

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

1/17/23

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(Shelby County)

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INTRODUCTION

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

This document is available in 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. Your complete application, including both the original and digital copies, must be received by the Administrative Office of the Courts on or before the deadline prescribed in the Notice of Vacancy. 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.

Magistrate Judge, Juvenile Court of Memphis and Shelby County, 30th Judicial District.

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

2002, BPR #021936.

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 #021936), April 26, 2002, license is 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).

Judicial Law Clerk to the Honorable Chancellor Floyd Peete Jr., December, 2001 – April, 2002.

Betserai and Spell, May, 2002 – April, 2006:

Law Office of Mitzi H. Spell Pollard, Solo Practitioner, May 2006 – September, 2014.

Adjunct Professor, Bethel University School of Conflict Resolution, 2012 to 2013.

Staff Attorney, Juvenile Court of Memphis and Shelby County, September, 2014 – January, 2015.

Magistrate Judge, Juvenile Court of Memphis and Shelby County, February, 2015 – present.

I have occasionally worked weekends and special events at A & R Bar-B-Que, LLC, a family-

owned restaurant that has been owned and operated by my husband and his family for forty-two 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.

Pursuant to the Code of Judicial Conduct, Rule 3.10, as a Judicial Magistrate Judge, I am precluded from practicing law.

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.

From April 2002, until my appointment to the bench, I practiced primarily in Shelby County. I practiced in Circuit, Chancery, General Sessions (Civil), Probate, Juvenile Court, Federal Court, Court of Appeals at Jackson and the United States District Court for the Western district of Tennessee. I was also listed as a Rule 31 Mediator (Family Law and General). I managed a diverse civil practice. I handled divorce, adoption, termination of parental rights, breach of contract, personal injury, conservatorships, child welfare, delinquency, custody, visitation, parental relocation, child support and Juvenile Court appeals cases in all the civil courts in Shelby County, Court of Appeals and the United States District Court for the Western district of Tennessee.

Over time, my practice shifted from a general civil practice to a concentration in child welfare, juvenile justice, custody, visitation, child support and mediation. I actively engaged in Court Improvement Program trainings across multiple counties, serving both as a participant and as a trainer, through the Tennessee Supreme Court Administrative Office of the Courts.

From 2010 to 2014, I served on the Second Look Commission which was created in 2010 by the Tennessee General Assembly. The Commission's mandate was to assess the handling of severe child abuse cases in Tennessee, and to issue findings and recommendations to improve child protection outcomes.

In the realm of my legal career, I have gained valuable experience across various judicial and community-focused forums. I participated in Court Appointed Special Advocate (CASA) training at the state level through the Tennessee Council of Juvenile and Family Court Judges (TCJFCJ) and have presented to and sworn in local CASA volunteers. I am trained in Stewards of Children, a nationally recognized program on the prevention and response to child sexual abuse, as well as in trauma-informed practices that guide my approach to sensitive cases. In court, I have been appointed to serve as Special Judge on occasions when the presiding judge was unavailable. I have also conducted voluntary surrenders of parental rights in cases where parents chose to allow their children to be adopted. These roles have strengthened my understanding of the trial court system and deepened my ability to handle emotionally complex

matters with care and professionalism.

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

Throughout my career, I have been trusted with many serious cases and challenges. The case listed below is an example of one that is of particular importance to me.

2013 – In The Matter of T.D.D.J. Y7917 (Memphis and Shelby County Juvenile Court) – I was appointed as Co-Juvenile Defender for T.D. D. J. This youth was charged as a co-defendant with assault, first degree murder in perpetration of a felony to wit: aggravated robbery, and aggravated robbery. The victim was a local contractor. Through discovery and negotiations with the District Attorney General's Office, the youth was ultimately released from detention and his charges were dismissed due to highly questionable conduct during his interrogation by Memphis Police Officers. The other co-defendants were transferred to criminal court to be tried as adults. This case is significant because it sparked the beginning of many conversations about coerced confessions and policy changes leading to the Memphis Police Department recording interrogations of children taken into custody.

Due to the confidentiality requirements of the Tennessee Rules of Juvenile Practice and Procedure, Rule 114, I cannot disclose details of most juvenile court cases. I can disclose that over the course of my career, I have been appointed to represent hundreds of parents and to serve as guardian ad litem for children in cases involving serious allegations such as physical and sexual abuse, educational and medical neglect, drug exposure, and abandonment. When representing parents, my role required not only legal advocacy but also connecting clients with necessary services to support family reunification or resolution. As guardian ad litem, I advocated for the best interests of the children, or for their stated preferences when appropriate. Among my proudest achievements are helping families reunite following successful treatment program completion and supporting juvenile clients through diversion programs, high school graduation, and their pursuit of higher education.

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

In February 2015, I was appointed as a Magistrate Judge for Memphis and Shelby County Juvenile Court. Over the past decade, I have presided over 46,000 (Forty-Six Thousand) matters involving delinquency, detention, dependency and neglect, foster care, truancy, child support, custody, and visitation.

This extensive experience has sharpened my ability to develop a clear factual record and to make prompt, evidence-based decisions. It has also strengthened my capacity to manage heavy caseloads efficiently and to ensure the timely processing of cases. My service as a Magistrate Judge reflects my commitment to impartiality and to the fair treatment of all

parties. I believe every individual who enters a courtroom deserves to be treated with dignity and respect. Throughout my tenure, I have consistently extended courtesy to litigants, attorneys, court staff, and clerks – and have been treated with the same respect in return. I understand that every participant has an essential role in the judicial process.

To date and to my knowledge, none of my rulings as a Magistrate Judge have been reversed on appeal.

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

On October 9, 2024 I applied for an open position as an Administrative Law Judge with the Social Security Administration. The agency cancelled the position on January 31, 2025.

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.

Winston Salem State University, August, 1986 - May 1990
(Reason for leaving: Transfer to North Carolina Central University.)

North Carolina Central University, August 1990 - May 1991
Bachelor of Science: Computer Science

University of Memphis, Cecil C. Humphrey's School of Law, August 1998 - December 2001
Juris Doctor

PERSONAL INFORMATION

12. State your date of birth.

June 27, [REDACTED]

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

I have lived continuously in the State of Tennessee since November 1993.

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

I have lived continuously in the county where I am now living since November 1993.

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

Shelby County

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

I have had two Board of Professional Responsibility complaints filed against me. Both were investigated and no formal disciplinary charges were filed.

The Board of Judicial Conduct received two complaints against me during my time on the bench. Both complaints were summarily dismissed without requiring a response from me.

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)?

Yes. I refer to my answer to question 22 for a further description.

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.

Mitzi Spell v. Charlie Spell III, Circuit Court of Shelby County, CT-001404-01
Final Decree Entered 10/30/2002, Divorce Case

SunTrust Bank v. Charlie Spell III, Et Al, Chancery Court of Shelby County, CH-07-2417
Verified Complaint filed 12/12/2007. Order of Dismissal for Lack of Prosecution entered on 10/12/2012. The issued involved a contractual dispute between SunTrust Bank and my ex-husband, Dr. Charlie Spell III. The contract was entered into without my knowledge and lead to the Chapter 7 bankruptcy listed below.

In re: Mitzi Spell, Debtor, United States Bankruptcy Court, Western District of Tennessee, Chapter 7, Case No. 08-22976, Order of Discharge Entered 7/22/2009

Mitzi Spell v. Kathy Suttles, General Sessions Civil, Case ID 946581
Forcible Entry and Detainer filed 2/17/2003, Possession and Cost entered 3/17/2003
This dispute involved non-payment of rent.

Mitzi Spell v. Victoria Jones, General Sessions Civil, Case ID 1082124
Forcible Entry and Detainer filed 6/1/2005, Possession and Cost entered 6/16/2005
This dispute involved non-payment of rent.

Mitzi Spell v. Michele Marks, General Sessions Civil, Case ID 1166210
Forcible Entry and Detainer filed 8/16/2006, Possession and Cost entered 9/19/2006
This dispute involved non-payment of rent.

Daniel L. Barbaro v. 42 U.S.C. § 654(3) Child Support Division, et. al., United States District

Court for the Western District of Tennessee Western Division, Case No. 2:18-cv-2837-SHL-tmp. This dispute involved a sovereign citizen pro se Complaint for Fraud, Fraud in the inducement, False Advertising, Forced Compelled Association and 42 U.S.C. § 1983 Deprivation of Rights under Color of Law naming 42 U.S.C. 654(3) ALONE, AND APART CHILD PROGRAM, et al. which included several Memphis and Shelby County Juvenile Court Magistrates. The case was dismissed on 9/26/2019.

Daniel L. Barbaro v. 42 U.S.C. § 654(3) Child Support Division, et. al., United States District Court for the Western District of Tennessee Western Division, Case No. 2:20-cv-2217-SHL-tmp. This dispute involved a sovereign citizen pro se civil rights action against Shelby County and several Memphis and Shelby County Juvenile Court Magistrates. The case was dismissed on 6/4/2020.

Mitzi Pollard v. Willie M. Thompson, General Sessions of Shelby County, Case ID 2203759, Dismissed 5/13/2024. The lawsuit was filed 7/19/2023. It involved my injuries from a car accident.

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.

HOA Board President, Vinings at Germantown, 2021

I am a member of the following organizations. I have not held offices in the last five years:

Beta Epsilon Chapter of Alpha Kappa Alpha Sorority, Inc.
New Direction Christian Church

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.

Beta Epsilon Chapter of Alpha Kappa Alpha Sorority, Inc.

Alpha Kappa Alpha's membership is limited to women. I joined in 1988 and remain an active member. If appointed, it would not be my intention to resign my membership but would not

anticipate holding office. The purpose of the organization is to cultivate and encourage high ethical and scholastic standards among women and to be of service to all mankind.

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.

Memphis Bar Association

2014, 2021 to present

- Memphis Bar Foundation Fellow – 2024
- Summer Law Intern Program Committee – 2024 to present, Assist with interviewing and selecting qualified high school children who apply to participate in the program.

Tennessee Council of Juvenile and Family Court Judges

2015 to present

American Inns of Court, Leo Bearman, Sr. Chapter

2020 to present

National Council of Juvenile and Family Court Judges

2021 to present

- International Committee – 2024 to present

National Bar Association, Ben F. Jones Chapter

2022 to 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.

Master, Leo Bearman Sr. American Inn of Court

Memphis Bar Foundation Fellow 2024

Truancy Champion Award, 2018 International Association for Truancy and Dropout Prevention

Memphis Lawyer of the Month, January 2014, TN Association of Criminal Defense Lawyers

National Association of Counsel for Children, Certified as Child Welfare Law Specialist, 2009

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.

Magistrate Judge, Juvenile Court of Memphis and Shelby County Tennessee. This is an appointed position. Judge Dan Michael appointed me to the position in 2015. Judge Tarik Sugarmon appointed me to the position in 2022.

ESSAYS/PERSONAL STATEMENTS

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

I seek this position to continue serving the judiciary and contributing to the public good. I believe our experiences, skills, and talents are gifts meant to benefit others. In my ten years as a Magistrate Judge, I have overseen thousands of trials, motion and status hearings, establishing a solid foundation in fact-finding and impartial decision-making. This experience directly translates to the responsibilities of a Circuit Court Judge. Throughout my legal career, I have made it a priority to treat every litigant, attorney and participant with dignity and respect, while upholding the integrity of the legal process. I have been honored to receive feedback from attorneys who describe my judicial temperament as fair, balanced, and reflective of what is expected of a judge. If selected, I would be honored to serve as a Circuit Court Judge and apply my experience, dedication and impartiality.

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 judgeship for Division Three of the Circuit Court of Shelby County. This vacancy arose as a result of Judge Valerie L. Smith's confirmation to the Court of Appeals, Western Division. This court handles a broad range of civil matters, including appeals from lower courts, such as Juvenile Court, divorce, personal injury, contract disputes, and medical malpractice.

My ten years of experience as a Magistrate Judge have prepared me to handle high-volume dockets with efficiency, impartiality, and attention to detail. I have built a reputation for fairness, strong judicial temperament, and respect for the law. If selected, I would contribute a measured and experienced judicial approach, foster the efficient administration of justice, and reinforce public confidence by ensuring all individuals are heard and treated with respect under the law.

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)*

I will uphold the law even if I disagree with the substance of the law.

I preside over cases involving children and families with horrific facts. I am often presented with cases where children are alleged to be abused and neglected and the early facts dictate that the home of their parents is not available or appropriate for the safety and welfare of the children.

Despite a safe, suitable and close relative placement being identified in a county just minutes across the Tennessee state line, the children must enter foster care. As of the date this application is submitted, the statute concerning the Interstate Compact on the Placement of Children (ICPC) prohibits a Court from placing a child across state lines, even on a temporary basis, without completing the approval process. Following this law often results in re-traumatizing vulnerable children who do not understand why they cannot be with family.

Tennessee law is enacted by the General Assembly. I must apply those laws as written in an objective and neutral manner. Though I may sympathize with the effects of trauma on children who enter foster care, I must comply with the law.

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. Judge Gina C. Higgins

30th Judicial District Circuit Court, Division 4

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

B. Terre Fratesi,

Retired Magistrate Judge, Memphis and Shelby County Juvenile Court

[REDACTED]

[REDACTED]

[REDACTED]

C. David Walker

Retired Chief Magistrate Judge, Memphis and Shelby County Juvenile Court

[REDACTED]

[REDACTED]

[REDACTED]

D. Cassandra H. Webster

Executive Director, Memphis Challenge

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

E. Dr. Tasha J. Ford

[REDACTED]

[REDACTED]

[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 30th Judicial District Circuit Court, Division III 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.

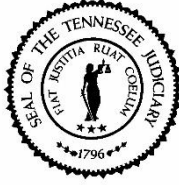
I understand that the information provided in this questionnaire shall be open to public inspection upon filing with the Administrative Office of the Courts and that the Commission may publicize the names of persons who apply for nomination and the names of those persons the Commission nominates to the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

Dated: June 10, 2025.

Mitzi H. Pollard

Signature

When completed, return this questionnaire to John Jefferson at the 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.

Mitzi H. Pollard

Mitzi H. Pollard
Signature

June 10, 2025
Date

021936
BPR #

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

Not applicable.