

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

04/15/16

Name: Trisha L. Henegar

Office Address: 100 East Side Square, Shelbyville, Bedford County, Tennessee
37160, P.O.Box 103, Shelbyville, Tennessee 37162
(including county)

Office Phone: (931) 684-5424 Facsimile: (931) 684-6442

INTRODUCTION

Tennessee Code Annotated section 17-4-301 et seq. charges the Trial Court Vacancy Commission with assisting the Governor and the People of Tennessee in finding and appointing the best qualified candidates for judicial offices in this State. Please consider the Commission's responsibility in answering the questions in this application questionnaire. For example, when a question asks you to "describe" certain things, please provide a description that contains relevant information about the subject of the question and, especially, that contains detailed information that demonstrates that you are qualified for the judicial office you seek. In order to properly evaluate your application, the Commission needs information about the range of your experience, the depth and breadth of your legal knowledge, and your personal traits such as integrity, fairness, and work habits.

This document is available in word processing format from the Administrative Office of the Courts (telephone 800.448.7970 or 615.741.2687; website www.tncourts.gov). The Commission requests that applicants obtain the word processing form and respond directly on the form. Respond in the box provided below each question. (The box will expand as you type in the document.) **Review the separate instruction sheet prior to completing this document. Submit by the noon deadline date an original (unbound) completed application (with ink signature) to the Administrative Office of the Courts.** In addition, submit a digital copy with electronic or scanned signature via email to debra.hayes@tncourts.gov, or via another digital storage device such as flash drive or CD.

THIS APPLICATION IS OPEN TO PUBLIC INSPECTION AFTER YOU SUBMIT IT.

PROFESSIONAL BACKGROUND AND WORK EXPERIENCE

1. State your present employment.

I am a self-employed attorney with Wilson and Henegar, an association of attorneys in Shelbyville, Bedford County, Tennessee.

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

1995 – BPR 017404

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, BPR 017404 Admitted in October 1995. 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).

A few months before graduating from Shelbyville Central High School in 1987, I began working as a floater in the bookkeeping department of First National Bank in Shelbyville, Tennessee. While attending Middle Tennessee State University I worked as a resident assistant in Cummings Hall for three (3) years while returning home in the summer to work at the bank.

During my senior year at Middle Tennessee State University I began working in loss prevention

at Castner Knott department store. I continued that job when I began attending Nashville School of Law in 1991. I also worked part time for Judge Donald Harris, Circuit Court Judge of Williamson County, Tennessee as his jury attendant.

I was offered a position as a legal assistant to Jane Forbes, an attorney, in Franklin, Tennessee. I left Ms. Forbes' office and worked for a few months as a runner at Baker, Donelson, Bearman & Caldwell in Nashville, Tennessee.

I was contacted by Isham Bradley, an attorney I met while working for Ms. Forbes, and he offered me a position as his legal assistant. I worked for Mr. Bradley until I graduated from Nashville School of Law in 1995.

I shared office space as a sole practitioner with Mr. Bradley when I began my practice in October of 1995 until July of 1997.

In July of 1997, I made the best decision of my career and returned to my hometown of Shelbyville, Tennessee to practice law with Rondal T. Wilson, Sr., C. Kelly Wilson and Thomas E. Nance. I have continued to practice law with Kelly Wilson for the last twenty (20) years.

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.

I currently practice in the following areas: Family Law – 60%

Criminal Defense – 20%

Social Security Disability – 5%

Probate and Wills – 10%

Personal Injury and Miscellaneous Civil Matters – 5%

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.

I have practiced extensively in the Circuit and Chancery Courts of the 17th Judicial District in both civil and criminal cases. I have also practiced in various Chancery, Circuit and General Sessions Courts in counties throughout Middle Tennessee. I have appeared before the Tennessee Court of Appeals, Tennessee Court of Criminal Appeals, and the Tennessee Supreme Court. I have appeared in Federal Court, and appeared in the Sixth Circuit Court of Appeals.

A large portion of my present practice involves family law matters. My cases range from preparation of antenuptial agreements, complicated contested divorces involving division of assets and/or complex determinations of a residential schedule and child support for minor children to uncontested divorces. As the years have progressed, there has been an increase in cases involving the establishment of paternity and a residential schedule for the minor children.

The most rewarding area of my Family law practice is adoptions. By my estimation I have handled over one hundred contested and uncontested termination of parental rights cases leading to adoption. I have also defended clients when prospective adoptive parents have sought to terminate their rights.

A portion of my practice includes representing Plaintiffs in personal injury and other tort matters. In years past, I represented injured employees in worker's compensation cases until the changes in the laws that created the administrative process for worker's compensation.

I also prepare wills and administer estates for clients in Chancery/Probate Court in the 17th Judicial District. I have defended claims against estates as well as will contests.

My criminal cases have ranged from shoplifting to first degree murder through the years. At present, I primarily represent clients in general sessions courts for misdemeanor and felony offenses along with some felony cases in Circuit Court throughout the 17th Judicial District.

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

Phil Phillips vs. Lori Ann Phillips I have handled numerous divorce and custody cases throughout my career, but there was one client I represented in her divorce and post-divorce issues for nearly seven (7) years in the Chancery Court of Bedford County, Tennessee. Phil Phillips vs. Lori Ann Phillips, docket number 27,775. Ms. Phillips and her minor children had suffered physical and emotional abuse which continued by the filing of unwarranted and litigious pleadings by Mr. Phillips for years. Ms. Phillips' confidence in me to continue to represent her never faltered and together with her children and the testimony of the child's counselor we were finally able to provide them a safer and more peaceful life by suspending the Father's parenting time.

In Alicia D. Howell vs. Nissan North America, Inc., et al, 346 S.W. 3d 467 (Tenn. Sup. Ct 2011) I represented an injured employee in a workers' compensation reconsideration of benefits case. The issue was whether the employee made a meaningful return to work. The Circuit Court of Moore County, the Honorable Lee Russell, awarded additional benefits ruling that she did not have a meaningful return to work. The Special Workers' Compensation Panel reversed. The Tennessee Supreme Court granted the appeal and ruled that the employee did not have a meaningful return to work, reversed the ruling of the Panel and reinstated the trial court's

judgment. This case was cited as authority in other reconsideration cases helping to clarify the definition of a meaningful return to work after a work-related injury.

Anita Faye Overcast and Gary Layne Gannon vs. Kenneth Greg Fowler, M2006-01889-CDA-R3-PT, I represented the Mother and Stepfather in a termination of parental rights case in which the trial court of Bedford County Chancery Court the Honorable J. B. Cox, terminated the parental rights of the Father based on the ground of abandonment due to willful failure to visit and support the minor child which would have allowed the stepfather to adopt the minor child. Between the ruling of the trial court and oral argument in the Court of Appeals, the Tennessee Supreme Court decided the milestone case, In Re: A.M.H., 215 S.W.3rd 793 decided on January 23, 2007 which provided that if a parent has filed any pleading actively pursuing visitation or custody of the minor child, then the parent's rights shall not be terminated for willful failure to visit. Our case was one of the first heard after the Tennessee Supreme Court ruling by the Court of Appeals. It was a tremendous learning experience for me to see the faces of the sitting Court of Appeals Justices and to hear their comments, particularly, Connie Clark, when they were bound by a new ruling of the Tennessee Supreme Court despite the facts in evidence that the Father had clearly abandoned the child pursuant to case law at the time of the hearing in the trial court.

Although this decision was devastating to my client and minor child, I was able to witness firsthand the difficult task of applying the case law, which is ever changing when it is not agreeable to the overall facts of the case.

World Association for Children and Parents National Council for Adoption and Jennifer Terhune vs. Torry Hansen and Nancy Hansen, Juvenile Court, No. 38-202. In the Spring of 2010, I represented the Mother, Torry Hansen, in the Juvenile Court of Bedford County when the maternal grandmother of the child arranged to fly her adopted son back to Moscow, Russia after he became violent and a threat to Ms. Hansen and others in the household. There were numerous issues concerning the adopted child that were not disclosed to Ms. Hansen prior to the adoption. This case drew international media attention most of which descended on our small town of Shelbyville, Tennessee. Rather than subject my client to numerous requests for interviews from Ann Curry, Oprah, Larry King, and other national and local news stations, I decided it was in her best interest to decline the interviews and focus on preparing her defense to the filing of a Petition for Dependency and Neglect. We were successful in the hearing, but the adoption agency appealed the case to Circuit Court, and Ms. Hansen substituted counsel several times after my representation.

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 mediator in numerous family law cases. I am not a certified Rule 31 mediator,

but many of my colleagues have asked me to mediate their cases. I have enjoyed success in several of these mediations.

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

Not applicable

EDUCATION

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

Middle Tennessee State University – 1987-1991, B.S. Degree in Criminal Justice with a double minor in Psychology and Sociology. Graduated Cum Laude, member of Gamma Beta Phi.

Nashville School of Law – 1991 – 1995 – Doctor of Jurisprudence.

PERSONAL INFORMATION

12. State your date of birth.

January 24, 1969

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

48 years

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

I have lived in Bedford County for the past two (2) years. I lived in Rutherford County for twenty-four (24) years prior to moving back to Bedford County, Tennessee.

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

Bedford County, Tennessee since 2016

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 practiced law for twenty-one (21) years and nine (9) months before receiving the first formal board complaint filed against me on July 21, 2017, File No.: 52829-4-ES. The complaint is currently pending and I am confident it will be dismissed. The complaint arises from my representation of a client in a divorce proceeding involving a twelve-year old child. The client was seeking to be designated as the Primary Residential Parent of the minor child based upon his Wife's use/abuse of prescription pain medications. The Court designated the Wife as the primary residential parent and my client received alternate residential time with the minor child in the amount of 145 days per year. He was dissatisfied with the result and filed a complaint with the Tennessee Board of Professional Responsibility.

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. Trisha L. Henegar vs. Lindsey Cook, Marshall County General Sessions 2014-CV-188. I sued for non-payment of attorney fees. A judgment was awarded on May 22, 2014 for two thousand seven hundred fifteen and 21/100 (\$2,715.21) dollars. To date I have collected two hundred forty-four and 72/100 (\$244.72) dollars.

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.

Beta Sigma Phi – sorority; A National Women’s sorority with a focus on charitable donations, local chapter disbanded in approximately 2014.

I was a board member for the Next Step Home from 2008-2013, a transitional home for women overcoming addiction to drugs and alcohol to help reunite them with their children and to lead a successful life.

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.

I am a member of the Daughters of The American Revolution which limits its membership to

women who have an ancestor that served in the American Revolution. I do not actively participate in their activities.

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.

Bedford County Bar Association, I have served as the Treasurer since its reactivation in 2002. Tennessee Bar Association 2002-present.

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 selected as the 2017 Professional Woman of Bedford County.

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 never held or been a candidate for public office.

ESSAYS/PERSONAL STATEMENTS

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

I have enjoyed the privilege of appearing in the Circuit and Chancery courts of the 17th Judicial District for twenty (20) years. I have great admiration for the judges and chancellors past and present, who have served on this court. I hope I can continue to serve our judicial district with the high standard created by those who have served. At this point in my career, I believe my experience in a wide array of legal areas in various courts throughout Middle Tennessee has provided me with the ability to analyze the facts presented and make a fair and reasoned decision. Additionally, I believe my temperament would make me well suited to serve as judge. I will never intentionally embarrass or belittle a litigant or an attorney and will provide an impartial forum for their cases to be presented.

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 Seventeenth Judicial District consists of Bedford, Lincoln, Marshall and Moore counties. There are two Circuit Judges and one Chancellor in the District. Judge Forest Durard primarily hears criminal matters. Judge Lee Russell, who is retiring, hears the majority of the civil matters as well as felony criminal matters. The civil matters consist primarily of domestic cases, and personal injury, health care liability, breach of contract and commercial disputes. I can transition from a practicing attorney to the bench due to my extensive practice in the circuit court. While all new endeavors require an adjustment, I believe I will have the ability to be fair, objective and concise in rendering decisions.

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, I will uphold the law even if I disagree with the substance of the law. One example that comes to mind is in regard to payment of child support arrears by a father who has been denied the ability to form a relationship with the minor child due to the mother's failure to timely notify the father of his paternity or interference in the relationship. While there have been cases in recent years to assist fathers with this defense, there were many years of my practice that I had to deliver bad news to clients of the enormous amount of child support arrears they were facing after the mother sought to set support of a child near the age of majority. Additionally, I do not agree that payment of court ordered support directly to the receiving parent should be considered a gift if it was not sent to the receipting unit. I will uphold the law in spite of my disagreement as I have throughout my years of practice.

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. Charles L. Rich

B. Charles Lee

C. F. Lee Russell

D. Rick Insell

E. Bob York

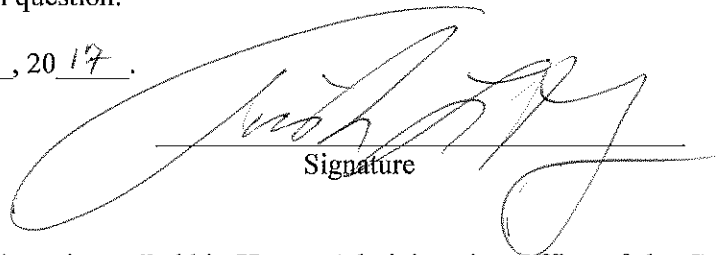
AFFIRMATION CONCERNING APPLICATION

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 17th 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: September 6, 2017.


Signature

When completed, return this questionnaire to Debbie Hayes, Administrative Office of the Courts, 511 Union Street, Suite 600, Nashville, TN 37219.



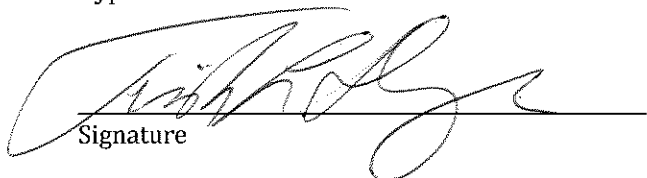
TENNESSEE TRIAL COURT VACANCY COMMISSION
ADMINISTRATIVE OFFICE OF THE COURTS
511 UNION STREET, SUITE 600
NASHVILLE CITY CENTER
NASHVILLE, TN 37219

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.

Trisha L. Henegar
Type or Print Name


Signature

9-6-17
Date

017404
BPR #

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