

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

9/8/20

Name: Stephen Kent Garrett

Office Address: 7838 Barker Road
(including county) Corryton, TN 37721 (Knox County)

Office Phone: 865-337-7369 Facsimile: None

Email Address: [REDACTED]

Home Address: [REDACTED]
(including county) Knoxville, TN 37938

Home Phone: [REDACTED] Cellular Phone: [REDACTED]

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 Microsoft Word 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 Microsoft Word 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 ceesha.lofton@tncourts.gov, or via another digital storage device such as a flash drive. See section 1(g) of the application instructions for additional information related to hand-delivery of application packages.

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

PROFESSIONAL BACKGROUND AND WORK EXPERIENCE

1. State your present employment.

I am presently a sole practitioner at the address shown above.

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

Licensed in 1986; My BPR number is 012082.

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 only licensed in Tennessee.

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).

Not applicable.

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).

Upon completion of law school, I briefly worked as a staff attorney in the Tennessee Department of Revenue in Nashville. I was there from August 1986 through November 1986.

Thereafter, I was hired as an associate attorney at Ambrose, Wilson, Grimm & Durand in Knoxville and began employment there on December 1, 1986. I became a partner in this firm on January 1, 1992.

I left Ambrose, Wilson in December 1998 and practiced solo from January 1999 until April 1999, when I formed a PLLC with Larry Varnum, Jr. and practiced as Garrett & Varnum, PLLC. Upon Mr. Varnum's retirement from the practice of law, I have practiced as a solo practitioner from about June 2002 until the present 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.

Although, I have practiced in the state circuit courts and in U.S. District Court, the vast majority of my practice leads me oft times into the chancery courts of our state (thus one of my reasons for applying). I have a substantial will preparation and probate estate practice. I would estimate that preparation of wills and related documents and then probate administration matters would constitute at least one-half (50%) of my practice. I would think that matters related to property transactions and property disputes (including several right-of-way disputes in the past five years) might make up another twenty-five percent (25%) of my practice. Then, I would place domestic relations/family law matters at about ten percent (10%), with the remaining fifteen percent (15%) consisting of business formations, collection matters and various and sundry matters that a sole practitioner must deal with from time to time.

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.

In my 34 years of practicing law, I have appeared in courts all over Eastern Tennessee. As a young associate attorney, I was given the "honor" of traveling up and down the area, which, while sometimes tiring, did provide a wonderful learning experience to see how different judges, chancellors and court clerk's offices operated. In more recent times, I tend to stay closer to home, primarily practicing in Knox and contiguous counties.

I have been involved in leading and assisting with bench trials and some jury trials. I have also conducted on behalf of my client a bench trial in U.S. District Court. In addition, I have made arguments in the Tennessee Court of Appeals; and submitted applications to appeal to the Tennessee Supreme Court, though I have never had the privilege or arguing in that Court.

As for "transactional matters," I have conducted and/or assisted with many property closings and presided over many, many will and related document executions.

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

I consider all of my clients and the matters that they bring to me to be "special." However, I would note one argument before the Tennessee Court of Appeals in 2018 was of "special note" to me. The matter involved a right-of-way dispute, specifically pertaining to whether the placement of gates by my client over the right-of-way constituted an unreasonable burden to the holder of the right-of-way, who passed through same periodically. After both sides argued the

facts and the law extensively and the time for argument was concluded, one of the Judges on the panel looked directly at my opposing counsel and then turned to me and simply said "good arguments." I told my wife afterward that this is what being a lawyer is really all about!

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

I think that the above pretty well covers it.

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

To the best of my recollection, this is my first.

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.

University of Tennessee (1979 to 1983) Bachelor of Science in Business Administration

University of Tennessee College of Law (1983 to 1986) Doctor of Jurisprudence

PERSONAL INFORMATION

12. State your date of birth.

1961

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

59 years

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

59 years, except for the four months in Nashville, as noted above

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

Knox

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.

Unfortunately, I have not had the honor of serving in our Nation's military.

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.

Not applicable.

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.

Not applicable.

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. You may wish to request a report from the appropriate supervisory authority (or authorities) for a complete history.

I am aware of no formal complaints of any kind.

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.

Not applicable.

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

Not applicable.

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.

My first wife (Cheryl McElhaney Garrett) and I were divorced in 1997. Although we both resided in Knox County at the time, we agreed to file the matter in Blount County Circuit Court (privacy reasons). The style of the case was Cheryl Garrett v. Stephen Garrett, Blount County Circuit Court—Equity Division No. E-17327. In September 2002, a Motion to Register and Transfer Judgment was filed in Blount County to transfer the above matter to the Fourth Circuit Court for Knox County, Tennessee; and on or about October 11, 2002, I, through counsel, filed a Petition for Modification of Co-Parenting in Knox County Fourth Circuit Court. After various and sundry motions and petitions were filed related to co-parenting time and support matters, all matters were either resolved by the parties and/or dismissed.

I am aware of no other legal proceedings in which I was a party, other than of a “nominal” nature as referenced in the question.

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 a member of Clear Springs Baptist Church in Corryton. I am a Sunday School Teacher (at least, I was before the pandemic caused us to temporarily (hopefully) cease Sunday School). I also sing in our church choir. I have been a member of the church finance committee within the past five years, although I currently do not serve on the finance committee.

I also am a member of the Gideon's International.

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.

As a youth, I was a Cub Scout, which is affiliated with the Boy Scouts of America, which formerly did not allow females to participate. I believe that this is no longer the case. At any rate, I am no longer affiliated with the Boy Scouts of America, although I strongly believe in the good citizenship tenants to which the organization adheres.

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 have been a member of the Tennessee Bar Association and the Knoxville Bar Association since approximately 1987.

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.

The following is likely not what this question seeks to discover. However, as a much younger attorney, I served as attorney advisor/mentor to a high school mock trial team (Gibbs High School). I did this through the Knoxville Bar Association Barristers group in 1988, 1989 and 1990. All three years, I received "recognition gifts" from my high school team for the time that I spent helping them. In 1989, I received a "judge's gavel" engraved with the words, "Thanks from GHS Mock Trial 1989." Again, this may not be exactly what the Commission may be looking for here, but these "recognitions" meant so much to me. I still proudly display the above gavel on my desk at my office.

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 public office, nor have I been a candidate for public office.

ESSAYS/PERSONAL STATEMENTS

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

As I have stated above, I have been in the practice of law for 34 years. With some very few days that may be an exception to the following, I love what I do for a living. If I were to be chosen for this position, I would bring to the bench the same positive attitude and work ethic that I have tried to bring to my practice. Conversely, if I am not chosen for this position, I would be absolutely delighted to continue practicing law and do what I have been doing for as long as the Good Lord gives me the health and right state of mind to do so.

I have prayed about whether to seek this position or not. I have been told by several people over the years that they see me as a fair-minded person; in fact, I have even been told by adverse parties that same thing. So, I would like to think that I would bring an open-mind and a sense of fairness and equity to the position that I am seeking. I would also like to think that my many years of practice might provide some underlying qualification as well. Perhaps, over the years I may have gained some amount of wisdom. The Bible says that the “fear of the Lord is the beginning of wisdom.” I can assure the Commission that I do have a healthy “fear of the Lord.” I do not, however, think that this is the “end of wisdom.” Perhaps some measure of wisdom comes with experience and by dealing with many types of people, some of whom may try one’s patience more than others. Perhaps, I might offer some wisdom, along with positive attitude and work ethic referenced above, to the Chancery bench.

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 Knox County Chancery Court—Part 3 serves Knox County. This court hears matters of equity, including family law, real estate disputes, contract disputes, and probate issues. I have extensive experience with most all types of matters that come before this court and have appeared in this court on countless occasions. There are two other Chancellors, namely John Weaver who has served on the bench since 1998, and Clarence Pridemore, who has served since 2014. Prior to Chancellor Weaver coming onto the bench, he was Clerk & Master, beginning in 1993. Prior to Chancellor Pridemore coming onto the bench, he was a practicing attorney for a very short period of time.

I feel that my selection would impact the court because it would bring to the court a trial attorney with 34 years of experience. As such, I would (hopefully) remain cognizant of the daily demands that the practice of law places upon attorneys and would therefore endeavor to render fair and timely decisions on matters coming before me.

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, as a practicing attorney, I have had to argue "both sides of the issue" on many different occasions. At present, I have one probate matter where I am *opposing* an application for spousal allowances (for many reasons that are far too complex and time-consuming to set forth here). I also have another matter where I am in the process of *applying for* spousal allowances. I, personally, have some issues with how the legislature has set forth the various spousal rights in the statutes. However, I have argued and will argue those statutes as written in both of my cases, despite any personal misgivings that I might have.

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. Justin Pratt, Senior Pastor, Clear Springs Baptist Church, (home address: [REDACTED] Corryton, TN 37721); phone: [REDACTED] cell).

B. Jennifer Roach, Asset Manager, WKS Restaurant Group, (home address: [REDACTED] Luttrell, TN 37779); [REDACTED]

C. Darren Jones, Senior Staff Accountant, Techmer PM, Clinton, TN (home address: [REDACTED] Knoxville, TN 37918); phone [REDACTED]

D. T. Edward Perry, realtor with The Real Estate Firm, Inc., [REDACTED] Maynardville, TN 37807 (business address); phone [REDACTED]

E. T. Scott Jones, Attorney, Banks & Jones, [REDACTED] Knoxville, TN 37921 (business address); phone [REDACTED] (office) [REDACTED]

AFFIRMATION CONCERNING APPLICATION

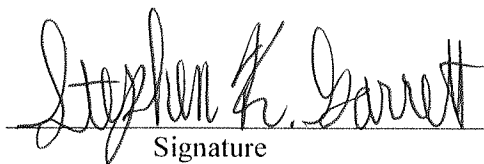
Read, and if you agree to the provisions, sign the following:

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 [Court] Chancery Court for Knox County, 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 28, 2020.


Signature

When completed, return this questionnaire to Ceesha Lofton, 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.

Stephen Kent Garrett
Type or Print Name

Stephen K. Garrett
Signature

Sept. 28, 2020
Date

012082
BPR #

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

Not applicable