childress, 625 S.W.2d 710 (Tenn. 1981) (whether Tenn. R. Civ. P. 53.04(1), which requires the clerk to send notice of the filing of a Master's report to all parties, contemplates that when a party is represented by an attorney, service shall be made upon the attorney)

State v. Travis, 622 S.W.2d 529 (Tenn. 1982) (criminal - correctness of denying probation to defendant who pled guilty to involuntary manslaughter and proper factors for trial court to consider)

Private Practice in Nashville: My clerkship ended in August 1982. On September 1, 1982, I joined the Nashville firm of Martin & Cochran as an associate.

Martin & Cochran had two dominant practice areas. Messrs. Joseph Martin, Sr. and Jr. practiced labor and employment law. Messrs. G. Rhea Bucy, M. Taylor (Tad) Harris, Jr. and Wm. Robert Pope, Jr. primarily practiced bankruptcy law and commercial litigation. About a year after I joined the firm, Mr. Thomas H. Forrester joined as an associate, and our firm was complete.

Martin & Cochran merged with Gullett, Sanford & Robinson in 1986, and became Gullett, Sanford, Robinson & Martin. In 1987, I was promoted to partner. The firm later became a PLLC, and my title became member.

Our firm's bankruptcy practice is varied and sophisticated. We have the benefit of representing many kinds of interests, including both secured and unsecured creditors and borrowers, lessors and lessees, creditors' committees, debtors in business reorganization cases, bankruptcy trustees, parties in bankruptcy litigation, and purchasers of assets. We represent clients in industries including retail, manufacturing, agriculture, transportation, hospitality and service, food production, insurance, real estate and title insurance, healthcare, banking and equipment lending/leasing. Consequently, I understand the perspective of all sides to litigation or a transaction and would be able to adjudicate cases impartially.

Our bankruptcy practice includes a wonderful mixture of litigation and transactional work. In addition to a complex and technical statutory code that governs bankruptcies of all kinds of entities (other than states), a bankruptcy case can involve any issue of federal or state nonbankruptcy law, such as secured and unsecured lending, landlord-tenant law, health law, tort law, estate and trust law, franchise law, securities law, corporate and partnership law, consumer law, federal and state criminal law and federal and state tax law, motor vehicle law and commercial law.

One of our cases was the first in the nation to reach a Circuit Court. This was *In re First Merchants Acceptance Corp.*, 198 F.3d 394 (3rd Cir. 1999), involving whether a member of a creditors' committee could be reimbursed for its attorney fees incurred in the performance of its duties. The Court of Appeals ruled in favor of our client, J. C. Bradford & Co. I was the primary author of the brief.

Bankruptcy trials and hearings are before the bench (although jury trials rarely happen), so lawyers use the same skills that apply in appellate work. One approaches the matter in an effort to anticipate the points that will be of interest to the court and on which the outcome will turn. One seeks to persuade the court on proper application of the law to the facts.

It is important to realize that bankruptcy practice allows one to observe all facets of human nature. Whatever a party's relationship to the case might be, there is much stress. This is true whether one is destitute, or wealthy but in financial difficulty. It is true whether one is the

debtor, a creditor, or a party that has been sued by a Trustee. Bankruptcy can bring out the best and the worst in people. Bankruptcy attorneys learn to discern who is an honest debtor acting in good faith and who is "gaming the system." This, too, is good preparation for an appellate judgeship.

Bankruptcy cases entail the full panoply of pretrial and post-trial procedural issues that arise in trial courts, including drafting of pleadings, motions to dismiss and for summary judgment, briefs, dealing with the rules of evidence, motions to alter or amend and the equivalent of Rule 60 motions, and appeals to the District Court, Circuit Court, or Bankruptcy Appellate Panel, and perhaps to the Supreme Court. They utilize the Federal and Local Rules of Civil Procedure, the Federal and Local Rules of Bankruptcy Procedure, and the Federal Rules of Evidence. Our Bankruptcy Judges often delegate to prevailing counsel the preparation of orders and memorandum opinions, or assign to both counsel the task of preparing an order that reflects the court's ruling.

In addition to our bankruptcy and commercial litigation work, I have handled many other types of matters, including negotiating and closing transactions and workouts/forbearances. I have done a fair amount of title insurance defense work. I have done such disparate work as assisting a wife in being appointed her husband's guardian, representing an employer defending an unemployment insurance claim, appealing *ad valorem* tax appraisals, and persuading a judge to set aside a judgment based upon a garnishment that our client had failed to answer. While at Martin & Cochran, I worked on a plaintiff's personal injury case with Tad Harris, and we won a jury verdict in Davidson County Circuit Court. I have dealt with a variety of statutes, such as the Tennessee Consumer Protection Act, the mechanics' and materialmen's lien statute, the fraudulent conveyance statute and the Uniform Contribution Among Tortfeasors Act. I have read every Tennessee statute dealing with bond issues. I have conducted foreclosure sales. I have worked extensively with the Uniform Commercial Code. I have dealt with procedural matters such as pretrial and scheduling matters, discovery and discovery disputes, stays, injunctions, motions to alter or amend, Rule 60 motions, and appeals, both interlocutory and as of right.

I am respectful of the interaction between federal and state law. For example, in a bankruptcy case in East Tennessee, the court had to interpret a 1987 statute that had never been construed by a Tennessee court. I thought that the state courts should have the first opportunity to construe the statute, so I invoked Supreme Court Rule 23. The Supreme Court accepted the referral and definitively interpreted the statute. See Question 34, Exhibit A.

The bankruptcy practice in Nashville is quite collaborative. There are good communications among consumer and business bankruptcy attorneys, the bench, the Clerk's office, the office of the United States Trustee, the panel Trustees, the standing Chapter 13 Trustee, and others. There is an active Nashville Bar Bankruptcy Committee, and we work together on drafting amendments to the Local Rules and otherwise improving the practice. We use electronic filing and have just begun to use electronic exhibits during hearings and trials. I would carry these practices into a Court of Appeals judgeship, with an interest in improving trial and appellate court efficiency, cost savings, and collegiality within the state judicial system.

Special cases:

A local federal lawsuit between Brentwood Academy and the Tennessee Secondary Schools Athletic Association ("TSSAA") went to the United States Supreme Court twice. The dispute had to do with the TSSAA's sanctioning Brentwood Academy under its recruiting rule. The alleged infraction was notifying boys who had been accepted for admission and had committed

to enter the Academy in the Fall that they were allowed to attend spring football practice. This was done because one boy had asked the Academy whether he could attend, and since the answer was "yes," the school felt that all admitted and committed students were entitled to the information. The first appeal to the Supreme Court was as to whether the TSSAA was a state actor such that the First Amendment of the U. S. Constitution applied. When the Supreme Court granted the Academy's petition for a writ of certiorari, Mr. Lee Barfield, counsel for the Academy, asked me whether TLAW would write an *amicus curiae* brief in support of the Academy's position that the TSSAA was a state actor. Mr. Brantley Phillips, with Mr. Barfield's firm, met with the TLAW Board. We voted to submit a brief, and I wrote the brief and attended the argument. This was done *pro bono*. The Court held that the TSSAA was a state actor. *Brentwood Academy v. TSSAA*, 531 U.S. 288, 121 S. Ct. 924, 148 L. Ed. 2d 807 (2001).

When the Supreme Court granted a second petition for writ of certiorari, Mr. Barfield again asked TLAW to submit an *amicus* brief, we agreed, and I again wrote the brief *pro bono*. This time, the TSSAA prevailed. *TSSAA v. Brentwood Academy*, 551 U.S. 291, 127 S. Ct. 2489, 168 L. Ed. 2d 166 (2007).

I was listed as an author on an *amicus curiae* Supreme Court brief in the appeal of the Patient Protective and Affordable Care Act ("PPACA") or "Obamacare." The brief focused on the premise that the "individual mandate" is unconstitutional under the Tenth Amendment. Tennessee had passed the Tennessee Health Freedom Act, T.C.A. § 56-7-1016, which brought the interaction between the Tenth Amendment and "Obamacare" squarely into play. I worked with a few legislators to recruit Senators and Representatives to serve as *amici*. Seventy-five Senators and Representatives signed on. (The General Assembly was in recess and other legislators who would likely have joined could not be reached in time.) The brief was authored by the Goldwater Institute in Arizona, and because I reviewed, added points and suggested edits to the brief, the principal author listed my name as co-counsel of record along with an attorney in another state.

Other Activities:

Tennessee Economic Council on Women - In 1998, the General Assembly created the Tennessee Economic Council on Women. Its purpose is to "address the economic concerns and needs of women in Tennessee, which concerns and needs include, but are not limited to, employment policies and practices, educational needs and opportunities, child care, property rights, health care, domestic relations, and the effect of federal and state laws on women. In order to address these concerns and needs of women, the council may conduct research, hold hearings, develop recommendations and policy, educate the public and engage in activities for the benefit of women." The Council has 21 members, most coming from designated constituencies. I was an at-large member, nominated by TLAW, and was Secretary for my entire six-year term. The Council was and remains very active and visible. I devoted a substantial amount of time to my position. We made speeches and held hearings around the state. We interacted with the Legislature, local governments, businesses and women's and other groups. One issue on which we engaged in significant research was the economic effect of domestic violence. The issue had never been approached from that perspective, and the findings generated a lot of attention. The research has continued for years and resulted in a report to the General Assembly after my term ended: <http://www.tn.gov/sos/ecw/The%20Cost%20of%20Domestic%20Violence.pdf>

The Council applied for and received a grant from the Tennessee Attorney General. The funds came to that office from the settlement of an out-of-state class action lawsuit. That inspired the

Council to form a foundation in order to raise additional funds beyond its state appropriation. The Executive Committee of the Council also sits on the Board of the Foundation, and I was Secretary of that entity as well. The Foundation holds a Women's Economic Summit each year in Nashville, awarding scholarships and attracting national speakers such as retired Justice Sandra Day O'Connor.

My term ended in 2004 and I was not eligible for reappointment for two years.

Board of Professional Responsibility - In 2003, I was appointed to be a hearing officer for the Board of Professional Responsibility. This entailed reviewing and approving matters in which the Board's staff recommended dismissal. In some cases, it involved performing the functions of a trial judge, entering scheduling orders, holding preliminary hearings, etc. One complicated case went through the entire contested case procedure, with two hearings.

Tennessee Ethics Commission - My reappointment to the Tennessee Economic Council on Women was in the works in 2006, when two women leaders in the House Republican Caucus asked me to allow my name to be submitted for appointment to the newly-created Tennessee Ethics Commission. The Commission was a response to the "Tennessee Waltz" scandal. It regulates lobbying, entertainment of and gifts to state officials. It enforces registration requirements for lobbyists and employers of lobbyists, and the filing of financial disclosure statements by candidates and officeholders of all three branches of state and local government.

The appointing authorities are the Governor, the Lieutenant Governor and the Speaker of the House, each of whom appoints a Republican and a Democrat. Speaker Jimmy Naifeh appointed me along with my Democrat colleague, Ms. Dianne F. Neal, former counsel to Governor Ned McWherter and former General Counsel of the Public Service Commission, later the Tennessee Regulatory Authority.

This service lasted from the spring of 2006 until November 2010. It required an enormous amount of time and was both rewarding and challenging. The position enabled me to have much interaction with members of the Legislature and legislative staff of both parties, attend and testify at committee hearings in both houses, attend floor sessions, and draft legislation. We worked with the Attorney General's Office and the Office of the Secretary of State (which provided administrative support). I drafted or extensively edited documents issued by the Commission. We held hearings and adjudicated the imposition of civil penalties on regulated persons. We administered complaints alleging that officials, candidates, lobbyists and employers of lobbyists had violated the law. We engaged in rulemaking. In the early years of the Commission, much time was spent on the preparation and issuance of advisory opinions sought by regulated persons. We dealt with administrative issues affecting a state agency, such as management, budgeting and the Internet.

The Commission is governed by the Open Meetings Act and the Uniform Administrative Procedures Act. Its records are subject to the Public Records Act. Hence, I became familiar with all of those statutes, reading the relevant case law. The Commission entered its sunset year, so I became familiar with that statute and was heavily involved in the activities and hearings that led to its continuation as a division of the new Bureau of Ethics and Campaign Finance.

First Amendment Moot Court Competition - Although this is not judicial experience, I would like to mention the fact that each year, I serve as a Supreme Court Justice for the moot court competition held by the First Amendment Center and Vanderbilt Law School. This includes reading a substantial bench brief on the First Amendment issue being addressed, attending a

fascinating CLE program, and presiding at mock Supreme Court arguments by moot court teams from law schools around the country.

This is one of my favorite professional activities. One reason for this is that it allows me to pursue my strong interest in constitutional law.

Jury Duty - While practicing in Nashville, I have been called to jury duty twice. The first time, I did not sit on a panel. The second time, I sat as a juror on a criminal case in which I again served as foreperson. We acquitted the defendant.

Other - I am interested in and curious about many areas of law. I enjoy reading state and federal cases and articles that strike my notice. I enjoy studying the Constitutions and legal history. Out of curiosity, I have read portions of the Federalist Papers, notes on the ratification debates, and Joseph Story's treatise.

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

This question is duplicated in Question 8 above and was answered there.

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.

I served as a quasi-judicial officer as a member of the Tennessee Ethics Commission from 2006 through 2010, including participating in a UAPA contested hearing with an Administrative Law Judge.

I also served as a quasi-judicial officer as a hearing panel member for the Board of Professional Responsibility from March 2003 until March 2009, including chairing a panel at two hearings and writing lengthy opinions.

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.

I am a Co-Trustee of my father's testamentary trust and the Trustee of my mother's testamentary trust. I have served as Executrix or Co-Executrix of the estates of family members. I have served as attorney-in-fact for several family members. I have drafted wills, trusts, powers of attorney, living wills, etc. for family members.

I participated with my husband in working with an institution in Virginia that was the guardian for his aunt, who was incompetent, and assisting his mother as Executrix of the aunt's (her sister's) estate and Trustee of her *inter vivos* trust.

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

In addition to the states in which I am admitted to practice (see Question 3), I am admitted to practice before the following:

United States Supreme Court
United States Courts of Appeals for the Sixth and Third Circuits
United States District Courts for the Western, Middle and Eastern Districts of Tennessee,
Eastern District of Wisconsin and Northern District of Alabama

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 applied to the Judicial Selection Commission for a position on the Court of Appeals in 1997 and 1998. The dates of the meetings are not available, but they were in the late summers or early falls of 1997 and 1998. The body did not submit my name to the Governor as a nominee.

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.

Sweet Briar College, Sweet Briar, Virginia: September 1967 - May 1969. Major: Government. I did not receive a degree because I decided to transfer to Vanderbilt to complete my undergraduate education.

Lambuth College, Jackson, Tennessee: Summer 1968. I did not receive a degree because I was only enrolled in summer school, earning 6 hours of credit.

Vanderbilt University, Nashville, Tennessee: September 1969 - May 1970; September 1970 - May 1971. B.A. *cum laude*. Major: Political Science. Phi Beta Kappa; Dean's List; Undergraduate Political Science Association; Delegate, Model United Nations, St. Louis, Missouri; Delegate, Student Council on U. S. Affairs, U. S. Military Academy; Member and Officer, Vanderbilt Young Republicans; Campus Chairman, Winfield Dunn for Governor, 1970; Vanderbilt Concert Choir; I. B. Tigrett Memorial Scholarship (Full Tuition).

University of North Carolina at Chapel Hill: Summer 1970. I did not receive a degree because I was only enrolled in summer school, earning 12 hours of credit.

Cumberland School of Law: September 1973 through May 1976. J. D., *magna cum laude*. Class Rank: Third; *Curia Honoris* Honor Society; Dean's List; Who's Who Among Students in American Colleges and Universities; Associate Editor, *Cumberland Law Review*; Cumberland Moot Court Board; Winner, Moot Court Appellate Argument Competition, Law Day 1975; Academic Standards Committee; Full Tuition Merit Scholarship; American Jurisprudence Book Awards: Civil

Procedure, Real Property, Corporations, Estates and Trusts, Uniform Commercial Code, Domestic Relations; Phi Delta Phi Legal Fraternity; Assistant to professor in editing his treatise on the UCC.

PERSONAL INFORMATION

15. State your age and date of birth.

64. February 14, 1949.

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

Nearly 33 years, since July 1980.

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

Nearly 33 years, since July 1980.

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

Davidson.

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.

Not applicable.

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.

No.

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.

No.

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.

Not applicable.

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.

No, nor at any time more than five (5) years ago.

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

No.

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.

I filed a collection lawsuit in Alabama in 1977. I have no record of the docket number. The lawsuit was filed in Civil Court, the Alabama equivalent of General Sessions Court. I won a default judgment and collected what I was owed through garnishment.

A person who filed a Complaint with the Tennessee Ethics Commission appealed the Commission's dismissal of the case under T.C.A. § 3-6-203(a) because it did not allege conduct that was within the Commission's jurisdiction. He twice appealed the dismissal to the Chancery Court of Davidson County. The Commission as an entity was the named appellee, so my name does not appear. The appeals were consolidated and the court affirmed the Commission. Under T.C.A. § 3-6-201(a), the Commission's records never became public, as the matter never reached the stage of a determination of probable cause. Violation of the confidentiality of the record is a misdemeanor under § 3-6-201(b). There is no exception for the situation where a complainant appeals a dismissal and thus makes it a public record himself. Out of an abundance of caution, I am not disclosing identifying information.

As Executrix of relatives' estates, I have participated in proceedings to open, administer and close their probate estates.

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.

Appointed by Speaker Jimmy Naifeh to newly-created Tennessee Ethics Commission; confirmed unanimously by Tennessee House of Representatives, April 19, 2006, for four-year term
 Nashville and Tennessee Women's Political Collaboratives (Director-at-Large of NWPC in 2004)
 Nashville Kiwanis Club
 English-Speaking Union of the United States and Nashville Branch*
 Phi Beta Kappa
 Phi Beta Kappa Association of Nashville (Secretary, 2005 to Present)
 Sugartree Homeowners' Association (Board Member, 2006-2008; Secretary 2007-08; Past Board Member, Three-Year Term; Past Chair, Architectural Review Committee and Covenants and Bylaws Committee)
 Westminster Presbyterian Church
 Sweet Briar, Vanderbilt and Cumberland Alumnae/Alumni Associations (Sweet Briar Class President, 2006-2011)
 Nashville and Tennessee Republican Women's Clubs
 First Tuesday Republican Luncheon Club
 Republican National Lawyers Association

*The English-Speaking Union is not an "English First" organization. It was founded in England and its website, <http://www.esu.org/>, lists chapters in 59 countries from Albania to Yemen. Until 2011, the President of the E-SU was Prince Philip. Since his retirement, the President has been Princess Anne. Former Representative Patricia Schroeder is the outgoing Chair of the English-Speaking Union of the United States (<http://www.esuus.org/esu/>). President Dwight D. Eisenhower is an example of a past Chair. Activities include sponsoring scholarships for students, providing grants to send teachers to other countries, holding Shakespeare competitions, and other endeavors to foster international understanding. The Nashville Branch (<http://www.esuus.org/nashville/>) sends a high school teacher to a Shakespeare workshop either at the Globe Theatre in London, or at one of two locations in the United States. Each year, it hosts a teacher from another country, such as Argentina, who is touring cities in the United States. It holds local get-togethers ranging from dinners with guest speakers, to Sunday afternoon teas, to a Twelfth Night pot-luck dinner.

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.

In response to Question 27.a.:

I belonged to a high school sorority from tenth through twelfth grades.

I belonged to the Brownie Scouts and Girl Scouts from third through eighth grades.

When I attended Sweet Briar College, which was a women's college, I belonged to

various campus organizations.

I was nominated by the Tennessee Lawyers' Association for Women and appointed by Governor Don Sundquist to be one of the original members of the Tennessee Economic Council on Women, created under T.C.A. § 4-50-101, *et seq.* For most of my tenure, the Council consisted only of women. The governing statute does not limit membership to women, except that one member shall be appointed from the legislative women's caucus. The Governor and Speakers appoint the Council members, who are nominated by statutorily-designated constituencies. Undoubtedly, the nominating constituencies and appointing authorities were inclined to nominate and appoint women to such an entity. Late in my term, a male legislator was appointed, and a different male legislator is now on the Council. My term ended in 2004, and the statute prohibited those original members who had served a full six-year term from being reappointed, T.C.A. § 4-50-101(d).

Question 27.b. is not applicable.

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.

Alabama State Bar, 1980 – Present (Special member since 1980)
American Bar Association, 1976 - Present
 Sections on Litigation and Law Practice Management (Women Rainmakers Committee)
Elected to American Bar Foundation, 2012
Tennessee Bar Association, 1981 - Present
 Section on Bankruptcy Law
Elected to Tennessee Bar Foundation, 2007
Federal Bar Association
 Nashville Chapter, Treasurer 2012-2013
Hearing Officer, Tennessee Board of Professional Responsibility, 2 Terms, March 2003 - March 2009
Tennessee Supreme Court Historical Society Board of Directors, 2004 to Present
 Chair, Publication Committee, 2006 to present; Secretary, 2012-2013
Tennessee Judicial Conference Bench-Bar Relations Committee, 2000-2003, 2005-2014
 Chair, 2001-2002
Nashville Bar Association (ca. 1981 – Present)
 Secretary and Board Member, 2006; CLE Committee (Vice-Chair, 2000, Chair 2001, CLE Excellence Award, 2005); Appellate Practice Committee; Bankruptcy Court Committee (Chair 1997); Federal Court Committee
Elected to Nashville Bar Foundation, 1999
Tennessee Lawyers' Association for Women (ca. 1990 – Present)
 President, 2000-2001
 Ex Officio Member, Tennessee Bar Association Board of Governors
 Ex Officio Member, Tennessee Judicial Conference Executive Committee
 President-Elect, 1999-2000

Board Member, 2001-2004
Treasurer, 1994-1995, 2004 to Present
Past Chair, Judicial Appointments and Elections Committee and Bylaws Committee
Wrote Two *Pro Bono Amicus Curiae* Briefs in United States Supreme Court: *Brentwood Academy v. Tenn. Secondary Schools Athletic Assn*, 531 U.S. 288, 121 S. Ct. 924, 148 L. Ed. 2d 807 (2001); *Tenn. Secondary Schools Athletic Assn v. Brentwood Academy*, 552 U.S. 291, 127 S. Ct. 2489, 168 L. Ed. 2d 166 (2007)
Nashville Lawyers' Association for Women (ca. 1990 – Present)
Chair, Networking Committee, 2005-2006; Past Chair, New Admittee Breakfast
American Bankruptcy Institute
International Women's Insolvency and Restructuring Confederation (ca. 2010 – Present)
National Association of Chapter 13 Trustees (Dates Not Certain)

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.

Martindale-Hubbell AV rating (approximately 20 years)
Elected to American, Tennessee and Nashville Bar Foundations
Served as President and Treasurer (for many years) of TLAW
Served as Secretary of Nashville Bar Association
Served as Chair of the Judicial Conference Bench-Bar Relations Committee
Recipient of Nashville Bar Association CLE Excellence Award
I believe that my appointments to the Tennessee Economic Council on Women and the Tennessee Ethics Commission were based upon my professional accomplishments and reputation.

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

Article on firm's website: "Special Priority for Sellers of Goods in Customers' Bankruptcy Cases," January 2010
Paper: "Expanding 11 U.S.C. § 330(a)(4)(B) to Compensation for Attorneys Representing Chapter 11 Debtors," for ABA Business Law Section, Business Bankruptcy Committee, Individual Chapter 11 Subcommittee Meeting, October 25, 2012
Seminar materials:
TBA seminar, 1995 (can no longer access materials)
Creditors' rights seminar, 1997 (can no longer access materials)
Heritage seminar, "Ethical Problems and Considerations in Bankruptcy Law," September 24 and 25, 1997
NBA bankruptcy seminar, May 19, 1998 (can no longer access materials)
Heritage seminar, "Collection Law and Strategies for Lenders and Creditors" (Segment

on Consumer Bankruptcy Law), July 15, 1999

Lorman seminar, "Advanced Collection Law in Tennessee" (Segment on Bankruptcy: Does the Collection Stop?), March 22, 2001

NBA seminar, "Post-Judgment Collection," March 14, 2002

NBA seminar, "How Would Bankruptcy Affect Your Client?" (Segment on Bankruptcy Basics), October 17, 2002

NBA seminar, "Perfecting Your Appeal" (Segment on Supreme Court Rule 23), January 2003

LSI Law Seminars International, "Advanced Workshop on Real Estate Remedies – Single-Asset Bankruptcy Cases," March 6, 2003

Sterling seminar, UCC Article 9, "Protecting Existing Loans Under Revised Article 9 and Making the Transition," January 13, 2004

Sterling seminar, "Foreclosure and Repossession" (Segment on Bankruptcy and Foreclosure), April 6, 2004

NBA seminar, "How to Win the War After Winning the Battle: A Systematic Approach to Execution of a Tennessee Judgment," July 2005

NBA seminar, "Follow the Money: Campaign Finance Law for the 2006 Tennessee Races" (Segment on What's Special About Judicial Races?), November 1, 2005

Lorman seminar, "Issues in Commercial Mortgage Foreclosure in Tennessee," March 16, 2006

National Business Institute ("NBI") seminar, "Impact of Bankruptcy on Real Estate and Title Insurance," March 28, 2006

NBA seminar, "Federal Rules Update: Discovery of Electronic Information," September 25, 2006

Legal Secretaries International, Inc. seminar, "Federal Rules Update: Discovery of Electronic Information," October 26, 2007

NBI seminar, "Impact of Bankruptcy on Real Estate and Title Insurance," March 6, 2008

NBI seminar, "Protecting the Creditor's Rights in Bankruptcy" (Segment on Special Rights in Particular Property), 2011

NBI seminar, "Real Estate Law: Advanced Issues and Answers" (Segment on Liens Against Real Property: Perfection and Enforcement Thereof), December 3, 2012

Collaborated with Bench-Bar Relations Committee subcommittee to produce and present continuing education programs on judicial ethics to trial court judges and General Sessions judges, ca. 2000

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.

Please note that my service on the Ethics Commission (2006 through 2010) required a

tremendous amount of time. I had to forego many activities, including presenting at seminars.

In addition to seminars that I have produced, I have presented at the following seminars for which credit was given, in the last five years:

NBI seminar, Protecting the Creditor's Rights in Bankruptcy (Segment on Special Rights in Particular Property), 2011

NBI seminar, Real Estate Law: Advanced Issues and Answers (Segment on Liens Against Real Property: Perfection and Enforcement Thereof), December 3, 2012

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 held two (2) public offices. Further information is the response to Question 8 above.

I was nominated by the Tennessee Lawyers' Association for Women, and appointed by Governor Don Sundquist, to be one of the original members of the Tennessee Economic Council on Women. The governing statute is T.C.A. §§ 4-50-101, *et seq.*

In 2006, I was nominated by the House Republican Caucus and appointed by Speaker Jimmy Naifeh to be one of the original members of the Tennessee Ethics Commission.

I have been an applicant or candidate for office three (3) times:

In 2008, President George W. Bush was going to appoint me to the Board of the Securities Investor Protection Corp. (SIPC), which administers insolvent securities brokerages. I was investigated by the FBI and spent months communicating with the Office of White House Personnel, the White House Counsel's Office and the Office of Governmental Ethics. The appointment required Senate confirmation. The nomination would have gone through the Senate Banking Committee in September 2008, exactly when the banking crisis occurred. At that late point in President Bush's term, no Presidential appointments were being confirmed, and the Senate Banking Committee was completely consumed by the financial crisis.

I applied twice for appointment to the Tennessee Court of Appeals, in 1997 and 1998. The position would have been appointive, but if I had been appointed, the position would have become elective.

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

No. However, I was a member of the Tennessee Ethics Commission, which regulates lobbyists.

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.

Exhibit A. *Jahn v. Community Trust and Banking Co. (In re Akins)*, Docket No. M2002-00337-SC-R23-CQ. This was a Chapter 7 Trustee's adversary proceeding in the U. S. Bankruptcy Court for the Eastern District of Tennessee, seeking to avoid (nullify) a deed of trust lien, contending

that the acknowledgment was defective. It entailed a 1987 statute that had never been construed, T.C.A. § 66-22-114(b). The title insurance company that had insured the lender's lien engaged me to defend the lender. I invoked Supreme Court Rule 23 so that the highest state court could interpret the statute. This is my Supreme Court brief. The Court upheld my position in *In re Akins*, 87 S.W.3d 488 (Tenn. 2002). This is entirely my personal effort.

Exhibit B. *AXA Equitable Life Ins. Co. v. Grissom*, Docket No. Case No. 3:11-0618 (M.D. Tenn.). This was a memorandum of law in support of a motion for a temporary restraining order and preliminary injunction. I represented the Plaintiff/Movant, AXA Equitable. The District Court granted the TRO, and the parties entered into an agreed preliminary injunction (both of which documents I drafted). This is entirely my personal effort.

Exhibit C. *Rogers v. Lang (In re Lang)*, Adversary Proceeding No. 3:12-90215 (Bankr. M.D. Tenn.). My firm represented Ms. Pamela Evans of California, who objected to a proposed settlement of the adversary proceeding between the Langs' Chapter 7 Trustee and a California attorney and his law firm, who had committed legal malpractice in Ms. Evans' wrongful death action. All of the research was mine. The initial draft was entirely mine. My law partner, Mr. Thomas H. Forrester, reviewed the draft and I am sure suggested some changes. I estimate that this is 98% my personal effort.

Exhibit D. *Bank of America, N.A. v. Nashville Commons, L.P.*, Docket No. 12-490-II (Chancery Court for Davidson County, Tenn.). This was a receivership, initiated by Bank of America under loan documents with Nashville Commons, the owner of a shopping center in Davidson County. My law partner, Mr. G. Rhea Bucy, was the Receiver. Certain litigation was resolved in the U. S. District Court and the Receiver collected some \$4.2 million from a letter of credit that had been improperly drawn by the District Court defendant. The receivership was ready to be concluded. At the last minute, a construction company decided to attempt to capture some of those funds by seeking to intervene in the receivership. The Receiver and Bank of America opposed the motions and the Chancellor ruled in their favor, announcing her findings from the bench. The exhibit is the Memorandum Opinion that we prepared to embody her ruling. The initial draft was entirely mine. Mr. Bucy added Paragraph 2 and some additional edits. I estimate that this is 90% my personal effort.

Exhibit E. *Woosley v. Woosley*, Docket No. 3:09-cv-0910 (M.D. Tenn.). I represented the former wife of a Chapter 7 Debtor, who sought to discharge his obligations under a contract with Ms. Woosley that modified their Williamson County marital dissolution agreement, despite the nondischargeability of such obligations under 11 U.S.C. §§ 523(a)(5) and (a)(15). The Bankruptcy Court entered a partial summary judgment in my client's favor, in a Memorandum Opinion which I drafted. The Debtor appealed to the District Court. This exhibit is my brief in the District Court appeal. The District Court affirmed the Bankruptcy Court in *Woosley v. Woosley*, 2010 U.S. Dist. LEXIS 10304 (M.D. Tenn. 2010). This is entirely my personal effort.

Exhibit F. *Mariner's Pointe Interval Owners Association, Inc. v. Econ Marketing, Inc.*, Tennessee Supreme Court Docket No. 01S01-9803-FD-00052. This was a bankruptcy case in which Judge Keith Lundin referred a question of Tennessee law to the Supreme Court under Rule 23. My firm represented Mariner's Pointe. The case was never argued because after we filed our brief, Econ Marketing promptly settled. As this was a 1998 case, I cannot state with specificity the percentage that constitutes my effort as opposed to that of my partner, Mr. Bucy, but the research and drafting were mine with his input and suggestions.

Exhibit G. *In re Complaint of Mikhael Shor*, Docket No. C 08-08 (Tenn. Ethics Commission 2008). Previously, two legislators had requested the Ethics Commission to issue an advisory

opinion under T.C.A. § 3-6-107(3), on whether a business and individuals were illegally lobbying without registering. The Commission declined to issue an opinion because we concluded that only a person actually affected by an advisory opinion could submit a request. Then, an individual filed a Complaint under T.C.A. § 3-6-201(a)(1). The Commission held a hearing and dismissed the Complaint because, as a matter of law, the activity did not constitute lobbying and the alleged violators were not lobbyists. The exhibit is the Memorandum Opinion and Order dismissing the Complaint. This is 99.99% my personal effort; I believe that another member of the Commission suggested a couple of words.

ESSAYS/PERSONAL STATEMENTS

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

I am called to serve the public and my profession, and am eminently qualified to serve in this capacity. I love both the practice of law and the study of the law. I enjoy research, analysis and writing, putting all necessary effort into analyzing a complicated factual puzzle and studying the applicable legal principles, whether common law, the United States or Tennessee Constitution, federal or state legislation, or rules of procedure or evidence, to arrive at the correct result. The amount at issue or the identity of the parties does not govern my level of interest or effort, or my conclusion. I am conscious of both the practical and precedential aspects of appellate opinions and the need to avoid unintended consequences. I possess common sense and a strong sense of duty, and am willing to work hard and serve with honor and integrity.

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)

I have represented numerous people of limited means for greatly reduced fees or for no fees (through the *pro bono* program, or privately). My customary rates would have amounted to several hundred thousand dollars. Some matters have lasted for years. One involved an appeal to the Sixth Circuit and a petition for writ of certiorari to the U. S. Supreme Court.

A client referred by the *pro bono* program in 1994 became a personal friend and long-term *pro bono* client. We talked frequently about his personal problems in addition to his ongoing legal problems. My husband got to know him and gave him clothing. One of my partners prepared his will. He moved out of state and passed away several years ago.

I have devoted hundreds of hours to activities that qualify for *pro bono* credit under Supreme Court Rule 6.1.

I applaud the Access to Justice program.

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)

Tennessee Court of Appeals.

Area: Statewide, divided into sections. I am applying for the Middle Section.

Civil cases.

Twelve (12) judges. Four (4) on the Middle Section.

My selection would have a positive impact. I have experience in numerous areas of substantive and procedural law. My career has been eclectic, which I have greatly enjoyed. Bankruptcy law is a complicated statutory structure within which every conceivable issue of federal or state law may arise. Nonjury trials and motion practice hone the same skills as appellate work. I am good at perceiving the nuances and "culture" of a case, discerning the decisive facts and points of law. I am keenly interested in constitutional law and legal history. I sincerely enjoy the rigorous research, analysis and writing that this judgeship would entail. I am confident that I would work well with the other judges and staff.

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)*

The community organizations in which I participate are listed in response to Question 26.

If I am appointed to this judgeship, my first priority will be to devote myself to the duties of my position and to discovering how I can best serve the judiciary and be an ambassador to the legal profession and the public. I will be eager to speak to civic groups, students, and other audiences. I will be active in the Tennessee Judicial Conference and if time permits, in the judiciary at the national level.

I will want to take appropriate courses through the National Judicial College and within Tennessee, such as the Tennessee Judicial Academy. I will present at and continue to attend education courses, conferences and seminars on a variety of subjects.

I expect to remain active in the TBA, NBA, TLAW and LAW, and continue to serve on committees.

It is premature to state what other community involvement I would have. Certainly, whatever involvement I have would be within the bounds of the Code of Judicial Conduct.

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 was raised in a small town, Jackson. My parents were extraordinary individuals, who taught me sound values, civic duty and life skills by word and example. I was surrounded by adults who were fine people and showed interest in me. My parents set high standards and instilled a love of learning as well as a love of life and my fellow human beings.

I never believed that a girl could not excel academically or in life.

I did well in school and participated in many extracurricular activities. I was Valedictorian of my high school class and a National Merit Semifinalist. (My father declined to submit the paperwork for me to become a Merit Scholar.) I have a facility for language and diagrammed sentences through high school. I know a smattering of Spanish, French, German and Italian. I am excellent at science and math, and as a judge I would grasp medical, engineering, chemical,

financial and similar evidence.

I believe in professional courtesy and collegiality, and generally get along famously with fellow and opposing counsel.

I have had the pleasure of serving on committees with state and federal judges, getting to know them as intelligent, interesting people and not as authority figures remote from day-to-day life.

Small town life is quite egalitarian, and I was raised to treat everyone with the same courtesy.

I possess a sense of humor and love laughter. If I were a judge, I would remain humble and unassuming while conducting myself with appropriate dignity.

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)*

Yes.

There have been occasions when, in my opinion, a statute could have been worded better or should have been different. I have disagreed with trial and appellate court rulings. Nevertheless, I am bound by statutes and rules as enacted and by court rulings, unless a lower-court ruling is reversed on appeal, or it would be appropriate to urge a change in existing law or interpretation thereof, or to assert that a statute is unconstitutional.

There are provisions of the Bankruptcy Code, particularly the 2005 amendments, and Supreme Court opinions on bankruptcy law, with which I disagree, but if I encounter them, I must comply with them. There are provisions of the Tennessee Ethics Act which could have been improved upon, but it was my duty to apply the statute as written.

By submitting this application, I am a candidate for judicial office as defined in Supreme Court Rule 10, the Code of Judicial Conduct. Canon V.E. provides that Canon V applies to me as a candidate. Canon V.A(3)(d)(ii) provides that a candidates shall not "make statements that commit or appear to commit the candidate with respect to cases, controversies or issues that are likely to come before the court." I am concerned that I could violate that Canon by naming specific statutes, rules or cases with which I disagree.

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. Mr. Thomas H. Forrester
Member, Gullett, Sanford, Robinson & Martin, PLLC
Suite 1700
150 Third Ave., South
Nashville, TN 37201
615-244-4994

B. Mr. M. Taylor Harris, Jr.

<p>Member, Gullett, Sanford, Robinson & Martin, PLLC Suite 1700 150 Third Ave., South Nashville, TN 37201 615-244-4994</p>
<p>C. Ms. Dianne F. Neal ██████████ Nashville, TN 37205 ██████████</p>
<p>D. Dr. William Ford Weatherford Chair of Finance Room N330, Bldg BAS MTSU Box 0027 Murfreesboro, TN 37132 (615) 898-2889</p>
<p>E. Ms. Yvonne Wood Chair, Tennessee Economic Council on Women ██████████ Lebanon, TN 38087 ██████████</p>

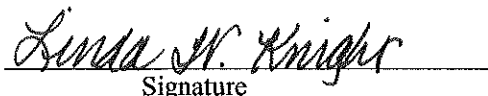
AFFIRMATION CONCERNING APPLICATION

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 of Appeals 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: June 12, 2013.



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

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 which 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 Tennessee Judicial Nominating Commission to request and receive any such information and distribute it to the membership of the Judicial Nominating Commission and to the office of the Governor.

Linda W. Knight

Printed Name

Linda W. Knight

Signature

June 12, 2013

Date

9205

BPR #

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

Alabama - 0036-N74L