

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

04/15/16

Name: Gareth C. Leviton

Office Address: 22. S. Second Street  
Memphis, Tennessee 38139  
(including county) (Shelby County)

Office Phone: (901) 628-3078 Facsimile: (901) 756-3834

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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](http://www.tncourts.gov)). The Commission requests that applicants obtain the word processing form and respond directly on the form. Respond in the box provided below each question. (The box will expand as you type in the document.) Review the separate instruction sheet prior to completing this document. Submit original (unbound) completed application (with ink signature) to the Administrative Office of the Courts. In addition, submit a digital copy with electronic or scanned signature via email to [debra.hayes@tncourts.gov](mailto: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.

Consultant/Special Counsel  
Universal Protection Service, L.P.

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

1993 – TN BPR #016973

3. List all states in which you have been licensed to practice law and include your bar number or identifying number for each state of admission. Indicate the date of licensure and whether the license is currently active. If not active, explain.

Tennessee 1993 – BPR #016973 Active  
Illinois 1979 – ARDC #3125348 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).

1. 1/29/2016 –Present: Consultant/Special Counsel – Universal Protection Service, L.P.
2. 5/8/1996 –1/28/2016: Vice President & General Counsel – Guardsmark, LLC
3. 12/1/1991- 5/8/1996: Counsel-Senior Litigator – Federal Deposit Insurance Corporation
4. 8/1/1997 – 9/1/1991: Senior Litigation Associate, Morrissey & Kay, Oakbrook, IL
5. 6/1/1981 – 8/1/1997: Assistant State’s Attorney, Cook County, IL
6. 12/1/1979 – 5/31/1981: Assistant State’s Attorney, Livingston County, IL

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.

Litigation Management -- 50 percent  
 Contract Review and Negotiation – 25 percent  
 Regulatory Compliance – 25 percent

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.

As a prosecutor in Cook County, Illinois, I personally tried over 25 felony jury trials, approximately 100 – 150 bench trials, as well as several hundred contested evidentiary motions.

As a civil attorney for Cook County, Illinois, I briefed and argued approximately 10 civil appeals regarding election laws.

In private civil practice, I tried approximately 15 civil jury trials (primarily commercial cases), representing the defendant in 10 trials and the plaintiff in approximately 5 cases.

As Counsel-Senior Litigator for the FDIC I tried approximately 5 regulatory enforcement proceedings before a federal administrative law judge.

As Vice President and General Counsel of Guardsmark, LLC I directly supervised outside legal counsel in literally hundreds of lawsuits, both as plaintiff and as defendant. Such cases generally involved commercial disputes, employment discrimination complaints or personal injury claims. In this capacity, I personally made all tactical decisions regarding the litigation, including trial tactics and settlement strategy.

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

In 1985, I was one of three trial prosecutors in the first successful criminal homicide prosecution of a corporation and corporate officers for industrial workplace death involving manufacturing workers.

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

While practicing in Cook County, Illinois, I served on several occasions as a court-appointed mediator and arbitrator for civil disputes of less than \$25,000 under a pilot program established by the Circuit Court of Cook County, Illinois.

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

None.

**EDUCATION**

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

1. John Marshall Law School, Chicago, IL: August 1976 – June, 1979. Juris Doctor degree  
2. Tulane University, New Orleans, LA: August 1972 – May, 1976. Bachelor of Arts in English

**PERSONAL INFORMATION**

12. State your date of birth.

June 22, 1954

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

24 years.

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

24 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.

None.

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

No.

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

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.

None.

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.

Alexis De Tocqueville Society of the United Way of West Tennessee.

Glenalden Homeowner's Association.

Tulane University Alumni Association.

John Marshall Law School Alumni Association.

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.

No.

**ACHIEVEMENTS**

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

American Corporate Counsel Association

National Association of Security Companies (NASCO)

American Society for Industrial Security (ASIS)

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.

I was honored by the Michigan Council on Occupational Safety & Health (MICOSH) for my precedent setting legal work in the successful criminal prosecution of a corporation and corporate officers for homicide in connection with an industrial workplace death. I was similarly honored by the Massachusetts Council on Occupational Safety and Health (MCOSH) for the same matter.

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 believe that serving the legal community of Shelby County and the 30<sup>th</sup> Judicial District would be the highest form of public service that I could aspire to. I believe that the varied legal experience that I have acquired in the many different roles that I have performed would be instrumental in presiding over legal disputes in an efficient, fair and impartial manner.

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 applying for the upcoming vacancy of Judge Donna Fields of the 30<sup>th</sup> Judicial Circuit Court in Shelby County, Tennessee. This court consists of nine divisions, with one judge in each division. This court handles all types of cases. I believe that my extensive and varied trial and business experience would make a significant contribution to the court.

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

I will uphold the law, even if I disagree with the substance of the law at issue. I believe a judge's role is to uphold the law – not make the law. Recently, federal agencies such as the NLRB, DOL and EEOC have taken increasingly aggressive enforcement postures with respect to the laws they administer. Notwithstanding my disagreement with these agencies interpretation of the law, I have been committed to ensuring that the company I represent be in strict compliance with all legal requirements.

#### REFERENCES

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

A. Ira A. Lipman, Chairman Emeritus and Founder, Guardsmark, LLC

B. Leo J. Bearman, Esq., Partner, Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C.

C. W.J. Mike Cody, Esq., Partner, Burch, Porter & Johnson, PLLC

D. Edward R. Young, Esq. – Partner, Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C.

E. Daniel S. Weber, Judge of the Circuit Court of Cook County, Illinois (retired).



**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 Circuit Court of the 30<sup>th</sup> 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: July 6, 2016.

  
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Gareth C. Leviton

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.

Gareth C. Leviton  
Type or Print Name

Gareth C. Leviton  
Signature

July 6, 2016  
Date

016 973  
BPR #

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

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Attorney Registration and Disciplinary  
Commission of the Supreme Court of Illinois  
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December, 1979  
ARDC #3125348  
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