

Memorial Resolution

THE HONORABLE PHILIP EVANS SMITH

JUNE 14, 2023

Philip E. Smith, Judge of the Fourth Circuit for the Twentieth Judicial District of Tennessee, passed away on September 4, 2023 at the age of 62.

Judge Smith was born and raised in Nashville, Tennessee. He grew up in Donelson, graduated from McGavock High School and attended Middle Tennessee State University before graduating from Tennessee State University in 1984.

Judge Smith married the former Pam Sylar. During their 37-year marriage, they had two daughters, Katelynn Smith and Kelsey Smith Roberge, son-in-law, Michael Roberge, and three grandchildren, Briston, Hadley, and Reed Roberge who affectionally referred to him as “Paw Paw.” Everyone knew of Judge Smith’s tremendous love for his wife, children, and grandchildren of whom he spoke so often.

In 1985, Judge Smith began his legal education at the University of Tennessee College of Law. Even at that time, his intellectual curiosity about the law and politics was apparent. Additionally, he reported that during the Spring, he was very popular because of his softball skills. Judge Smith graduated in 1988.

Judge Smith began his legal career with the Office of the District Attorney General in 1988 where he worked as an Assistant District Attorney for two years. During this time, Judge Smith met and became close friends with Jack Norman, Jr., whom he considered his mentor. In 1990, Judge Smith entered private practice with the Norman Law Offices where he focused his practice in the area of family law.

From 1990 through 1994, Judge Smith served as a special judge in the Second Circuit, Third Circuit, Fourth Circuit, Fifth Circuit, and Probate Courts and as a

special referee for the Davidson County Juvenile Court. Judge Smith also served as a hearing panel member for the Board of Professional Responsibility.

In 2001, Judge Smith moved into practice with Phillip Robinson and Teresa Webb Oglesby where he continued to focus his practice in the area of family law. During his nineteen years of private practice, Judge Smith tried hundreds of civil cases, most of which were family law cases. Judge Smith's accumulated knowledge and expertise were acknowledged by his colleagues. He was board certified as a Family Law Trial Advocate by the National Board of Trial Advocacy and was recognized by Best Lawyers in America and Mid-South Super Lawyers. In 2009, Judge Smith was admitted as a Fellow to the prestigious American Academy of Matrimonial Lawyers.

Upon the retirement of Judge Muriel Robinson, Judge Smith was appointed by Governor Phil Bredesen as Judge of the Fourth Circuit Court in Davidson County in March 2009. Evidencing the confidence his colleagues had in him, he ran unopposed in 2010, 2014 and 2022. Upon appointment to the bench, Judge Smith began performing second parent adoptions that allowed same-sex parents to adopt children years before the United States Supreme Court recognized same-sex marriages.

Judge Smith was a man of action. After a 2010 conversation regarding domestic violence with his friend and colleague, Jean Crowe of Legal Aid, the two of them immediately sought an audience with Nashville Mayor Karl Dean. Mayor Dean, recognizing the enormity of the problem, immediately ordered a safety assessment of the domestic violence prevention procedures in Davidson County. This assessment led to the Nashville-Davidson County Domestic Violence Safety and Accountability Assessment which was released in 2013 and resulted in many changes and improvements in the prevention of domestic violence, including the creation of the Jean Crowe Advocacy Center and the Family Safety Center.

Judge Smith had a passion for adoptions, stating that "Adoption Day was the happiest day at the courthouse. Everyone left court happy." He sent the children home with orange Tootsie Pops he kept on his bench.

With the assistance of his special master, Judge Smith created an innovative docket control system that includes timely judicial settlement conferences which promote settlement of high-conflict cases. The docket control system has resulted in the ability of the court to provide expedited court dates for litigants. As a result, Judge Smith had successfully disposed of over 25,000 cases during his tenure as judge.

Judge Smith was active in the community during his time on the bench. He previously served on the Board of Directors of the Amqui Station and Visitors' Center. He also served on the board of the Family Safety Center. Judge Smith had the honor of serving as one of the chairs of the Justice A. A. Birch, Jr. Statue Committee which resulted in the bronze statue of Justice Birch located outside of the A. A. Birch Building.

Among his many accolades, Judge Smith was honored by The Women's Political Collaborative with the Good Guy's Award in 2015 for his work in the prevention of domestic violence. This honor is awarded to men who engage women in leadership and the political process. Judge Smith was especially proud of this recognition. In 2016, Judge Smith was awarded the 2016 CLE Excellence Award from the Nashville Bar Association, acknowledging his efforts in promoting Continuing Legal Education. In May of this year, Judge Smith was posthumously awarded the prestigious David Rutherford Award by the Nashville Bar Foundation in recognition of a member of the Foundation who exemplifies the memory and ideals of David Rutherford which include professionalism, charitable contributions in the legal field and in the community as a whole, and the spirit of collegiality among the bench and bar.

Judge Smith also served as an adjunct professor at the Nashville School of Law where he taught Family Law and Domestic Trial Practice. In 2021, Judge Smith began a monthly webinar entitled "Family Matters with Judge Phil Smith" where he discussed relevant issues regarding family law to provide information to attorneys and the public at large.

In September 2022, Judge Smith was elected to serve as Presiding Judge of the Twentieth Judicial District trial courts by the unanimous vote of his peers, evidencing the judges' respect for Judge Smith and his ability to handle difficult situations and a variety of personalities.

Judge Smith leaves behind many young members of the bar who have lost the benefit of a hands-on mentor with a passion for the law and justice. His passing evoked an enormous outpouring of grief from a multitude of colleagues and friends who mourned the loss of this highly-esteemed attorney, jurist, and friend.

NOW, THEREFORE, LET IT BE RESOLVED by the Tennessee Judicial Conference that we honor the life, work, and legacy of our departed colleague, the Honorable Philip E. Smith, with this resolution expressing our profound and deep sorrow upon his death.

BE IT FURTHER RESOLVED that a copy of this resolution be filed in the archives of the Tennessee Judicial Conference and be enrolled in the records of both the Circuit and Chancery Courts of Davidson County in Tennessee and that a copy be presented to his family as a token of the esteem and honor in which he has been held.

Respectfully submitted to the members of the Tennessee Judicial Conference, assembled at their annual meeting, on this the 14th day of June, 2023 in the City of Knoxville.

Enter this the 14th day of June, in the year of our Lord 2023, being the 247th year of American Independence.