

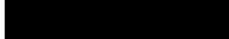
Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

04/15/16

Name: Darrell L. Scarlett

Office Address: 303 N. Walnut Street, Murfreesboro, Rutherford County, TN 37130
(including county)

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Home Address:  Murfreesboro, Rutherford County,
(including county) TN 37128

Home Phone: N/A Cellular Phone: 

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 in private practice with Catron & Scarlett.

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

Licensed 1988. BPR #13406.

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.

Licensed in Tennessee November 3, 1988, BPR #13406 and license is currently active. Admitted Pro Hac Vice in Alabama in 2006.

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).

I began my practice at Murfree, Cope & Moore in 1988 to 2009. In 2009 I began practicing at Bennett & Scarlett. Ben Bennett was appointed to the General Sessions bench in January, 2018 and the firm became Catron & Scarlett. All of these have been in Rutherford County. I am also one of the owners of On Target, Inc. in Murfreesboro which is an indoor shooting range and gun shop.

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 focuses on litigation with a concentration on Domestic Relations. I estimate Domestic Relations comprises 90% of my current practice. The remainder consists of a mixture of business, personal injury and estate litigation as well as litigation involving real estate.

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.

Over my thirty year career I have tried numerous jury and bench trials, both civil and criminal, in Rutherford and the surrounding counties. I have argued before the Court of Appeals and Court of Criminal Appeals more than forty times and have tried cases before the State Assessment Appeals Commission and the Tennessee Board of Nursing. I also tried a jury trial Pro Hac Vice in Alabama. Additionally, I have tried cases in Federal Court in the Middle District of Tennessee.

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

I successfully argued a case of first impression before the Court of Appeals. The case involved former step-parent visitation awarded pursuant to a Marital Dissolution Agreement.

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

I have served as a special judge in General Sessions and Juvenile Courts in both Rutherford and Cannon Counties. At the request of former Chancellor Robert Corlew, III, I served as a Presenter at the Barrister's Lions Club where I spoke on the topic of Domestic Relations for which CLE credit was given to attendees. I frequently serve as mediator in Domestic Relations cases and, to a lesser extent, personal injury cases.

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.

Tennessee Technological University – 1980-1984. I received a Bachelor of Science.

Cumberland School of Law, Samford University – 1985-1988. I received a JD.

While in law school, I participated in both the Moot Court and Mock Trial program, winning both competitions and receiving the best advocate award for both competitions as well. During my third year I was Chief Justice of the Moot Court Board and was a member of the National Moot Court team.

PERSONAL INFORMATION

12. State your date of birth.

██████████ 1962.

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

Thirty years.

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

Thirty years.

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

Rutherford.

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.

I responded to one complaint in 1998 and one complaint in 2008. Both were dismissed after investigation.

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.

Yes. Divorce case involving prior spouse. The Final Decree was entered February 27, 2013 in the Circuit Court for Wilson County, Docket #2011-DV-341. The divorce was granted on the grounds of irreconcilable differences.

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.

Lions Club.

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.

Rutherford/Cannon County Bar Association – past president. I have been a member since 1988.

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 appointed to, and continue to serve on, the Bench/Bar Liaison Committee since its inception approximately twenty years ago.

27. List any public office you have held or for which you have been candidate or applicant. Include the date, the position, and whether the position was elective or appointive.

None.

ESSAYS/PERSONAL STATEMENTS

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

I have had a successful civil and criminal trial practice for thirty years in Middle Tennessee, having tried numerous jury and bench trials before an array of varying judicial styles. Some of the best trial court judges I appeared before were lawyers who had lengthy, successful and varied practices who chose to leave those to serve on the Bench. Their sacrifice, and their service, strengthened the Judiciary and benefitted all citizens of the State of Tennessee. They gave back to the profession and to the State. I have reached the point in my career where, now, it is my turn to give back to my profession and bring my years of experience to the Bench. I have the qualifications, knowledge, experience and temperament to allow me to proudly and successfully follow in the footsteps of these Judges and continue the tradition of a strong judiciary in the State of Tennessee.

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

I am seeking to be appointed Judge for the 16th Judicial District Circuit Court serving Rutherford and Cannon Counties. If selected, based upon my experience in both civil and criminal matters, I would immediately be prepared to hear cases involving a wide variety of issues, thus allowing cases to progress quickly and efficiently.

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)*

Yes. When I began practicing law if a divorced parent wished to relocate out of state with the minor children, the Court was obligated to determine whether the best interest of the children was to stay in Tennessee or relocate with the moving parent. I believe that is the appropriate standard. Then the Tennessee Supreme Court decided Aaby v. Strange in 1996 and substantially modified that standard. Subsequently, the Tennessee General Assembly codified the holding in

Aaby v. Strange and created the Tennessee Relocation statute, T.C.A. 36-6-108. Although I personally believe the best interest of the children analysis is the appropriate standard, I have followed the law and applied the standards enunciated by the Supreme Court and Tennessee General Assembly.

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. Barry D. Tucker, 3048 Tanglefoot Cove, Murfreesboro, TN 37129. Phone [REDACTED]
Director of Oncology Global Medical Affairs for Merck, Inc.

B. Donna Barrett, 2225 Southeast Broad Street, Murfreesboro, TN 37127. Phone [REDACTED]
[REDACTED] Tennessee State Election Commissioner serving since 2014.

C. Ernest G. Burgess, Historic Courthouse, Room 101, 1 Public Square, Murfreesboro, TN 37130. Phone [REDACTED] Mayor for Rutherford County, Tennessee.

D. Honorable J.S. "Steve" Daniel, 503 N. Maple Street, Murfreesboro, TN 37130. Phone [REDACTED]
Circuit and Senior Judge, Retired.

E. Jeffrey L. Reed, 16 Public Square North, Murfreesboro, TN 37130. Phone [REDACTED]
Attorney at law and former law partner.


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 16th 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.

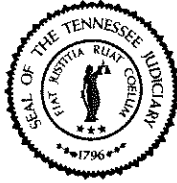
I understand that the information provided in this questionnaire shall be open to public inspection upon filing with the Administrative Office of the Courts and that the Commission may publicize the names of persons who apply for nomination and the names of those persons the Commission nominates to the Governor for the judicial vacancy in question.

Dated: July 5, 2018.



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**

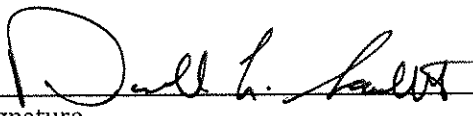
511 UNION STREET, SUITE 600
NASHVILLE CITY CENTER
NASHVILLE, TN 37219

**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.

Darrell L. Scarlett
Print Name


Signature

7/5/18
Date

13406
BPR #

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