

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

04/15/16

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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.

Attorney, self-employed. I currently practice law in the east Tennessee area, including the 4th, 6th, and 8th Judicial Districts.

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

I was sworn in by the Tennessee Supreme Court on November 4, 2013. My BPR number is 032412.

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 am not licensed to practice law in any other state.

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).

2013 to present:

In May of 2013, I graduated from Duncan School of Law, Lincoln Memorial University with my Juris Doctorate. I successfully completed the bar exam in July of 2013. Since that time, my only employment has been as a self-employed attorney. Shortly before my graduation my husband and I purchased a small house on the main highway in Blaine where we live, and we remodeled it for my office. My first experience as an attorney was in the criminal law area of the 4th, 6th and 8th Districts. During the past four years, my practice has expanded from the criminal court into the civil court arena. Currently, I have many criminal cases as well as several civil cases. My civil practice includes divorces, contract disputes, personal injury, wills and probate issues. I

thoroughly enjoy the wide variety of cases that I am able to participate in as a self-employed practitioner.

2010-2013:

Attended the Duncan School of Law Lincoln Memorial University full-time day program.

2009 – 2010

During this year, I was waiting to be accepted in to law school and worked as a paralegal at the Kaufman Law firm.

1992 – 2009

In May of 1992, I graduated from Bristol University with an Associate Degree in Court Reporting. Upon graduation, I began working as a court reporter and continued this work until I entered law school in 2010. While court reporting, for approximately 17 years, I worked in many different courts in the east Tennessee area. As a court reporter, you are exposed to a wide variety of law topics ranging from family law, civil litigation, and criminal law. During this time, I also worked in Monroe County Florida for approximately three years.

This covers the previous 25 years. Prior to this, I worked in several small jobs as office assistant, receptionist, or waitress. I cannot recall the details of these different employments at this time.

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.

My practice consists of various types of cases. Currently, the majority of my cases are in the area of criminal law, approximately 75%. I have family law cases, including divorce, adoption, wills, and probate matters, approximately 15%. The remaining 10% of my cases would be personal injury, social security filings, and general civil litigation.

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.

At this point, my experience as a licensed attorney is completely in the trial court arena.

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

I would highlight as a special note, that I love all areas of my practice. In particular, in my

criminal law cases, I devote a lot of time to helping and assisting my criminal clients with rehabilitation services, such as employment, treatment programs, and counselling for becoming a productive member of society.

I support the Drug Court Programs 100% and work very hard to assist my clients with substance abuse issues.

Further, I work with the district attorneys and many governmental / medical programs to assist my clients who have mental health issues to get them an established support system and accepted into treatment programs.

With regard to my civil cases, I would highlight the fact that I work hard to achieve an outcome for their cases which is fair under the law and that is satisfying to them.

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

My legal experience began in 1992 when I began working as a court reporter. I knew then that I would one day become an attorney. Shortly after beginning work as an attorney, I knew I would one day be a judge. I know this is what I am meant to do.

For seventeen years, my experience as a court reporter exposed me to many different areas of law. Listening to the many arguments of counsel and rulings of judges was a very valuable education. Now working as an attorney, I utilized the knowledge I have gained over the past twenty years to make my practice of law a successful career.

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

I have not submitted an application for any other state or federal judicial position.

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.

2013 – Duncan School of Law, Doctor of Jurisprudence

2008 – Tennessee Wesleyan College, Bachelor’s Degree in Business Administration

1992 – Bristol University, Associate of Science in Court Reporting

Please see resume for details.

PERSONAL INFORMATION

12. State your date of birth.

June 19, 1962.

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

My husband was in the military and we moved back to Tennessee in 2005 after his discharge from service. We have lived at our current address since July 2005.

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

We have lived at our current address in Grainger County since July 2005.

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

I am registered to vote in Grainger County, Tennessee.

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.

I do not have any military service.

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, never.

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, not to my knowledge.

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.

To my knowledge, I do not have any complaints filed against me anywhere.

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, not to my knowledge.

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.

The only legal proceedings I have been involved in as a party are divorces. I have been married to my husband, Ronald M. Vargas, for fifteen years now. I have always looked forward in life, and do not dwell on the past. I put these issues in my rearview mirror; therefore, I cannot remember the small details regarding my previous divorces.

1984/85 Divorce, Chipman v. Chipman, Grainger County, TN

1989/90 Divorce, Armbruster v. Armbruster, Pinellas County, FL

1997/98 Divorce, Bull v. Bull, Grainger County, TN

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.

I am not a member of any civic, charitable, religious, educational, social, or fraternal organization.

24. Have you ever belonged to any organization, association, club or society which limits its membership to those of any particular race, religion, or gender? Do not include in your answer those organizations specifically formed for a religious purpose, such as churches or synagogues.
- If so, list such organizations and describe the basis of the membership limitation.
 - If it is not your intention to resign from such organization(s) and withdraw from any participation in their activities should you be nominated and selected for the position for which you are applying, state your reasons.

No, I have not ever belonged to any such organization, association, club, or society which limits membership.

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.

I am a member of the following:

Tennessee Bar Association (TBA) since 2013/14

Knoxville Bar Association (KBA) since 2013/14

Tennessee Association of Criminal Defense Lawyers (TACDL) since 2013/14

I have not held office or served on a committee.

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 devote the majority of my time to working. I have not received any such honors, prizes, or awards from any organization. I am rewarded when a client calls me after their case is completed and say "Thank you so much for helping me with my case. It was because of you that I was able to straighten out my life." In my short four years as an attorney, I have had several clients call and thank me personally for going that extra mile to help them when they really needed it. I opened my office in my home town in Grainger County because I wanted to be *here* to help the people of my district. My time working as an attorney has been extremely rewarding.

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.

I have not held any public office.

ESSAYS/PERSONAL STATEMENTS

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

The main reason I am applying for this position is: I absolutely love this work. Since 1992, I have worked in the legal field and have loved every day of it. I enjoy helping the citizens of my district with legal advice. Often residents of Grainger and surrounding counties call me with a question, and I appreciate the opportunity to help them understand their legal issue.

Since becoming an attorney, I have built many positive, successful professional relationships with the judiciary I practice before, the district attorneys I work with in criminal matters, and the opposing counsel I work with in different civil matters. I have established this good foundation in multiple judicial districts. This foundation of good relationships with other members of the bar and the judiciary will be a great asset to me in performing the necessary work of a circuit court judge.

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)*)

The 4th District consists of Grainger, Sevier, Jefferson and Cocke Counties. Grainger and Cocke Counties are rural. Many of the citizens are farmers. Jefferson and Sevier Counties are industrial, with Sevier County having a large focus on the hospitality industry.

In our district, circuit judges preside over criminal and civil matters. We have four sitting judges: Duane Slone, Rex Ogle, Richard Vance and Ben Hooper, who rotate from county to county on a weekly basis.

As a woman, I would bring diversity to the Judiciary. My established professional relationships with the judges will make the transition seamless. I will be able to work harmoniously with the judges. I look forward to relying on their skill and expertise, when needed. I am the person for this position.

Having a woman on the bench would set an example to young women in the district: It is possible for them to achieve success.

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)*

Absolutely. Working in the legal field, I have come to know the law is fluid. Sometimes the changes work out well for society, and sometimes the results obtained do not necessarily achieve the goals the legislature intended.

For example, the 2014 law which made it a crime to expose unborn children to drugs is not something I necessarily agree with because I believe this law causes mothers to fear punishment and disregard the welfare of their unborn child. However, it is the current state of the law and must be followed unless and until it is changed.

I do agree with the recent change in the theft statute. Increasing the misdemeanor theft limit from \$500.00 to \$1,000.00 brings the theft statute in line with the value of goods available in the market place. It reduces the number of felony charges in the court system which will decrease jail and prison populations, and reduce the impact on judicial and court resources.

These areas of law are huge social issues. The drug law for expectant mothers dramatically affected the innocent lives of the babies. The increase in the misdemeanor theft amount will decrease the burden on tax payer funds used to prosecute felony thefts. The extra funds could be distributed to other areas of society, such as infrastructure and education.

As a judge, I would not punish a person with anything more than the law allows. A judge should not overstep their authority, and they must be fair and impartial.

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. Shara K. Galloway
B. Charles A. Cerny
C. Dan "Buddy" Allen
D. Steve Freeman.
E. Creed A. Daniel

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 for the 4th 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 24, 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

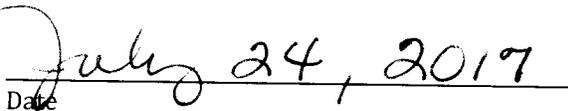
TENNESSEE BOARD OF PROFESSIONAL RESPONSIBILITY
TENNESSEE BOARD OF JUDICIAL CONDUCT
AND OTHER LICENSING BOARDS

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.

Nella Robin Vargas


Signature


Date

032412
BPR #

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

None