

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

1/17/23

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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.

Attorney/Of Counsel
Bernstein, Stair, McAdams, LLP
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2. State the year you were licensed to practice law in Tennessee and give your Tennessee Board of Professional Responsibility number.

I was licensed to practice in Tennessee in 1994 and my BPR number is 016651.

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 was licensed to practice law in the State of Tennessee in October of 1994, and my Board of Professional Responsibility Number is 016651. My license is currently active.

4. Have you ever been denied admission to, suspended or placed on inactive status by the Bar of any State? If so, explain. (This applies even if the denial was temporary).

No

5. List your professional or business employment/experience since the completion of your legal education. Also include here a description of any occupation, business, or profession other than the practice of law in which you have ever been engaged (excluding military service, which is covered by a separate question).

Since graduation from law school in 1994, I have been continuously employed in the practice of law. My employment history is outlined below, beginning with an adjunct teaching position with the University of Tennessee College of Law for the Fall 2022 semester, and my current position as an Of Counsel Attorney with Bernstein, Stair & McAdams, LLP.

University of Tennessee College of Law

Adjunct Professor

Fall Semester 2022 – Pretrial Civil Litigation

Developed syllabus and taught practical advocacy class using the Mauet & Marcus, *Pretrial* (10th ed., 2019) textbook and a fictional lawsuit to introduce some of the procedural events and practical skills involved in preparing a civil case prior to trial. Coursework included interviewing clients and witnesses (using theater student volunteers), conducting factual investigation, researching applicable law, drafting and serving discovery, handling discovery disputes (including arguing discovery motions before Knox County Chancellor Chris Heagerty), preparing for and taking depositions (with theater students serving as parties and court reporters providing transcription), and negotiating a settlement or preparing for mediation.

Bernstein, Stair & McAdams, LLP

Of Counsel, November 2018 – Present

Practice emphasis in all aspects of corporate representation, consulting, and litigation, including general business, contracts, construction matters, general & product liability, employment, occupational exposures, and workers' compensation. Practice before State and Federal Courts, Tennessee Court of Appeals, Tennessee Court of Workers' Compensation Claims, as well as state and federal administrative agencies and commissions. Representation of clients in mediation, alternative dispute resolution, and arbitration matters.

Wimberly, Lawson, Wright, Daves & Jones, PLLC

Member, October 2013 – November 2018

Practice emphasis in corporate defense of personal injury, professional, products, and premises liability cases, as well as construction, environmental and occupational exposure liability and workers' compensation claims. Jury and bench trial experience in State & Federal Courts, Tennessee Appellate Court practice before the Court of Appeals and Tennessee Supreme Court Workers' Compensation Panel, as well as state and federal administrative proceedings, mediations, arbitrations, contract negotiations, and working with various government/municipal agencies and administrative agencies.

Leitner, Williams, Dooley & Napolitan, PLLC

Associate Attorney, January 1998 to December 2000

Of Counsel, January 2001 – December 2002

Equity Member, January 2003-2013

Attorney with a practice emphasis in corporate defense of general liability, property and casualty litigation, as well as complex occupational exposure workers' compensation claims. Consultant for local, national, and international businesses on issues of legal compliance, litigation, and risk management issues. Experience as a member of the litigation and crisis teams on claims with media exposure, potential brand impact, and pre-litigation and/or claim resolution planning. Jury and bench trial experience in State and Federal Courts, Tennessee Appellate Court practice before the Court of Appeals and Tennessee Supreme Court Workers' Compensation Panel, as well as state and federal administrative proceedings, mediations, arbitrations, contract negotiations, and working with various government/municipal agencies and administrative agencies.

Sports Belle, Inc.

General Counsel & Human Resources, March – December 1997

Served as Human Resources and Benefits Director for a sports uniform manufacturer at locations in Powell and LaFollette, Tennessee. Responsible for recruiting, hiring, and termination of 200+ workforce, and compliance with federal and state employment and reporting laws, including wage and hour laws related to production workers. Worked with insurance agents and providers for health, dental, vision and life insurance benefits, as well as insurance for workers' compensation and EPLI. Involved with workers' safety programs for cut & sew facility with screen printing and warehouse operations, workers' compensation claims, and return to work policies. Assisted with contracts with suppliers and vendors, as well as customer contracts, branding licensures & confidentiality of designs.

McCord, Weaver & Troutman, P.C.

Law Clerk, 1992-1994

Associate Attorney, 1994-1997

800 S. Gay St., Suite 1300

Knoxville, TN 37902

My work as a law clerk and as an attorney involved assisting John F. Weaver, on business bankruptcy matters when he served as a U.S. Bankruptcy Trustee, and on Receivership, Trusts businesses & estates matters in state courts, before he became Clerk and Master, and later Chancellor for the Knox County Chancery Courts. I also worked with other members of the firm on various types of commercial and business litigation, domestic relations, banking, real estate, probate & estate matters, primarily in state and general sessions courts in Anderson, Blount, Campbell, Claiborne, Knox, Roane, and Sevier Counties. I also worked on domestic relations and custody cases and handled child support and alimony litigation.

Before I moved back to Tennessee to complete law school at the University of Tennessee College of Law, and while I was in the dual MSW/JD program at Washington University of St. Louis, I received temporary paid internships at the following corporations:

- 1) **Citicorp Mortgage** selected me to work with their Community Reinvestment Act department on Housing & Urban Development grants for renovation and rehabilitation of affordable housing in larger cities, and to publish a Guide to the Community Reinvestment Act for banking & financial institutions in the areas selected for partnership;
- 2) **Union Electric (now Ameren)** hired me to assist with program development and evaluation methods of their federal energy & utilities grant programs, such as the Low-Income Home Energy Assistance Program (LIHEAP);
- 3) **The YMCA of Greater St. Louis** employed me for approximately six months to manage and coordinate their JTPA Summer Youth Employment Programs, for which I obtained additional grant funding from local corporations, and worked with local youth religious and charitable organizations to administer the programs, payroll, and reports for the projects;

- 4) **The Metropolitan Association of Philanthropy** hired me to research and publish a guide that would provide information, and best practices to assist private companies and donors to evaluate alcohol, substance abuse & addiction programs for youth in the greater St. Louis metropolitan area, and to assist with the evaluation and selection of potential grant recipients; and
- 5) My graduate internship with **Advocate Services for Abused Women** allowed me to assist the staff attorneys handling hearings on Orders of Protection and coordinate with law enforcement, court liaisons, and charitable organizations to provide safety plans, information about the legal process, and resources for housing and basic needs to clients before and after court hearings. I also assisted with volunteer training on the cycle of violence, community resources, and safety planning.

In addition to the forgoing corporate internships, I also served as a **Research Assistant to Dr. Martha Ozawa**, and worked on academic research studies involving outreach and cognitive training programs for the prevention of AIDS and HIV; the impact of population demographics such as age and gender on economic wealth, civil unrest, and life span in developed and undeveloped countries; and the impact of government based retirement and/or health & welfare programs for the elderly, such as Social Security, on the health and longevity of the population in various countries. I also assisted with identifying public and private grant funding for research in the specific interest areas of the tenured faculty and performed citation, grammar & spelling checks for papers and studies to be submitted for peer review and/or for publication in academic journals.

Prior to law school, I began working at the age of 16 as a part-time cashier at White Stores (a local grocery store chain) in North Knoxville and continued to work throughout my high school, college, graduate, and law school education in a variety of retail, transportation, academic research, and non-profit organizations.

Brown Transport

OSD & Billing Clerk – Knoxville, TN, 1985-1987

Corporate Claims – Charlotte, NC, 1988

During and after college I worked for the transportation and logistics company in Over, Short & Damaged (OSD) freight. After graduation from U.T. Knoxville, I moved to the corporate office in Charlotte, North Carolina, to work in the office of corporate claims, which administered and resolved claims for all Brown Transport terminals nationwide. I returned to Knoxville shortly before the company filed for Bankruptcy.

Florence Crittenton Agency

Houseparent/Team Member – Knoxville, TN, 1987, 1989

Also, during and after college I worked as a house parent for pregnant and/or special needs youth in the foster care system at the Florence Crittenton Agency. I worked with a colleague two nights a week, and one or two days/nights during the weekend to provide meals, and activities, coordinate healthcare, counseling, and visitation, and enforce “house rules.” This was my first experience working with the Tennessee Departments of Human Services, Health,

Mental Health, the Juvenile Courts, and other state agencies that provided services to abused and neglected children, or to those with special mental health needs that could not be met by their families.

I also worked part-time during my undergraduate years for **Kroger** and **J.C. Penney**, and to help pay expenses during graduate and law school I provided typing, editing, and transcription services, both freelance and through staffing agencies, for medical practices, academic departments and graduate students for scientific research papers and dissertations, as well as environmental impact and compliance reports for government contractors.

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.

The majority of my present work is related to representing, defending, and/or advising corporate and business clients on a broad range of issues including general business matters, leases and contracts, property, real estate and general liability issues, employment and HR matters, occupational accidents and/or exposures, as well as risk management and compliance with state and federal laws and regulations. I have several individual and small business clients whose legal concerns are unique and involve various areas of the law.

Currently, I would estimate that 75% of my work involves litigation in state or federal courts or administrative agencies, and 25% is related to consultation and advice on policies, procedures, and training in order to avoid claims/litigation or issues with regulatory agencies.

In March and April of 2022, I attended Lipscomb University Institute for Conflict Management for General Civil Rule 31 Mediation Training. I was approved as a Tennessee Supreme Court Rule 31 Mediator in July of 2022. Although I have not yet established a mediation practice, due to my current work obligations, I have very much used my mediation training in my professional practice, as well as in negotiating simple conflicts of everyday life.

As a general civil attorney in a small firm, the types of cases and practice areas I am working on fluctuate from year to year with the needs of the client and the firm. Since COVID, I have had a significant increase in the number of clients with issues related to property sales, leasing, home improvement, and construction-related cases, as well as business contract disputes. I have also seen an increase in general and premises liability cases. At the same time, I have seen a decrease in my work in the areas of employment law and workers' compensation.

- 25% Employment, Human Resources, Occupational Safety & Workers' Compensation
- 25% General Liability – (auto, premises liability, negligence) - defense
- 30% Property sales, leases, home improvement, construction, and related contracts
- 10% Estate & Probate disputes, Guardianships/Conservatorships
- 10% General Business & corporate matters, Contracts & Business disputes

Through Legal Aid of East Tennessee, I am pro bono counsel for a young adult who obtained Guardianship of a younger sibling after both of their parents died unexpectedly in 2021. I have also provided pro bono or reduced rate assistance to several elderly and/or disabled

acquaintances with limited means needing simple wills, Powers of Attorney, Health Care Powers of Attorney, and general advice on community resources and social services.

Through my involvement with several community non-profit organizations serving women and children over the years, I am aware that Tennessee has one of the highest domestic violence rates in the country, and that the I-40/I-75 corridors make the East Tennessee area popular for human trafficking and illegal drug operations. Anderson County and East Tennessee are not strangers to the scourge of drug and alcohol addiction, and its horrible impact on life and families throughout the area. I am also aware of the crisis within the Department of Children's Services. While the criminal courts would seemingly be where these types of issues are addressed, because domestic violence, human trafficking, and drug and alcohol addiction impact families and children, they also come to the Chancery Court in the form of Orders of Protection, Guardianship, Conservatorships, Child Custody, Domestic Relations and Juvenile Court Appeals. While I have not actively practiced in domestic relations in many years, I do have the training and awareness of some of the difficult and unique issues that arise in civil cases before Courts with jurisdiction over matters involving families, children, the elderly, and vulnerable populations.

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.

Over the past 26 years of my legal career, I have been fortunate to have worked on a wide variety of legal issues in a broad range of practice areas before state and federal courts, the Tennessee Court of Appeals and The Tennessee Supreme Court Workers' Compensation Panel, in addition to state and federal administrative and regulatory agencies, bureaus and commissions. My work has primarily involved civil trial practice in multiple areas of the law, including general liability (car wrecks, premises liability, property and casualty matters), products liability, construction & environmental impact issues, mass claims litigation in food products liability (E-coli, norovirus, etc.), as well as defense of government contractors in occupational disease workers' compensation claims, such as the legacy claims from the DOE sites in Oak Ridge.

Early in my legal career at **McCord, Weaver & Troutman, P.C.**, I had the opportunity to learn and observe the differences and similarities between the various federal, state, general sessions and municipal courts, and the importance of knowing and following the applicable rules of procedure, evidence and practice. I enjoyed the variety of the work I was assigned and the ability to research and work on briefs involving federal bankruptcy law, property development issues in zoning and permitting, and probate estates all in the same day. Because I wanted more litigation experience, I requested to work on domestic relations, business disputes and general sessions cases in the East Tennessee area. I also had the opportunity to research, brief and assist as a clerk and junior attorney on cases pending in the federal civil and bankruptcy courts, as well as the Tennessee Court of Appeals and Tennessee Supreme Court.

In 1997, I briefly went "in-house" to serve as Counsel and Human Resources Director for Sports Belle, Inc. Although I was primarily hired to handle legal matters related to Human Resources and benefits, I was asked to assist with a wide variety of compliance and business issues as well.

While I learned a lot about insurance products, workers' compensation, OSHA/TOSHA compliance, contracts, sports branding and licensing agreements and other areas of the law from the "business operations" view point, I missed working in a firm with other lawyers, and I missed litigation.

In January 1998, I accepted an associate position with **Leitner, Williams, Dooley & Napolitan, PLLC**, in the Knoxville office. I became an equity partner in January of 2003, and served on firm committees for associate and law clerk recruiting, hiring and training.

Most of my litigation work at Leitner was insurance driven, which allowed me to learn multiple legal issues of importance to various specific business sectors. For example, I met William "Bill" Weigel on a "dram shop" case that was referred to me by an insurance company in the early 2000's, and I have continued to represent and defend Weigel's Stores on general liability, employment law and other matters to this day. I was also referred work on automobile and truck wrecks, disputes regarding liability under commercial leases, indemnity agreements and disputes over construction contracts and defective workmanship.

Working for a regional firm with offices across Tennessee and in adjacent states allowed me to work on national client accounts such as McDonald's, Home Depot, and Yellow Roadway. Working on these national accounts allowed me to take classes on issues particular to the client and/or industry. For example, I was able to attend conferences on food safety, food related illnesses and other food product liability issues within the "food chain," as well as general liability topics for the retail, restaurant and hospitality industries. This training helped me tremendously when a norovirus outbreak in Erwin, Tennessee resulted in numerous claims against a local franchise, with some claimants receiving national media coverage. Working with crisis management teams, medical experts, the CDC, and the Tennessee Department of Health on these claims provided me with experience that I could use in handling other mass claims and multi-party litigation in the future.

Due to my experience with food products liability matters, I was referred work on a variety of other product defect claims, including claims against a gun manufacturer and distributor, an automotive parts manufacturer, and a manufacturer of custom designed packaging and storage containers. These cases required quickly learning industry and/or product specific information and regulations, as well as identifying and selecting scientific, engineering, design and other experts to consult and assist with the effective defense and litigation of the claims to settlement or trial. While these claims involved very different facts, products, legal issues and expert testimony, they were all considered "products liability" claims.

During the 15 years that I was at Leitner Williams, my work for County School Boards in workers' compensation and general liability litigation under the Tennessee GTLA led to other areas of litigation work for cities, towns and municipalities in East Tennessee, such as cases involving §1983 abuse claims, employment law and contract issues for superintendents and teachers, and developing policies to reduce risk, increase safety, and promote legal compliance in multiple areas of the law.

My relationships with in-house counsel at area nursing homes led to work on defending general

liability and health care negligence claims, as well as some employment and workers' compensation cases for nursing homes, assisted living and rehabilitation centers. My work in this area led to defending other professional liability claims alleging negligence and/or malpractice against dentists, psychologists and counselors, as well as a few claims against veterinarians. These claims were all dismissed on dispositive motions, or settled for nominal amounts to avoid further litigation.

I also had a large caseload of workers compensation defense matters, and began to develop a specialization in occupational exposure and disease claims. I, along with two of my partners at the time, Tim Conner and Will Webb, were selected to serve as lead panel counsel for the defense of the legacy workers' compensation claims of former workers at the Department of Energy sites in Oak Ridge, arising from the Energy Employees Occupational Illness Compensation Act (EEOICPA). These mass occupational illness claims were unique, and required knowledge and expertise in industrial health, environmental and toxic exposures, and permissible exposure limits established by the OSHA, NIOSH, EPA and/or the NRC, among others. The EEOICPA also had threshold requirements of time, areas of work and types of exposures for establishing a claim under the Act, that were different from the requirements of Tennessee Workers Compensation Law in the early 2000's, and many of the claimants had both federal EEOICPA and state law workers' compensation claims.

Because of my work with occupational exposure and environmental claims, and my desire to practice more in the area of human resources and employment law, I joined the law firm of **Wimberly, Lawson, Wright, Daves & Jones, PLLC** in October of 2013 as a non-equity member. At Wimberly Lawson, client and adjuster education and training on areas of Employment and Workers' Compensation law and compliance was a significant portion of our work. I continued to practice before local, state and federal courts in East Tennessee, the Tennessee Court of Appeal and Supreme Court Workers' Compensation Panel, as well as state and federal administrative agencies. I also participated in arbitration of employment and construction claims. I worked on several cases that do not fit neatly into any area of the law, such as a federal False Claims Act case where a plaintiff alleged medical bills paid by Medicare should have been paid by his employer's workers' compensation insurance for an injury that occurred decades ago.

In addition to employment and human resources issues, I was able to continue my work with county and municipal governments, and along with a colleague in the Nashville office, encouraged the firm to join the Tennessee Public Risk Management Association and was able to present on topics related to governmental entities. I continued to defend employers on occupational disease claims in the Court of Workers' Compensation Claims, and in 2018 was awarded "Lawyer of the Year – Workers' Compensation/Employers by U.S. News & World Reports "Best Lawyers." I also worked on projects for government subcontractors involving contract compliance, scope of work and/or liability under contracts, the interplay of collective bargaining agreements on return to work policies, and such things as evaluating jurisdictional issues where civilian contractors had motor vehicle accidents or security issues that occurred on a military base, but was unrelated to their actual work.

In November of 2018, I had the opportunity to join the firm of **Bernstein, Stair & McAdams,**

LLP, as Of Counsel. One of the reasons I wanted to join Bernstein Stair was because of the firm's reputation for excellent trial and appellate advocacy in many areas of the law. I continue to enjoy litigation practice, and the opportunity to work, collaborate with and learn from my colleagues here at the firm. My current practice still includes a variety of everything from premises liability cases to complex legal matters involving construction, real estate and property matters, business contracts, employment law, occupational exposure claims, and financial industry litigation, some of which has involved proceedings in state, federal, bankruptcy and regulatory boards all at the same time. Some of the cases I have worked on have required analysis of potential criminal liability, and/or the impact of criminal charges or ongoing investigations on pending civil matters. I have also assisted colleagues in writing and editing appellate briefs involving complex procedural, business and domestic relations matters.

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

Because the nature of my practice has been primarily representing and advising businesses and corporations as both plaintiffs and most often as defendants, the work and achievements I am most proud of are the defense verdicts, dismissals on dispositive motions, and administrative investigations that were closed with "no findings" that are not reported in case law or the media. In fact, the majority of my clients do not seek or desire publicity of their legal matters, investigations, or disputes, even if the claims are successfully dismissed on dispositive motions, a jury gives a defense verdict, or an investigation is closed with no adverse findings.

As the time, expense, stress, and emotional costs of litigation can be disproportionately harmful to the business, organization, or parties in dispute, regardless of the potential award or judgment at trial, most parties ultimately come to a pre-trial resolution, and those that do proceed to trial often forego an appeal of a judgment or verdict even when grounds for appeal exist. This is another reason most of the cases and matters I work on do not appear in reported cases or the media. However, I do not take cases based on the attention they may bring, and I am delighted when I can find creative, "win-win" solutions to legal disputes or issues that allow the parties to amicably conclude and move beyond the matters in dispute. This is particularly true where disputes arise among family members about business ventures, wills and estates, or property matters.

I am pleased when I can facilitate a settlement, Memorandum of Understanding, or the resolution of a claim or legal issue that avoids the need for further litigation, or helps parties reach an agreement on issues of legal compliance or requirements. One of the reasons I decided to complete Mediator training and obtain certification as a Rule 31 Listed Mediator with the Tennessee Supreme Court, is because I have seen the benefits of mediation and alternative dispute resolution as a way to resolve legal disputes without the time, expense, stress, and uncertainty of litigation. However, these activities and/or "accomplishments" are usually not public records.

The experience I have outlined above shows that I am hardworking and willing to quickly learn

new and complicated areas of the law in order to be knowledgeable and prepared to handle any case that would come before me. My experience in selecting and presenting medical, scientific, engineering, and other types of forensic expert testimony in jury and bench trials, as well as briefing and arguing Motions to Exclude expert testimony under the Tennessee Rules of Evidence, are also important qualifications for this trial judge position. I enjoy learning and studying the law, and often find new things or discover a new perspective in areas of the law that I've studied or briefed on many times in the past.

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

Early in my legal career, I served as a Guardian Ad Litem to children in the Juvenile Court of Anderson County. While my work and accomplishments during my career have been primarily related to my representation of corporate and business clients, I cannot help but think that the work that I have done that has made the most positive impact, is the pro bono cases where I advocated for the best interest of children or the elderly. There are two cases that made a lasting impression on me as a young lawyer. In the first case, I was Guardian Ad Litem for two sisters who were essentially "purchased" from their father in Utah and brought to Anderson County to be child brides for a member of a polygamist religious cult. In the second case, three essentially feral children, with special medical and psychological needs, were identified by elementary school teachers in Anderson County as possibly having no capable parents or adult caretakers. In both cases, I was able to work with the Departments of Children's Services in multiple states and counties, as well as the Tennessee Juvenile and Criminal Courts in multiple counties, to ensure the safety and well-being of these children, and to find safe relative placements where the children could live together. To me, these are the best results I have obtained for any of my clients in any of my cases.

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

In June of 2021, I applied for the appointment to the Anderson County Circuit Court position after the retirement of Judge Don Elledge. I was one of the three attorneys selected by the Trial Court Vacancy Commission for consideration by Governor Lee. Judge Ryan Spitzer was ultimately appointed.

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.

**Rule 31 General Civil Mediator Training
Lipscomb University, Institute of Conflict Management, March/April 2022**

Delegate – OECD-NEA International Nuclear Law Program, Paris, France, October 2013.

Doctor of Jurisprudence, University of Tennessee, Knoxville, TN 1994

Honors and Activities: TAPIL Fellowship, 1992; Law Women 1991-1994, Treasurer 1992-93; Student Bar Association 1991-94; CASA volunteer 1992-94. Clerkships at Knox County Juvenile Court and McCord, Weaver & Troutman, PC.

Master of Social Work, Washington University of St. Louis, Missouri, 1991

Honors and Activities: Marion Weir Scholarship 1989-91; Graduate Student Council 1990-91; Student Representative, Curriculum Committee 1990-91. Graduate Research Assistant to Dr. Martha Ozawa 1989-91.

Bachelor of Science in Communications, University of Tennessee, Knoxville, 1988

Honors and Activities: UTK Student Orientation Assistant 1986; All Campus Events 1985-87, Co-Chair 1986-87; Richard Joel Scholarship 1986; Parade Magazine Young Columbus Program, Switzerland 1987.

PERSONAL INFORMATION

12. State your date of birth.

1965

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

I was born and raised in North Knoxville, Tennessee, and graduated from Central High School in 1983. Except for living in Charlotte, North Carolina for a brief period of time in 1988 when I worked in the corporate office of Brown Transport, and living in St. Louis, Missouri to attend graduate school from 1989-1991, I have lived in East Tennessee.

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

I have lived in Anderson County for 23 years and moved from Clinton to Oak Ridge in 2006. From 1993 to 1999 my family lived in Jacksboro, Campbell County, where my husband operates his family land surveying business, Crutchfield Surveys.

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

Anderson

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.

Not applicable

20. Has a tax lien or other collection procedure been instituted against you by federal, state, or local authorities or creditors within the last five (5) years? If so, give details.

No

21. Have you ever filed bankruptcy (including personally or as part of any partnership, LLC,

corporation, or other business organization)?

No

22. Have you ever been a party in any legal proceedings (including divorces, domestic proceedings, and other types of proceedings)? If so, give details including the date, court and docket number and disposition. Provide a brief description of the case. This question does not seek, and you may exclude from your response, any matter where you were involved only as a nominal party, such as if you were the trustee under a deed of trust in a foreclosure proceeding.

My daughter, husband, and I were named as Defendants in *Cozart v. Crutchfield*, in the Knox Co. Circuit Court, No. 2-68-18, regarding a traffic accident in February 2017 involving my daughter before she was 18 years old. This case was resolved.

I filed suit to administer my father's probate estate, *In re: Estate of Earl Jackson Goforth*, in the Knox County Chancery Court, Probate Division in 2010. I was appointed administrator and concluded his Estate.

I was administrator of my grandmother's estate, *In re: Estate of Amy Jewel Carter Goforth Tarpley*, in the Knox County Probate Court in 2006-2007.

I was a representative for my grandmother, Amy Carter Goforth Tarpley, in my great-aunt's estate, *In re: Jennie Carter Black*, in Knox County in 2002-2003.

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.

West LaFollette Baptist Church – My husband's grandfather was a founding member of West LaFollette Baptist, and my children are the fifth generation of the Crutchfield family to be members.

Rivers Run Beautification Committee, Board Member 2017-2022; Co-President, 2018-2022.

Anderson County Economic Development Board (ACEDA), Oak Ridge Representative, January 2013-2021.

East Tennessee Historical Society – Member & Tennessee First Families Registrant
National Trust for Historic Preservation

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.

No

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.

Within the past 10 years, I have been or am a current member of the following bar associations and professional societies:

Tennessee Lawyers Association for Women, 2010-Present; Immediate Past President, 2018-2019; President, 2017-2018, President-Elect, 2016-2017; ETLAW Representative, 2013-2015

East Tennessee Lawyers Association for Women, 2005-Present; TLAW Representative 2013-2015, Immediate Past-President 2012; President, 2011; President-Elect 2010; Co-Membership Chair with Justice Sharon Lee 2008 -2009.

American Bar Association

Tennessee Bar Association

Anderson County Bar Association

Knoxville Bar Association

Hamilton Burnett American Inn of Court, 2019-Present

Claims Litigation Management (CLM), Fellow 2011-2018

Defense Research Institute (DRI), 2003-2017; Women in the Law Committee, 2010-2012

Tennessee Defense Lawyers Association, 2003-2013

Tennessee Public Risk Management Association, Affiliate Firm Member, 2014-2018

Mid-South Workers Compensation Association, 2003-2015

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.

Hearing Officer, Board of Professional Responsibility of the Tennessee Supreme Court - March 2014-2020. (Some cases did not conclude until early 2022.)

AV Preeminent Peer Rated for Highest Level of Professional Excellence by Martindale-Hubbe

The Fellows of the American Bar Association - inducted June 2016

The Fellows of the Tennessee Bar Association – inducted January 2019

Tennessee Supreme Court Attorneys for Justice Recognition - 2014, 2015, 2016, 2017, 2018, 2020

ETLAW Spirit of Justice Award – 2014

U.S. News & World Reports - Best Lawyers in America - 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022; Lawyer of the Year for Employer’s Workers Compensation 2018.

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.

None

ESSAYS/PERSONAL STATEMENTS

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

I want to be Chancellor of the Seventh Judicial District because I care about the important legal matters that come before the Chancery courts, and have the unique qualifications, and professional and life experience to serve the profession and my community in this very important position.

For our community to have faith and trust in our justice system, it is important for all who come before the Court, all who are employed by the Court, and all who have a role in legal proceedings, to know the Chancellor respects them, will listen to them, and will treat them fairly and impartially in all matters. If appointed as Chancellor, I pledge to always be prepared, treat each case as important, and treat all parties involved with respect and dignity. I will listen to all impartially, and be approachable, accessible, reliable, and efficient.

If appointed, I will work with the other Courts in serving Anderson County, the Clerks of Court, County offices, and staff to maintain and improve policies, procedures, and systems that improve the administration, safety, and service of the Courts.

I am ready and able to serve the people of Anderson County as its Chancellor and desire to use

my experience, management, and leadership skills to make a positive impact and provide for the fair, efficient and impartial administration of justice in the Seventh Judicial District.

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)*)

Anderson County has a population of approximately 75,000 people and includes the cities of Andersonville, Clinton, Norris, Oak Ridge, Rocky Top, and a portion of Oliver Springs. The county also includes rural, unincorporated areas such as Bethel, Briceville, Claxton, Marlow, and Medford, and shares a portion of Heiskell with Knox County.

The Seventh Judicial District has two Judges; a Chancellor and a Circuit Judge. Although both the Circuit and Chancery Courts have general civil jurisdiction by statute, the Chancery Court traditionally has heard matters of “equity,” or cases where “non-monetary” relief is sought – such as contract, property, and estate disputes, domestic relations, and child custody. The Chancery Court in Anderson County includes the Probate and Child Support Divisions.

My impact on the Court, in addition to the qualifications outlined above, would be to promote the collaboration, cooperation, and professionalism of all attorneys, staff, and those involved with the work of the Chancery Court, as well as the other Courts serving Anderson County, to ensure the fair and efficient administration of justice and respect for all who have business before the Court.

30. Will you uphold the law even if you disagree with the substance of the law (e.g., statute or rule) at issue? Give an example from your experience as a licensed attorney that supports your response to this question. *(250 words or less)*

Yes, I will uphold the law even if I disagree with the substance of the law at issue. A judge has the obligation and duty to fairly and impartially uphold and apply the law to the facts presented by each case, regardless of their personal opinions or beliefs.

Although not necessarily a disagreement with the substance of the law itself, over the years I have seen many contractual agreements that were entered into with little thought given to the terms or conditions, or where a party failed to fully understand all of the terms of an agreement they’ve entered, and ask the Court to “interpret” a particular term, “reform” certain provisions, or even rescind the contract altogether. In some cases, interpreting and/or enforcing a contract as written may cause significant hardship for one or more parties.

However, under Tennessee law, there are very few situations where Judges or Chancellors have the authority to add, delete, or modify the terms of a contractual agreement – even in courts of equity. Tennessee law has long held that courts are not “a fallback mechanism for the parties to use to ‘make a new contract’ if their written contract purportedly fails to serve their ‘true’ intentions.” *Petty v. Sloan*, 277 S.W.2d 355 (Tenn. 1955). If I am appointed Chancellor, I am

sure I will be faced with a contract dispute where the interpretation under Tennessee law would seem unfair or inequitable to one or more parties; but regardless of perception, or the significant hardship for one side or the other based on the interpretation, I will apply the law to the agreement presented. As a judge, I will uphold the law regardless of my personal opinions or personal beliefs.

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. William B. Weigel, Chairman, Weigels Stores, Inc.	[REDACTED]
B. Bobby Waggoner, Retired, Knox County Sheriff's Office	[REDACTED]
C. J. Timothy Bobo, Partner, Ridenour Law Firm.	[REDACTED]
D. Cheryl G. Rice, Shareholder, Egerton McAfee,	[REDACTED]
E. Heather G. Anderson, Partner, Bernstein Stair & McAdams LLP,	[REDACTED]


AFFIRMATION CONCERNING APPLICATION

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

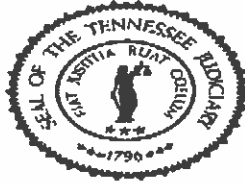
I have read the foregoing questions and have answered them in good faith and as completely as my records and recollections permit. I hereby agree to be considered for nomination to the Governor for the office of Judge of the **Anderson County Chancery Court** of Tennessee, and if appointed by the Governor, 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: February 6, 2023.


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.

Karen G. Crutchfield

Type or Print Name

Karen G. Crutchfield

Signature

February 6, 2023

Date

016651

BPR #

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