

Tennessee Judicial Nominating Commission
Application for Nomination to Judicial Office

Rev. 22 December 2011

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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 seventeen (17) 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.

Rucker, Rucker, and Gilley, P.C., Attorney and Partner

The Mediation Group, Mediator

Middle Tennessee State University, Adjunct Professor

City of Murfreesboro, member of the Murfreesboro City Council(serving or having served as the Council representative on the Murfreesboro Water and Sewer Board, Risk Management Committee- Chair since 2008, Murfreesboro Cable Commission, Main Street Board of Directors, and Linebaugh Library Board)

Murfreesboro Planning Commission (separate compensation)

Murfreesboro Electric Department Board (separate compensation)

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

1997; 18666

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; 18666; active; October 22, 1997

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).

Rucker, Rucker, and Gilley, P.C.- Attorney and Partner I began working for the firm as a clerk in 1995 and ultimately became a partner in 2002. The firm dates back to the 1860's and has handled all types of legal matters, but specialized over the last several decades in the areas of insurance, personal injury, workers' compensation, and medical malpractice defense. The current size of the firm is three lawyers and three support staff. The size and nature of practice areas result in considerable courtroom experience including jury trials, bench trials, motion hearings, appeals and mediations.

The Mediation Group- Mediator I became certified as a Rule 31 Mediator in 2007 and joined The Mediation Group the same year. The Mediation Group is a state wide mediation service provider and is one of the largest, if not the largest, such organization in the state. The Group handles mediations and arbitrations of all types, including personal injury, contract disputes, will contests, land disputes, fee disagreements, and governmental issues with a very high rate of success.

Middle Tennessee State University- Adjunct Professor teaching Insurance Law and Commercial Law I began teaching in the Spring of 2007. I teach Insurance Law each Spring, which is an upper-level elective. I teach Commercial Law each Fall which is a required upper-level course for Accounting Majors to prepare them for the legal portion of the CPA Exam.

Murfreesboro City Council- Councilperson I was first elected in 2000 and have been reelected in 2004, 2008, and 2012. The Council oversees the budget, services, and policy making of a city where the population has grown at an exponential rate over the last twelve years.

Murfreesboro Planning Commission (separate stipend) I have represented the City Council on the Planning Commission for over twelve years. During this time, numerous legal issues have arisen including litigation over annexation, zoning, and the city's sign ordinance. I have gained firsthand experience with complex municipal litigation.

Murfreesboro Water and Sewer Board (separate stipend) For approximately ten years, I was the City Council representative on the Water and Sewer Board. Given the unprecedented growth of the city during this time, I helped oversee multi-million dollar projects. Some of the legal issues presented to this board included land acquisition, financing of projects, and construction contract disputes.

Murfreesboro Electric Department Board (separate stipend) I became the City Council Representative on the Electric Department Board in 2012. As such, the experience I gained on the Water and Sewer Board will continue to expand as similar duties are required of me on this municipal utility board.

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.

Not Applicable.

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.

Civil/Tort- including insurance defense (representing defendants in civil cases) 35%; insurance law (representing insurance companies regarding coverage and contractual matters) 10%; medical malpractice 5%; representing plaintiffs in personal injury cases 5%; and workers' compensation (representing both employers as large as Nissan and National Health Corporation as well as plaintiffs) 20%; domestic-5%; criminal and miscellaneous(including individual contractual matters) 5% ; and mediation/arbitration-15%.

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.

Since beginning practice in the Fall of 1997, I have handled approximately 1,500 legal matters. These cases include the representation of individuals, small businesses, corporations, and government entities. My experience includes civil matters such as plaintiff and defendant tort representation, insurance law, contractual matters, collection and subrogation matters, workers' compensation, medical malpractice, criminal cases, divorces, adoption, child support matters, name changes, and estate planning. Over the years, my practice has become more specialized in areas that focus heavily upon courtroom experience including jury and bench trials as well as complex motion hearings.

Our firm is a small one, yet a significant portion of our work comes from large clients such as State Farm, Nissan, National Healthcare Corporation, State Volunteer Mutual Insurance Company and Yates Services. These clients could utilize larger firms or even other small firms throughout the state. They, however, have entrusted our firm to represent them in the following counties as well as federal court: Rutherford, Putnam, Cumberland, Lincoln, Trousdale, Franklin, Coffee, Smith, Davidson, Lawrence, Warren, Moore, Bedford, White, Cannon, Fentress, Williamson, Wilson, Overton, Sumner, Montgomery, Macon, DeKalb, Marion, Hickman, and Shelby. I regularly appear in Circuit, Chancery, and General Sessions Courts.

This speaks volumes as to the confidence our clients place in us. Moreover, it illustrates that I am very familiar with trial and motion practices in multiple jurisdictions and venues.

My first jury trial occurred in my first full year of practice. I was lead counsel in a case involving a liability dispute in an automobile accident. I was successful in proving to the jury that a substantial portion of the fault should be attributed to the opposing party.

Since that time, I have been lead counsel in at least twelve to fifteen jury trials in numerous counties. Success for the defendant in a tort case is often measured in terms of low verdicts. In one case, with admitted liability, the plaintiff presented over \$30,000.00 in validated medical bills to the jury. She was awarded a total verdict of \$35,000.00.

In another case, again with liability admitted, the jury hung after two days. At the conclusion of the trial, I polled members of the jury and found that eleven jurors wanted to award nothing to the plaintiff and one juror wanted to award only the medical bills.

In yet another matter, my client's insurance carrier had advanced certain medical expenses on behalf of the plaintiff. By successfully arguing comparative fault issues and pointing out medical proof discrepancies, the jury came back with a verdict that would have allowed the insurance carrier to seek reimbursement of those medical expenses from the plaintiff, if it had chosen to do so.

Additionally, I have been very successful in attaining verdicts lower than Offers of Judgment, as instructed by my clients.

During my career, I have tried at least twenty-five workers' compensation bench trials in addition to other bench trials pertaining to a variety of other matters such as contractual disputes and domestic issues. I have also tried numerous matters in General Sessions Courts.

I have appeared before the Tennessee Supreme Court Workers' Compensation Appellate Panel on multiple occasions. As referenced below, my success in *Blake v. Nissan North America, Inc.* resulted in a change in the workers' compensation law by virtue of both the affirmation of the decision and by statutory change, in which I was involved.

I have served as a hearing officer in termination cases for the Rutherford County Board of Education. I currently serve as a hearing officer for the Tennessee Board of Professional Responsibility and have conducted a considerable number of mediations and arbitrations (see below) with an extremely high success rate.

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

Blake v. Nissan North America, Inc., M2009-02173-WC-R3-WC, 2009. Appeared before the Tennessee Supreme Court Workers' Compensation Panel where I successfully argued that an economic based reduction in hours, employer wide, was not an exception to the 1.5 Workers' Compensation multiplier cap. During the appeals process, I assisted with the drafting of and passage of a statutory change codifying the same.

These changes helped reform Tennessee Workers' Compensation Laws. If the trial verdict stood, it would have placed employers in a very difficult predicament. When faced with economic downturns, an employer would have had to lay off employees who had never had a workers' compensation claim in order to continue to provide forty-hour work weeks for those employees who had sustained a workers' compensation injury in the preceding 400 weeks. This permits a reduction in hours while allowing an employer to keep **all** employees working and earning a paycheck.

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.

Mediations and Arbitrations

Since becoming certified as a Rule 31 Mediator in 2007, I have conducted 35 mediations and arbitrations. I have a 90-95% success rate. These cases have involved personal injury, premises liability, domestic matters, will contests, contract disputes and attorney fee disputes.

While not every case that goes through mediation or arbitration may not produce legal

significance or involve substantial financial consequences, each case is significant to the participants. In one of the first mediations I ever conducted, the plaintiff shared something that I have never forgotten. He said that he had been through mediation, in the same case, unsuccessfully, with another mediator. Furthermore, he said that the difference between the two mediations being successful was my attitude and demeanor. This gentleman said that while both the prior mediator and I essentially said the same things, he appreciated my sincerity. I was very humbled by his comments. I always remember these words with each mediation I conduct.

During a domestic mediation involving custody and child support, which I conducted, the father was unrepresented. At first, he did not seem to want to resolve anything. I soon realized that no one had ever been willing to listen to him regarding his feelings; rather, they only talked to him about numbers and procedures. I took him aside and let him share with me how hurt he was and let him cry for almost an hour. Afterwards, we were able to reach a resolution.

While mediating a premises liability case involving a minor child, I was reminded that sometimes personal injury cases are not just about money. This case was worth a six figure settlement and the insurance carrier for the defense agreed. However, the parents of the child did not want to talk specifically about settlement. I discovered that the defendant, an amusement facility where the child's birthday party was being held, had demanded, at the scene of the accident, that payment for services be rendered while the parents were trying to get into the ambulance with their child. In addition to compensation, they simply wanted an apology. The case then settled.

The significance of these cases is to illustrate that mediators, as well as judges, should examine all of the circumstances and show compassion, along with being knowledgeable in the law.

Hearing Officer

2-17-11 Rutherford County Board of Education Teacher Termination Matter

8-23-11 (pending) Rutherford County Board of Education Teacher Termination Matter

Tennessee Board of Professional Responsibility- I have reviewed multiple matters since my appointment as a hearing officer in 2011.

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.

Not Applicable.

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

Chair of Risk Management Committee-City of Murfreesboro. This committee oversees the self-administered liability and workers' compensation claims of a city with a population of 110,000 people and an annual budget in excess of one hundred and seventeen million dollars.

Adjunct Professor-Middle Tennessee State University, teaching Insurance Law and Commercial Law. The Insurance Law class is an upper-level elective. The Commercial Law class is a required upper-level course for accounting majors, designed to prepare students for the legal portion of the CPA exam.

Additionally, I have taught continuing legal education seminars on the topics of medical malpractice, premises liability, and mediation.

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.

Not Applicable.

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.

Middle Tennessee State University-Bachelor of Science Degree, major in English with minors in Criminal Justice and Psychology, 1988-1992. I attended undergraduate school on a full academic work-study scholarship.

During my senior year at MTSU, I was elected Student Government Association President. My term of office was my first year of graduate school (1992-1993). The previous year, I was elected and served as Vice-President/Speaker of the House of Representatives in the Student Government Association. Prior to that, I served as the Attorney General for the Student Government Association.

During my year as SGA President, I was selected by a group of my peers from all schools in the Tennessee Board of Regents System as nominee, and was ultimately appointed by the Governor to the Tennessee Board of Regents as the Student Regent (1993-1994). At the time, I was only

the second student from MTSU to achieve this honor.

Additionally, while attending MTSU, I participated in the Tennessee Intercollegiate State Legislature, ultimately serving as Secretary of State for this body. I received the Carlisle Award for exemplary service to the Tennessee Intercollegiate State Legislature.

I was also an active member of the Tau Kappa Epsilon fraternity.

Middle Tennessee State University and Tennessee State University-joint Masters Degree Program in Criminal Justice-completed all course work but did not obtain degree due to beginning law school 1992-1994. While attending graduate school, I was a Graduate Administrative Assistant to the Director of Disabled Student Services.

University of Tennessee College of Law-Doctorate of Jurisprudence 1994-1997

PERSONAL INFORMATION

15. State your age and date of birth.

Age: 42; Date of Birth: July 15, 1970.

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

42 years.

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

I have lived here for 24 years. During 1994-1997, while attending law school, I stayed in Knoxville during the week and commuted to Murfreesboro on the weekends, holidays and breaks.

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

Rutherford.

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.

None.

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.

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.

In 1992, I was sued as the result of an automobile accident. I was the driver of a vehicle and involved in a rear-end accident on wet pavement. The other party sought property damages and personal injury compensation. The matter was settled out of court by my insurance carrier. Rutherford County Circuit No.: 30263.

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.

Leadership Rutherford 2000

Tennessee Bar Association Leadership Law 2006

Rutherford County Special Olympics, Board Member 1997-2001 (I still actively volunteer)

Rutherford County Republican Party, Treasurer, 2011-present

Rutherford County Republican of the Year 2012

Tennessee Rehabilitation Center, Board of Directors

Rutherford County Chamber of Commerce

Tennessee Chamber of Commerce

Boy Scouts, Trail of Tears, Annual Fundraiser, Chair, 2006

Boy Scouts Legal Explorer Post

North Boulevard Church of Christ

Blue Raider Athletic Association

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.

No.

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.

American Bar Association

Tennessee Bar Association

Rutherford/Cannon County Bar Association- President (2006) and Secretary (2005)

Andrew Jackson Inns of Court

Defense Research Institute

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.

I have been selected for leadership programs in my community as well as my profession:

Leadership Rutherford 2000

Tennessee Bar Association Leadership Law 2006

Rutherford/Cannon County Bar Association President (2006)

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

"Defending the Premises Liability Case." *Premises Liability Case Preparation and Trial*. National Business Institute. September 2008.

"Use Expert Witnesses to Support Your Case." *Handling Medical Negligence Claims*. National Business Institute. March 2009.

"Settle Medical Negligence Cases Efficiently and Successfully." *Handling Medical Negligence Claims*. National Business Institute. March 2009.

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.

Premises Liability Case Preparation and Trial, September 25, 2008 sponsored by NBI

Handling Medical Negligence Claims, March 31, 2009 sponsored by NBI

An Analysis of Issues Effecting Outcomes in Rule 31 Mediation, July 29, 2009 sponsored by Rutherford/Cannon County Bar Association

Middle Tennessee State University, Adjunct Professor, Insurance Law, Spring 2007 and each subsequent Spring semester to present

Middle Tennessee State University, Adjunct Professor, Commercial Law, Fall 2007 and each subsequent Fall semester to present

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.

Murfreesboro City Council elected in 2000, 2004, 2008, and 2012

Rutherford County General Sessions Judge- candidate in 2006 (elective)

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

No.

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.

See attached:

Briefs submitted in *Blake v. Nissan North America*, M2009-02173-WC-R3-WC, 2009 (sole author of sample).

Ruling in *Rutherford County Board of Education v. Jones* (sole author of sample).

"Defending the Premises Liability Case." *Premises Liability Case Preparation and Trial*. National Business Institute. September 2008. (sole author of sample).

"Use Expert Witnesses to Support Your Case." *Handling Medical Negligence Claims*. National Business Institute. March 2009. (sole author of sample).

"Settle Medical Negligence Cases Efficiently and Successfully." *Handling Medical Negligence Claims*. National Business Institute. March 2009. (sole author of sample).

ESSAYS/PERSONAL STATEMENTS

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

Of the three branches of government, the judicial branch is the least recognized. Legislators enact laws and the Executive sets policy. However, it is the judges who interpret those laws and policies.

Those interpretations have tremendous impact on our lives. Until interpretations are made, laws and policies are words on paper; afterwards though, they take on life and meaning. I have a sincere and earnest desire to help make laws and policies a reality.

I was raised by working class parents. I was mentored by excellent lawyers (one a former judge). I have been a successful mediator and arbitrator for several years. For twelve years, I have served my fellow citizens in local government. These experiences have shaped me into the kind of individual who, as judge, would provide empathy and sympathy, practical justice not impractical theory, and unbiased resolutions not just finality to problems.

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)*

Since I have not been as active in terms of *pro bono* work as I would like to be, I contribute financially to legal aid. As president of our local bar, I promoted our local *pro bono* clinics as well as hosting a monthly radio call-in show which provided free legal advice. When my students at MTSU have legal issues and cannot afford an attorney, I provide assistance. One *pro bono* adoption client still calls every year on her child's birthday to thank me.

Additionally, pertaining to my commitment to equal justice under the law, during my tenure on the City Council and Planning Commission, I have participated in many public hearings. The testimony during these public hearings comes from corporate representatives with counsel and citizens with limited formal education. In my eyes, both groups are equal. On multiple occasions, I have met with residents in their homes, bringing the corporate representatives along so that compromise can be reached.

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)**)

Our 16th Judicial District is comprised of four Circuit Court judges and one chancellor. This District covers Rutherford and Cannon Counties. These judges hear both civil and criminal cases.

The District bench includes well-rounded judges from diverse backgrounds. I, though, would bring a new perspective, due to background and experience, that would strengthen our judiciary.

I have deep family roots in both counties. I have extensive experience in insurance law and workers' compensation, as well as in general civil and criminal law. I am teaching law classes at the collegiate level.

During my time as an elected official, our county has experienced phenomenal growth. I have been blessed with the opportunity to help transform and mold our community as it deals with this expansive growth.

I would relate to those who come in to court from all aspects of life, make educated rulings and provide, when asked, insight to fellow judges in areas of the law in which I have experience.

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)**

I maintain active involvement in my community. I am active in Special Olympics, having served on the local board; active at North Boulevard Church of Christ; and, active at the school my children attend, Reeves-Rogers Discovery School. I served on the Main Street Board of Directors as well as the board for the Tennessee Rehabilitation Center—receiving recognition from the Governor for my service.

For almost thirteen years, I have served on the Murfreesboro City Council. As an elected official, I feel it a duty and an honor to participate in community service. It has been said that the strength of a society is judged by how it treats its weakest members.

If appointed, I will continue to stay involved in community service. Oftentimes, the general public thinks of judges only when court appearances are required. When it comes to community service, judges do not differ from any other person. Compassionate justice is not limited to the courtroom.

In addition to my current involvement, I intend to help and participate in our school system to the best of my abilities. If children learn to understand our laws, they will become more productive members of society. I have young children and firsthand insight on this issue. Effective civics classes and related programs such as the Scales Project, will, I believe, prove that raising children who understand and respect our laws means fewer participants in our criminal justice system.

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 am a first generation college graduate raised by a factory worker and a bank teller. One grandfather was a minister; the other worked in law enforcement. This upbringing has instilled in me the value of hard work and honesty and the ability to relate to people from all walks of life.

I have striven, my entire life, to achieve leadership roles in public service. In all but the first two years of my career as an attorney, I have served in elected public office. I maintain a leadership role in my political party.

At MTSU, while obtaining my bachelor's degree in English and attending graduate school in Criminal Justice, I was elected Student Government President, an honor that only one student can claim each year. I was appointed to the Board of Regents, only the second such appointment in MTSU's history.

I have been elected four times to the Murfreesboro City Council. In that role, our Mayor calls me "the great resolver" because of what he refers to as my talent for being able to help disputing sides reach compromise.

For three years, I have served as Treasurer for our local Republican Party. I was recently named Republican of the Year for my dedication to principles and resolving disputes on our executive committee.

In summary, I am a leader and a litigator with broad experience who believes that every problem has a solution and I have the ability to find it. However, I am also fully capable of making fair and just rulings when compromise is not reached.

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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)*

No one is above the law, especially not those instilled with public trust to uphold, interpret, and enforce the law. If selected to serve as judge, I will take this oath very seriously and honor my promise regardless of my personal feelings.

In a jury trial, I represented a client who had gotten drunk and got behind the wheel of a car. This resulted in an accident with severe injuries to his passenger. I did not agree with, nor did I condone, this behavior. However, under the law, his passenger was at fault for knowingly riding with him. I lined up ten shot glasses before the jury and filled these glasses to represent what the plaintiff observed my client drink before climbing into his car. The jury placed substantial fault upon the plaintiff.

I was appointed by the court to represent an inmate in a parental rights termination matter. The man's past was checkered. He was a poor example of a father. Nonetheless, he had a right to representation to the best of my ability, which is what I provided.

Judges must have the utmost respect for the law, even when it is unpopular and is contrary to their personal beliefs. Personal beliefs and common sense, though, are assets which an exemplary judge should use when ruling. Few things in life are black and white and judges have the responsibility of navigating those shades of gray.

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. R. Steven Waldron, Waldron and Fann, [REDACTED]
[REDACTED]

B. Robert Adams, National Health Corporation, CEO, [REDACTED]
[REDACTED]

C. Pamela L. Reeves, Reeves, Herbert, and Murrian, P.A., [REDACTED]
[REDACTED]

D. Sidney A. McPhee, Middle Tennessee State University, President [REDACTED]
[REDACTED]

E. Tracy Shaw, Howell and Fisher, PLLC, [REDACTED]
[REDACTED]

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, 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 26, 2012

[Signature]
Signature

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