

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

1/17/23

Name: Russell D. Gill

Office Address: 7209 Haley Industrial Drive, Suite 210, Nolensville, Williamson County, Tennessee 37135

Office Phone: 615-203-4200 Facsimile: 931-322-4455

Email Address: [REDACTED]

Home Address: [REDACTED] Williamson County, Tennessee 37135

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. 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.

I am self-employed as an attorney-at-law at Nolensville Law Group, PLLC, and as a closing attorney for CLOSED Nashville, LLC.

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 law in Tennessee in 1999.

My Board of Professional Responsibility number is 020095.

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 licensed to practice law in the state of Tennessee. My Board of Professional Responsibility number is 020095. The date of my licensure is October 18, 1999, and my license remains active. I am not licensed in any other state.

I was admitted to practice before the United States District Court for the Middle District of Tennessee on June 6, 2001.

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).

I have never been denied admission to, suspended, or placed on inactive status by the Bar of any State.

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).

It is my hope that the Commission will view my experience as unique: I've been both a **business executive** and a **private practice attorney**.

I worked for a nationwide telecommunications company for nearly twenty years, serving in a

variety of roles, first as a Regulatory Manager, and later as a Manager of Collections, and then as Sr. Manager of Legal Affairs for Revenue Operations. I was promoted to serve as a Finance Director and served at that level for over half of my tenure with the company, with responsibility for supervising multiple employees, managing the annual budget for my group, and developing our business plan. During this expansive career I focused on revenue protection, collections, investigations, regulatory affairs, human resources, administrative, and law-enforcement support. The latter duties included compiling confidential responses to subpoenas issued by federal, state, and municipal agencies seeking private network information on our clients suspected of illegal activities. I was a prosecution witness in a federal criminal trial involving former customers, and in an interview with the Securities and Exchange Commission. I worked alongside our general counsel's office in conducting investigations in anticipation of litigation on sundry matters. I represented our company before a state public utility commission, and researched filings before the FCC.

I became a **private practice attorney** when my long-time employer was acquired by a much-larger company in 2017. This career shift allowed me to experience the challenges and joys of building a law practice, including taking indigent appointments when requested to do by a court. I've learned to balance scheduling needs of multiple parties involved in litigation. I've managed the understandable angst and concerns of clients regarding hearings. I've respected the disciplined, professional efforts of opposing counsel. I've learned the value of seeking mutually beneficial resolutions to contested matters. I've comforted grieving parties in cases involving probate issues, conservatorships, and juvenile custody.

My diverse experiences as a **business executive** and a **private practice attorney** uniquely equip me to be a Circuit Court Judge for the 21st Judicial District - I have both courtroom and conference-room experience. I note that because this district is home to a myriad of corporate offices, my two-decades of business experience would surely benefit the bench when business matters come before the court. Lastly, managerial background that will aide me in supervising the court's staff and its budget.

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 nature of my present law practice is varied. I routinely serve as a court-appointed Conservator for persons with disabilities in need of a fiduciary, as part and parcel of my role as **Public Guardian, Conservator and Trustee for Williamson County**. I'm grateful to serve in this role, and it even allowed me to work on a case filed in Hickman County, an important part of this judicial district.

I likewise regularly serve as an Attorney *ad Litem*, representing clients who are respondents in those same Conservatorship proceedings, or by serving as a Guardian *ad Litem* and thus the "eyes and ears" of the Court by filing reports of my findings.

I often appear in probate matters as the attorney on behalf of private clients seeking to administer a loved one's estate or probate a Last Will and Testament. Similarly, I'm often appointed to serve as an Administrator C.T.A. or Administrator *ad Litem* of various probate estate.

I invested considerable time in prior years representing clients in Juvenile Court as an Attorney *ad Litem*, as well as serving as a Guardian *ad Litem* for the children under the court's watch-care.

My firm serves as the outside counsel to several local businesses, including a manufacturing firm, a construction company, and three optometric physicians. My services include drafting/negotiating contracts, providing advice on employment law issues, leading on matters in litigation, and providing counsel on mergers/acquisitions.

I am pleased to be a resource for legal counsel to a broad range of private clients on general legal issues including elder law, estate planning, and financial issues. As such I've provided services typically expected of a lawyer by drafting many wills, trusts, powers of attorney, advanced care directives, antenuptial agreements, and affidavits for sundry purposes. Also, in the past year I expanded my practice by accepting an appointment to serve as a co-trustee of two special needs trusts.

I enjoy working as a real estate title/escrow closing attorney on behalf of various clients. In this role I issue title opinions, draft various deeds & affidavits, and mortgage-related documents, leading to the closings on the sale and/or purchase of residential and commercial real estate transactions.

A percentage breakdown of the various areas of my practice are as follows:

Conservator - 15%

Administrator C.T.A./ Administrator *ad Litem* (probate) -10%

Guardian *ad Litem* (conservatorships & juvenile court) - 10%

Attorney *ad Litem* (conservatorships & juvenile court) – 15%

Corporate-Business Counsel - 10%

General Legal Practice – 15%

Real Estate Title/Escrow & Closings – 25%

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.

When I was a corporate employee, I appeared before the Tennessee Regulatory Authority, Georgia Public Service Commission, the United States Bankruptcy Court for the Middle District of Tennessee, and a federal court in California. I served as the company's custodian of records in testifying as a prosecution witness in a federal trial in Texas and participated in interviews with the Securities and Exchange Commission.

In my years of private practice, I have routinely appeared in general sessions, juvenile, probate, circuit, and chancery courts, both in this district and in neighboring counties that are not a part of this district. Earlier this year I assisted in the preparation alongside my co-counsel for briefing and oral argument before the Tennessee Court of Appeals regarding a disputed trust matter.

My practice includes regularly appearing regarding cases involving conservatorships and probate matters in Circuit/Chancery Court, as well as dependency & neglect cases, filed both by the state Department of Children's Services and private parties, in Juvenile Court. I have also represented clients in Termination of Parental Rights trials, in both Juvenile and Chancery courts.

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

I presently serve as the **Public Guardian, Conservator, and Trustee for Williamson County**, Tennessee, having been appointed by the Williamson County Commission to a four-year term in January 2020.

In this role I have served numerous persons in making healthcare, custodial, and financial decisions on their behalf and for their respective best interests. Additionally, I have negotiated, while standing in the place of a ward, divorces, parental rights, and disposition of property.

While serving as a fiduciary, I have made end-of-life decisions on behalf of wards of various ages and stations-in-life. Indeed in 2021, my service as a conservator led me to experience, for the first time ever in my life, being in the room with another person at the time of their death. I held the hand of an elderly ward in the early morning hours at a local hospital's intensive care unit, as her body surrendered her soul. Thereafter I made all funeral arrangements and at her gravesite, offered words of respect for her life on behalf of the Williamson County Chancery

Court, which appointed me to serve as her conservator.

Regarding this late ward, I was later prepared as a prosecution witness by the United States Attorney's Office for the Middle District of Tennessee for a criminal trial of a person who was alleged to have stolen over \$1.7 million from the ward. I was not called as a witness, but the trial resulted in a conviction on all counts charged in the federal indictment.

Similarly, I was contacted by the state's Adult Protective Services to serve as the conservator for another ward who had likewise been the victim of theft, this time by a party acting under a power-of-attorney. I partnered with APS to seek such an emergency financial guardianship of the ward, followed by appointment as conservator, in chancery court. I served this ward until her death over a year later. I likewise assisted the district attorney's office with information as part of the prosecution of the party who abused the power-of-attorney to take the ward's money for his own use.

Finally, a matter of special note involved a case regarding a will contest. I was serving as the appointed administrator *ad litem* of the disputed estate. I recall presuming that an amicable resolution of the rather heated disputes between the various family members was unlikely. The case had already consumed two years of the court and the litigants' time and resources, and the animus between the parties was manifold. Still, the judge presiding over the case announced that it was the court's opinion that the case was ripe for a judicial settlement conference.

A judicial colleague of the presiding judge, who was otherwise unconnected to the case, took on the role of leading the judicial settlement conference. The conference lasted an entire day, and I recall well the judge's leadership in all matters. It was surely due to that judge efforts, and the sage decision of the presiding judge to order the judicial settlement conference, that all disputes which had previously seemed to be *un-resolvable*, were indeed resolved, and the case was settled.

I was impressed with the collegiality demonstrated between the two members of the bench. I witnessed the value of good-faith negotiations, leading others to find common-ground, and watching judges work in tandem for the best result that the judiciary could offer. This experience led me to become an advocate of judicial settlement conferences, as well as mediations conducted by Rule 31 mediators, whenever such proceedings are possible.

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

I began my working career as a state employee at an agency that is now known as the Tennessee Public Utility Commission. The years I spent as regulatory analyst in the telecommunications division of that agency proved invaluable to my future career as an attorney. I witnessed how the quasi-judicial body comprised of three commissioners conducted contested cases litigated

between a consumer advocacy staff and representatives of regulated utility companies.

I witnessed concerned citizens traveling to Nashville to offer sworn testimony on how a regulated telephone, water, electric, and/or transportation company was impacting their lives and livelihood. I watched how exceptional lawyers zealously represented clients, prepared testimony, cross-examined witnesses, and made closing arguments.

These experiences convinced me to go to law school. I was well-prepared to pursue a legal career in both the private sector and in private practice. I will forever be grateful for that first post-college job - it encouraged me to pursue a career which has fulfilled me for a lifetime.

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

I applied to be appointed to serve as the then-newly created position of Probate Master for the Williamson County Chancery Court, in 2022.

I have not otherwise applied for any state or federal judicial position.

EDUCATION

III. 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.

Belmont College (now Belmont University), Nashville, Tennessee

August 31, 1987 – May 11, 1991

Bachelor of Science – Major in Political Science and Minor in Communication Arts

Recipient of Award for Most Outstanding Senior Achievement - May, 1991

Nashville School of Law, Nashville, Tennessee

August 1995 – June 5, 1999

Doctor of Jurisprudence

Selected to give address on behalf of graduating class at commencement ceremony– June, 1999

PERSONAL INFORMATION

IV. State your date of birth.

I was born on [REDACTED] 1969.

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

I am a life-long Tennessee resident, having been born and reared in Humphreys County, and educated in its public schools, and later residing in Davidson and Williamson counties.

The lone exception being that I spent the summer of 1990 living in the Bronx borough of New York City, while volunteering at a local church.

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

My bride and I have made Williamson County, Tennessee our family's home for the past fourteen years, having moved to Nolensville in July 2009.

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

I am registered to vote in Williamson County, Tennessee.

VIII. 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.

I am not a veteran of any branch of the military.

IX. 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.

I have not pled guilty or been convicted or placed on diversion for any violation of any law, regulation, or ordinance other than minor traffic offenses.

X. 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.

I am not now under federal, state, or local investigation for possible violation of a criminal statute or disciplinary rule.

XI. 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 not had any formal complaints filed against me with any supervisory authority, court, or the Board of Professional Responsibility, alleging any breach of ethics or unprofessional conduct.

XII. 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.

There has not been a tax lien or other collection procedure instituted against me by any federal, state, or local authority, or creditor, ever, and specifically within the last five (5) years.

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

I have never filed bankruptcy, including personally or as a part of any partnership, LLC, corporation, or other business organization of which I was a beneficial owner or partner.

XIV. 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.

I have never personally been a party to any legal proceedings.

- XV. 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.

Providence Baptist Church, Nolensville

Williamson County Bar Association

Williamson County Republican Party – Treasurer, April to August 2019

Community Clothes Closet – Board Member, 2018-2021

Nolensville Blue Watch – Legal Counsel & Board Member 2022

National Eagle Scout Association

- XVI. Have you ever belonged to any organization, association, club or society which limits its membership to those of any particular race, religion, or gender? Do not include in your answer those organizations specifically formed for a religious purpose, such as churches or synagogues.

- a. If so, list such organizations and describe the basis of the membership limitation.
- b. If it is not your intention to resign from such organization(s) and withdraw from any participation in their activities should you be nominated and selected for the position for which you are applying, state your reasons.

I have never belonged to any organization, association, club, or society that limits its membership to those of any particular race, religion, or gender.

ACHIEVEMENTS

- XVII. 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.

Williamson County Bar Association, 2018, 2019.

XVIII. 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.

After graduation from law school, I worked in a corporate business environment for nearly two decades. I was privileged that my company recognized my achievements and dedication by promoting me to increasing levels of responsibility, as well as granting performance-based incentives and recognition throughout my career.

XIX. 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 was a write-in candidate in the election for Mayor of the Town of Nolensville in November 2018. I was grateful to garner nearly 43% of the votes cast in that two-candidate race, despite my name not being listed on the ballot.

In January 2020, I was appointed by the Williamson County Commission to serve a four-year term as the county's Public Guardian, Conservator and Trustee.

I was appointed to serve an interim term as an alderman on the Town of Nolensville's Board of Mayor and Alderman, in July 2020.

ESSAYS/PERSONAL STATEMENTS

XX. What are your reasons for seeking this position? (150 words or fewer)

I seek to serve as the next Circuit Court Judge for the 21st Judicial District because I know that the manner and means by which I would conduct the court will make a positive impact for the nearly 308,000 citizens of the district. The judiciary remains a branch of our government that is highly respected and given great deference by the citizenry. The impact I intend to make is to ensure that such respect continues, and indeed grows, by my conduct and diligence on the bench.

I will assuredly live according to the expectations of the Model Code of Judicial Conduct, and in particular Canon 1 which recites that I will "*uphold and promote the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.*"

We have an excellent bench and bar in this district, and my impact will be to treat all parties fairly and honorably.

XXI. 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 fewer)*)

The Circuit Court, Division III, judgeship for the 21st Judicial District, by agreement of the five present members of this bench, presides over criminal, civil, and matters in chancery, typically in Williamson County. However, it should be well-remembered that the district includes Hickman, Lewis, and Perry counties.

The economic disparity across the district is stark. The state's Economic & Community Development Dept. lists Williamson as the only county to achieve top-level economic status, with per-capita income of \$99,720, and poverty rate of 3.9%. However, that same agency lists Perry as a "Top 8" distressed county, with per capita income of \$22,886, and poverty rate of 22.2%. Regardless, the application of the law and administration of justice should be identical irrespective of ZIP-code.

I'm a native of rural Tennessee, and now a resident of suburban Tennessee. I understand both sides of this demographic coin and will seek to fairly serve citizens from across the district.

XXII. 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 fewer)*

The late Chief Justice of the Tennessee Supreme Court A.A. Birch, Jr. was a law school professor of mine. I recall that after the outcome of a rather public trial, a television news crew arrived at our campus seeking interviews about the case. Justice Birch set aside his planned lesson, and instead gave us instruction on professionalism. He did not address the infamous case of the day, but rather taught us that even if we disagree with an outcome, we are expected to "drape such proceedings with respect and honor in our words and deeds".

I've kept Justice Birch's teaching at the top of my mind when I've been pleased with a court's decision, as well as enduring a ruling that was contra to my best efforts. I've practiced that a lawyer should speak and act with respect for the court and collegiately for other parties. For example, I recall a termination of parental rights trial in which I was appointed to represent a man who had seemingly turned his life around, after a series of poor choices. He wanted to be a loving father to his child. However, because of the weight of the evidence of his prior poor choices and the plain language of the law, his parental rights were in peril. I had to accept the rule of law, and counsel my client accordingly.

Therefore, I affirmatively declare that I will uphold the law even if I disagree with the substance of the law at issue.

REFERENCES

XXIII. 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. Ms. Stacy S. Neisler, Esq., Attorney at Law. The Law Office of Stacy S. Neisler, PLLC, [REDACTED] Spring Hill, TN 37174. [REDACTED]
B. Mr. Jackson M. Welch, Jr., Esq., Attorney at Law. Hartzog & Silva, PLLC, [REDACTED] North, Franklin, TN 37067. [REDACTED]
C. Ms. Bebe Crosby, Advocate Supervisor, CASA of The Highland Rim, [REDACTED] Suite 203, Dickson, TN 37055. [REDACTED]
D. Hon. Roddy Parker, Chief of Police, Town of Nolensville, [REDACTED] Nolensville, TN 37135. [REDACTED]
E. Mr. Daniel O. Barham, Esq., Attorney at Law. Barham & Maucere, PLLC, [REDACTED] [REDACTED] Nolensville, TN 37135. [REDACTED]

AFFIRMATION CONCERNING APPLICATION

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

I have read the foregoing questions and have answered them in good faith and as completely as my records and recollections permit. I hereby agree to be considered for nomination to the Governor for the office of Judge of the Circuit Court, Division III, for the 21st Judicial District of Tennessee, and if appointed by the Governor, agree to serve that office. In the event any changes occur between the time this application is filed and the public hearing, I hereby agree to file an amended questionnaire with the Administrative Office of the Courts for distribution to the Commission members.

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

Dated: July 26, 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.

Russell D. Gill

Type or Print Name

Russell D. Gill

Signature

July 26, 2023

Date

020095

BPR #

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

I am not presently, nor have ever been, licensed to practice law in any other state.

