


Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office


1/17/23


Name: Jennifer Nichols

Office Address: 113 West Main Street
(including county) Gallatin, TN 37066

Office Phone: (615) 451-5810 Facsimile: _____

Email Address:  _____

Home Address: 
(including county) Goodlettsville, TN 37072 (Sumner County)

Home Phone: _____ Cellular Phone:  _____

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 an Assistant District Attorney General, for the Sumner County District Attorney General's office, 18th Judicial District.

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

I became licensed to practice law in Tennessee in 1990 and my BPR number is 14429.

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 admitted to practice law in Florida in 1988. My Florida license is not active. In January of 1990, I moved from Orlando to Memphis, Tennessee with no intention of returning to Florida to practice law. My bar number was 771546 and my license was placed on permanent inactive status after I moved to Tennessee.

I was admitted to practice law in the State of Tennessee in 1990. My license is active, and my bar number is 14429.

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 Tennessee Bar. With respect to the Florida Bar, as explained in answer #3, my Florida license is not active.

I never received private or public discipline and was never the subject of a bar complaint in Florida.

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).

August 1988 through December 1989 - I worked as an Associate in the law firm of Taraska, Grower, Unger and Ketcham in Orlando, Florida.

September 1991 through November 2003- I was employed by the Shelby County District Attorney General's Office as an Assistant District Attorney in Memphis, Tennessee.

November 2003 through October 2009- I was in-house counsel for the United States Postal Service's Law Department in a five-state region, including Tennessee, Alabama, Georgia, Florida and Mississippi; my physical office was in Memphis, Tennessee.

October 2009 through January 2018- I worked for the Shelby County District Attorney General's Office in Memphis, Tennessee.

January 2018 through August 2018- I was the Criminal Court Judge of Division 10 in the 30th Judicial District of Tennessee in Memphis, Tennessee

September 2018 through December 2018- I worked for four months at the Shelby County District Attorney General's Office in Memphis, Tennessee.

January 2019 through September 2022- I served on Governor Bill Lee's Cabinet as Tennessee's Commissioner for the Department of Children's Services. My office was in Nashville, Tennessee.

September 2022 through present- I am an Assistant District Attorney for the 18th Judicial District in Sumner County. My office is in Gallatin, Tennessee.

August 2012 through 2018 - I was an Adjunct Professor at the University of Memphis, Cecil C. Humphreys School of Law. For a few years, I taught both the Civil and Criminal Law sections of Trial Advocacy and the rest of the time, the Criminal Law section only. I also taught the Honors Prosecutors Externship, a program between the District Attorney's Office and the law school during several summer terms.

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.

As an Assistant District Attorney, my law practice is 100% devoted to criminal law. I am assigned certain cases by the District Attorney, within hours of the crime occurring; others I receive at the General Sessions level and still others, post indictment. In General Sessions, I review affidavits, interview witnesses, and conduct Preliminary Hearings on behalf of the State. I follow the cases through the Grand Jury process and subsequently, criminal court. Once a case reaches criminal court, I review the entire case file, prepare discovery, make settlement offers if appropriate, and negotiate with the defense attorney. I file and respond to motions, including Motions to Suppress, Bond Motions, Motions in Limine and others. Most cases assigned to me by the District Attorney are the most serious crimes that come to Sumner County. Additionally, I was asked by the Tennessee District Attorney General's Conference to serve as the Pro Tern (special prosecutor) on three separate First Degree Murder cases in Hamilton County. I currently have a total of nine First Degree cases assigned to me. I am also Pro Tern, at post-conviction level, for a First-Degree Murder, Kidnapping, and Rape case that I tried seven years ago in Hardin County.

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.

During my career as an Assistant District Attorney General (1991-2003, 2009- 2018, September 2018-December 2018, and September 2022 through present) I have worked for four elected District Attorneys (DAs). Three DAs (in large office) asked that I serve as chief prosecutor of a special unit. Because I worked for different DAs at different periods of times, and with varying responsibilities, I will discuss each separately and in reverse order with the most recent first.

September 1, 2022- present- I am an Assistant District Attorney in the 18th Judicial District in Sumner County. A description of my work is included in #6 above.

January 2019-August 31, 2022- I served as Commissioner for the Department of Children's Services (DCS), Tennessee's public child welfare organization. With three to four thousand employees across ninety-five counties, DCS served children in state custody and those at risk of coming into state custody. We likewise served the biological, foster, and adoptive families of children in the system and served youth declared delinquent by Juvenile Court and placed in custody. The legal department was comprised of nearly 100 lawyers who represented the state in child welfare matters across Tennessee. I developed yearly budgets, over a billion dollars, which were subsequently presented to Governor Lee and to the General Assembly in multiple hearings each year. I frequently testified before the General Assembly regarding budgets, legislation, the Department's operations and other topics of interest to the legislature.

The welfare of each child in state custody, or at risk of coming into state custody, was my top

priority. Striving to ensure that each child was served and received a safe, nurturing, forever home was our most important goal. Despite staffing shortages within our department, staffing shortages suffered by private service providers, the loss of foster homes during the pandemic, and an uptick in the serious criminal histories of some of delinquent youth in our custody, we did not lose sight of that goal. I will always be grateful for the opportunity to have served in that way.

From September 2018 through December 2018, I served as the Chief Homicide Advisor and Special Projects Prosecutor in the Shelby County District Attorney's Office. As the Chief Homicide Prosecutor/Advisor, I was on call 24/7 for the Memphis Police Department, Shelby County Sheriff's Office, and the other local law enforcement agencies in Shelby County. I received notification of every homicide in Shelby County, went to crime scenes, advised law enforcement regarding charging decisions, reviewed search warrants, and tracked cases through presentment to the Grand Jury. I maintained an active case load and managed special projects assigned by the District Attorney General.

From January 2018 through August 2018, I was Judge of Division 10 of the Criminal Court for the 30th Judicial District. As Judge I oversaw a docket of approximately 1200-1300 cases. I presided over all arraignments, bond hearings, probation hearings, probation revocation hearings, guilty pleas, post-conviction hearings, pretrial motions, trials, and sentencing hearings in Division 10. I took the bench on time every day and treated those who came before the court respectfully. I was available to law enforcement 24/7 and routinely met with officers after hours. There were responsibilities that I did not necessarily anticipate but enjoyed performing all the same. For example, the opportunity to qualify an entire jury pool comprised of hundreds of citizens, being allowed to recognize (with a certificate) the jurors who heard cases in Division 10 and personally thank them for their service, and performing weddings, for couples who opted for civil services are a few of the extra responsibilities that I enjoyed.

From February 2014 to January 2018, I served as the Deputy District Attorney General, or the first assistant, to the elected District Attorney of Shelby County. I oversaw the day-to-day activities of the office, supervised the staff of 225 attorneys, investigators, victim witness coordinators and support staff assigned to Criminal Courts, General Sessions Courts, Juvenile Courts, and Special Prosecution Units.

I spent substantial time with trial assistants and members of the defense bar negotiating the most serious cases. I reviewed, approved, and signed dismissed warrants, coordinated intrastate extraditions, and governor's warrants, and worked closely with the Public Defender's Office to resolve cases involving defendants involuntarily committed to hospitals due to mental health issues.

I wrote position letters on behalf of the District Attorney to the Tennessee Department of Corrections regarding parole eligible inmates, I accepted speaking engagements, coordinated staffing issues, and interviewed prospective Assistant District Attorneys.

Between 2009 and January 2018, I held several positions in the Shelby County District Attorney's Office. In 2010, General Gibbons asked that I help develop and lead the first Special

Victims Unit (SVU). For the first time in the Shelby County District Attorney General's Office, crimes against children including sexual and physical abuse and homicides along with adult sex crimes, elder abuse and vulnerable adult abuse cases were combined into one vertical prosecution unit. Our unit met daily with the Department of Children's Services and law enforcement regarding new complaints and investigations. We advised law enforcement regarding charging decisions, prepared case files for presentment to the Grand Jury, and maintained a full caseload. As the supervisor over SVU, I managed the prosecutors and support staff assigned to the unit.

From 2003 to 2009, I was employed as in house counsel for the United States Postal Service (USPS) in the Southeast Area Office located in Memphis, Tennessee. I represented the USPS in Title VII, ADA, and ADEA claims. I was of-counsel to the US Attorney's Office in Federal Court and lead attorney before the Equal Employment Opportunity Commission and the Merit Systems Protection Board. The position encompassed robust civil motion practice, including drafting Motions for Summary Judgment. I took frequent depositions of plaintiffs and witnesses, defended the USPS during depositions conducted by plaintiff's counsel, adhering to scheduling orders set by multiple tribunals in multiple states, and both issuing and responding to discovery requests. I performed reviews of and advised on discipline proposed by USPS management and subsequently advised on disciplinary actions issued to employees. I negotiated settlements when appropriate, represented the USPS during mediation, and at hearings when negotiations were unsuccessful. I appeared regularly for hearings, defending the USPS, on the merits of complaints before the Merit System Protection Board, EEOC, as well as before the National Labor Relations Board for complaints of unfair labor practices. I was designated as one of three advisers on Family and Medical Leave Act (FMLA) matters for the Southeast Area. While employed by USPS, I consistently exceeded national and regional goals for win, dismissal, and payout rates and as a result, received merit awards.

Between 1991 and the late 1990s I was assigned to misdemeanor court and then to Criminal Court as a trial assistant. District Attorney John Pierotti asked me to serve as the first Chief Prosecutor of Child Abuse and Child Homicide. At that time, the prosecution of crimes against children was the topic of much discussion and debate among those in the field. Child Advocacy Centers were growing in number, and educational opportunities for prosecutors and law enforcement were abundant. Memphis and Shelby County did not have a Child Protection and Investigation Team that formally united law enforcement, Department of Children's Services, Rape Crisis Center, and the District Attorney's Office in a meaningful way. In my new position, I was housed with the Memphis Police Department and the Department of Children Services at the Child Advocacy Center. Together we overcame the growing pains of working with other agencies, and 25 years later, the partnership remains. I handled many child abuse and child homicide cases because of that assignment.

I was next assigned to the Major Violators Unit (MVU), a unit that prosecuted repeat and violent offenders. It was not unusual to try 15-18 jury trials per year and to dispose of hundreds more through negotiated pleas.

After my time in MVU, District Attorney Bill Gibbons selected me to serve as the first female Chief Prosecutor of the Gang Unit. As Chief of the Gang Unit, I worked closely with law

enforcement and investigators assigned directly to the Gang Unit advising, approving charges and preparing cases to be presented to the Grand Jury. In addition to local law enforcement and our own investigators, I worked with state and federal officials on gang prosecutions and enjoyed trying multiple interesting cases.

July 1988- January 1990-, after taking the Florida Bar in July 1988, I worked for the law firm of Taraska Grower Unger & Ketcham in Orlando, Florida through December 1989. The firm's practice was heavily concentrated on medical malpractice defense work. As a new associate, I worked under the supervision of a senior partner. He assigned me various projects including research and writing, drafting advice memos for clients, drafting motions, preparing and issuing discovery requests and assisting clients with their discovery responses to the requests we received for them. I sought and retained experts to assist in the defense of our clients and defended those experts during their depositions.

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 challenging and serious cases. The cases listed below are a few examples.

2023-State vs. Michael Cummins. (Lead Counsel: District Attorney General Lawrence Ray Whitley) Michael Cummins was indicted for the First-Degree Murders of eight individuals. Cummins killed his mother, father, uncle, his uncle's girlfriend, and two members of the girlfriend's family, including a twelve-year-old child. Cummins' grandmother was badly injured and was the sole survivor in that home. A seventh victim, an older woman, was killed in her home, less than a mile away from the family home. His eighth victim, a harmless man who lived a reclusive life in the woods, was killed in the woods where he lived. This case was significant for many reasons, some of which are obvious; the number of victims leading it to be characterized as one of the largest mass murders in the state at that time, the three separate and distinct crime scenes one of which included six victims in one home, and a labor-intensive search by law enforcement for Cummins. It was also significant because the Defense filed a Motion to Strike the State's Notice to Seek the Death Penalty Notice because of Cummins' alleged mental disability. I was responsible for preparing for and representing the State during the Motion. After a three- day hearing, which included cross examination of the defense experts and the direct proof of State's experts, the State prevailed allowing the state to go forward seeking the death penalty. The defendant subsequently pled guilty and received eight Life Without Parole sentences, to be served consecutively and additional time for his other crimes.

2022- State vs. Corey Denzel Williams. Cory Williams was convicted at trial for the First-Degree Murder of his wife. The State filed a Notice to Seek Life Without Parole; thus, there was a second sentencing phase at trial. The jury sentenced the defendant to Life Without Parole. The evidence proved the defendant shot his wife four times, killing her as she drove. The defendant was riding in the passenger seat and their two young children in the back. The defendant ran from the car after shooting the victim and the kids were left strapped in their car seats, the car

running and still moving, and his wife was dead behind the steering wheel. Neighbors rescued the children. The defendant's young daughter was qualified as competent to testify and gave an eye-witness account of the murder. Two significant issues at trial were the admission of defendant's history of domestic abuse and whether premeditation was present. *State of Tennessee v. Corey Denzal Williams*, M2023-01070-CCA-R3-CD, 2023. Appeal filed April 1, 2024

2018-State vs. Ricky Jordan. I was the presiding Judge in this matter. Jordan was convicted after a jury trial of aggravated sexual battery of a victim less than thirteen years old. On appeal, Defendant claims that I committed plain error when I did not exclude evidence of other incidents of sexual contact between the parties that occurred during the indictment period. The Defendant requested that the State be required to elect the factual basis for the offense and that I exclude evidence of all sexual acts that were not within the scope of the election. After hearing arguments, I ruled that the State was required to make its election but not until the close of its proof. The Criminal Court of Appeals agreed that the prosecution is allowed to present evidence of sexual acts that occurred during the indictment period and then elect a specific act at the close or the State's case-in-chief. The Tennessee Supreme Court declined to hear this case (October 2019). *State of Tennessee v. Ricky Jordan*, No. W2018- 01190-CCA-R3-CD, 2019 WL 3071889 (Tenn. Crim. App. July 12, 2019).

2018- State vs. Octavious Wright. I was the presiding judge in this matter. Wright was convicted after a jury trial of rape of a child and at his sentencing hearing on June 29, 2018, I imposed a thirty-five-year sentence. In his Motion for New Trial, the Defendant alleged that I committed reversible error by granting a particular hearsay objection made by the State. He made a violation of due process claim as well. The hearsay issue regarded the fact that I excluded a Tennessee Child Protective Services (DCS) investigative report on the grounds that it was inadmissible hearsay, not relevant and speculative. The appellate opinion contains an interesting discussion about hearsay and due process but ultimately, the judgement of the trial court was affirmed by the Court of Criminal Appeals; the Tennessee Supreme Court declined to hear the case in October 2020. *State of Tennessee v. Octavious Wright*, No. W2019-00559- CCA-R3-CD, 2020 WL 3078513 (Tenn. Crim. App June 10, 2020).

2018- Broadnax vs. State of Tennessee. I was the presiding Judge in this matter, and it came to me at the post-conviction level. Defendant was convicted of aggravated robbery at trial. At post-conviction, he claimed his trial counsel was ineffective because he claimed not to have agreed to concede any involvement in the robbery, which trial counsel conceded during opening statement. The defendant has autonomy when the objective of the defense is to assert innocence or insist that counsel refrain from admitting guilt. The appellate court found that the dismissal of his post-conviction petition was based upon the defendant's lack of credibility; the appearance that the decision to partially admit involvement was based on an agreed upon strategy between the defendant and his counsel apparently agreed upon due to the identification of defendant and his statement to police. Judgement was affirmed by the Court of Criminal Appeals and the Tennessee Supreme Court declined to hear this case in July 2019. *Nicos Broadnax v. State of Tennessee*, No. W2018- 01503-CCA-R3-PC, 2019 WL 1450399 (Tenn. Crim. App. Mar. 29, 2019).

2017-State vs. Zachary Adams. this case has been referred to as the Holly Bobo case and the

defendant was convicted of Murder in the Perpetration of Kidnapping, Murder in the Perpetration of Rape, Premeditated Murder, Especially Aggravated Kidnapping, and Aggravated Rape. The case is significant for several reasons; the egregious nature of the crime, three years of investigation, and that the case was already in the early stages of prosecution before I was appointed as the Special Prosecutor. The Tennessee Bureau of Investigation (TBI) generated three terabytes of information during the investigation and managing the prosecution was challenging because of the tremendous publicity the case attracted. There was a change of venue, multiple days of Voir Dire, approximately 2000 pieces of physical evidence from across Tennessee moved to Hardin County for trial and securing the presence of dozens of out-of-town witnesses. *State of Tennessee vs. Zachary Rye Adams*, No. W2020-01208-CCA-R3-CD, 2022 WL 4114226 (Tenn. Crim. App. Sept. 9, 2022).

2015-State vs. Henry Lee Jones. The Defendant was tried and convicted for the First-Degree Murder of an elderly couple. The Defendant represented himself during the prosecution, which is an unusual decision especially in a death penalty case. The trial judge advised the Defendant against self-representation on numerous occasions, however, the Defendant elected to proceed Pro Se. Of particular interest, the Defendant had been previously tried, convicted and sentenced to death in Florida for a homicide wherein he had also represented himself. The Supreme Court of Tennessee affirmed. *State of Tennessee v. Henry Lee Jones*, No. W2015- 02210-SC-DDT-DD, S.W.3d 101 (Tenn. Jan. 30, 2019).

2015-State vs. Ronald Goodwin. After suffering a debilitating stroke, an elderly woman moved to Memphis to be cared for by her son, the Defendant. He lived in her home and was allowed access to her monthly checks to care for her. Rather than care for her, the Defendant used her money to buy drugs. The malnourished victim was found dead atop mounds of garbage. It was unclear when the victim died, and the house did not have water or electricity. The Defendant was indicted for Murder in the Perpetration of Theft and was particularly interesting because the theft was based upon the Defendant's theft of the victim's money. Though he had legitimate access to the funds, he did not use the money the way it was intended. The Defendant pled guilty to Second Degree Murder.

2014-State vs. Sedrick Clayton. The Defendant was charged with three counts of First- Degree Murder after he shot and killed the mother of his four-year old child as well as her parents. The child's mother was murdered in front of the four-year-old. The child, seven at the time of trial, was qualified as competent to testify and gave an eyewitness account of the events. One of the victims called 911 while the crimes were occurring thus a horrific portion of the homicide was heard through the open 911 line. A blood spatter expert testified regarding the complicated crime scene. The defendant was found guilty of the three homicides and was sentenced to death by the jury. The Tennessee Supreme Court affirmed this decision. *State of Tennessee v. Sedrick Clayton*, No. W2015-00158-SC-DDT-DD, 535 S.W.3d 829 (Tenn. Nov. 20, 2017).

2014-State vs. Maurice Brown. The Defendant was tried and convicted for the First-Degree Murder of his two-year old son. The Defendant reported the child missing and gave television interviews regarding his disappearance. The Defendant's statements were broadcast prior to his arrest and a massive city, county and nationwide search for the child ensued including involvement by the Center for Missing and Exploited Children. At trial, a television reporter

authenticated the taped interview of the defendant, the substance of which was disproved by the evidence. With cell tower records and the Defendant's phone records, the search for the child was re-focused and the victim's body was recovered from a garbage dumpster approximately one mile from Defendant's home. *State of Tennessee v. Maurice Brown, Sr.*, No. W2015-00466-CCA-R3-CD, 2016 EL 6596108 (Tenn. Crim. App. Nov. 7, 2016).

2012-State vs. Shakara Dickens. This was a "no-body" case where the victim's remains were never found. In this case, there was no identifiable crime scene or DNA or confession or eyewitness. A nine-month-old baby 'disappeared.' I worked backwards from the last person who saw the victim alive (other than the Defendant) and went from there. We used cell phone records, photographs, text messages, and statements made by Defendant to friends, family, and co-workers. It was necessary to disprove every reasonable scenario, other than murder, including multiple stories given by the Defendant. The Defendant was convicted of Second-Degree Murder. To obtain the best possible sentence, at her sentencing hearing, the Defendant admitted under oath to purposefully suffocating her 9-month-old baby, putting her body in a trash bag and disposing of her in a dumpster.

2012-State vs. Robert Brown. The Defendant was tried and convicted for the Rape and Intentional Exposure to HIV of his nine-year-old granddaughter. The abuse was discovered when the victim became ill, was diagnosed with HIV and disclosed the perpetrator's identity to medical personnel. The Defendant was aware of his HIV status for several years prior to the abuse. With Intentional Exposure to HIV, contraction of HIV is not a requirement, only exposure. Unfortunately, in this case, the young victim contracted the disease. *State of Tennessee v. Robert Brown, Sr.*, No. W2012-02458-CCA-R3-CD, 2013 WL 6730101 (Tenn. Crim. App. Dec. 19, 2013).

2011-State vs. James Hawkins. The Defendant was convicted of First-Degree Murder, False Reporting, and Abuse of a Corpse. The Defendant was charged with the murder of the victim with whom he had three children. The proof at trial revealed that Defendant stabbed the victim before decapitating and dismembering her. After the murder, the Defendant was captured on store surveillance purchasing and later returning a saw he used to decapitate and dismember her. We requested and the judge allowed the jury to travel to Mississippi for a jury view of the place on the interstate where the victim's torso was found. The Defendant was found guilty as charged and sentenced to death. The Tennessee Supreme Court affirmed this decision. *State of Tennessee v. Hawkins*, No. W2012-00412-SC-DDT-DD, 519 S.W.3d 1 (Tenn. May 1, 2017).

2001-State vs. Angalee Love. The Defendant was tried and convicted of Aggravated Child Abuse for causing both illness and injury to her child. The child abuse discovered in this case was associated with a syndrome called Munchausen by Proxy. Prior to the Defendant's arrest the victim was a frequent patient in the ICU of a local hospital. The jury learned, and saw in a video, that the Defendant injected fingernail polish remover into the 17-month-old victim's feeding tube thereby causing the child to have seizures. Once the child was away from the Defendant, she recovered from her prior "chronic" health issues. *State of Tennessee vs. Angalee Love*, No. W2002-03063-CCA-R3-CD, 2003 WL 22848978 (Tenn. Crim. App. Nov. 26, 2003).

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

Not Applicable.

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

In the fall of 2017, I applied for the position of Criminal Court Judge, Division 10 for the 30th Judicial District of Tennessee. I appeared before the Trial Vacancy Commission on November 6, 2017, at a public hearing. The Commission submitted my name to Governor Bill Haslam as a nominee. After two interviews, the first with the Governor's staff, led by now Justice Dwight Tarwater, and the second, an interview with Governor Haslam, I received the appointment on January 3, 2018.

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.

Cumberland School of Law at Samford University, 1985-1988. I received my Juris Doctor and was a member of the Moot Court Board, Winner of The Haley Trial Competition and elected to serve on the Honor Court.

University of Alabama, 1980-1984. Bachelor of Arts in Political Science, Minor in Criminal Justice

PERSONAL INFORMATION

12. State your date of birth.

1962.

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

I have lived continuously in the State of Tennessee for over 34 years.

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

I have lived in Sumner County since November 2022.

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

I am registered to vote in Sumner County Tennessee.

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 unsubstantiated. The first was filed by an individual convicted of and incarcerated for First Degree Murder. The Board of Professional Responsibility dismissed the complaint without filing a charge against me. The second was filed by a defendant's third-chair attorney who alleged that I threatened him physically during a conference with the judge. The two other people present at the conference, the judge and defendant's lead counsel, did not substantiate the

allegations. The Board of Professional Responsibility dismissed the complaint without filing a charge against 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)?

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.

While Commissioner for the Department of Children's Services, I was named in several lawsuits. I do not know whether my involvement is considered nominal by the Trial Vacancy Commission; thus, I requested and received a list from the Department and noted the information provided relative to status.

Raymond Taylor, as next of kind of Brian Taylor, and The Estate of Brian Taylor, and Deangelo Dujon Turner v Jennifer Nichols, Margie Quinn, Van Snyder, Mark Lesure and Tennessee Department of Children's Services, USDC for the Western District of Tennessee, 2:23-cv-02687-MSN-cgc, filed November 23, 2023, Suit filed by or on behalf of two men who were declared delinquent as juveniles and placed in state custody where they were housed in the hardware secure facility. Plaintiffs seek compensatory, special, exemplary and punitive damages for alleged injuries received while incarcerated there. Motion to Dismiss pending.

Leslie Burke, Melissa Burke, Individually and as Next Friend of Jane Doe, a minor child vs Jennifer Nichols in her capacity as Commissioner of the Department of Children's Service, Circuit Court, Green County, Tennessee CCC-19-CV-500, filed March 6, 2020. This suit seeks Declaratory Judgement and asks that a previous court's Order granting the State full guardianship of Jane Doe be declared void, that a surrender executed by Jane Doe's biological parents be declared void and that a preliminary injunction be entered requiring me to return physical custody of Jane Doe to the plaintiffs. Pending.

Elizabeth Rutan-Ran, Gabriel Rutan-Ram, et al vs Tennessee Department of Children's Services,

and Commissioner of the Department of Children's Service, currently Jennifer Nichols, in her official capacity, Chancery Court for the 20th Judicial District, Davidson County, 22-0080-III, filed January 29, 2022. This suit challenges the constitutionality of, and seeks a Declaratory Judgement, that TCA 36-1-147, which authorizes private child placing agencies, to exercise religious preferences with respect to who they provide services to, be declared unconstitutional. Pending.

Sheila Mikel v Jennifer Nichols, Commissioner of the Department of Children's Services, Department of Children's Services, and Omni Visions, Inc., US District Court, Eastern Division of Tennessee, 1:20-cv-345, filed December 10, 2020, this suit sought injunctive relief and damages because of the removal of foster kids from the Plaintiff by Omni Visions, a private provider independent from the Department. Dismissed and affirmed by 6th Circuit on January 19, 2023.

Victoria Cunningham, Individually and as Next Friend for A.C. (a minor child) v Department of Children's Services, Commissioner Jennifer Nichols, Donna Davenport, Judge, et al, US District Court, Middle District at Nashville, Tennessee, 03-19-0501, filed June 14, 2019, this complaint seeks damages, declaratory relief and emergency injunctive relief. Dismissed.

John Doe, a minor, by and through his next friend, Marjorie A. Bristol v Jennifer Nichols in her official capacity as Commissioner for the Tennessee Department of Children's Services, Sonny Weatherford, individually and in his official capacity as Sheriff of Sumner County, Honorable David E. Howard, individually and in his official capacity as Juvenile Court Judge for Sumner County, Tennessee, US District Court, Middle District of Tennessee at Nashville, 3:19-cv-00319, filed April 19, 2019, this case was brought based upon allegations of an overlong confinement of a delinquent youth, in full guardianship of the State of Tennessee, in a temporary holding center. Resolved

Adoptive mother Jones v Jennifer Nichols, Commissioner of Department of Children's Services, Chancery Court of Williamson County, at Franklin, Tennessee, 21CV505075, filed June 10, 2021, Petition for declaratory judgment and award for Adoption Assistance; no activity since March 2022 when plaintiff's attorneys withdrew. Motion to Dismiss expected.

James Grant Nichols (Plaintiff/Counter Defendant) v. Jennifer Ann Smith Nichols (Defendant/Counter Plaintiff) Circuit Court of Shelby County No. 138602-2 R.D. Divorce proceeding. Divorce was granted on December 9, 1992.

Steven Cooper, et al. v Larry Parrish, et al., USDC (W.D.Tenn.) No. 97-2625. Motion to Dismiss granted. As an Assistant District Attorney General, individuals indicted in State Court sued the District Attorney General and others in Federal Court. Judge Bernice Donald dismissed the case.

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.

Sumner County Republican Women's Club 2023- present; Republican Party of Sumner County 2023-present, currently exploring membership with Gallatin Rotary Club, Leadership Tennessee Class VIII 2020-2022, I attend First Baptist Church of Hendersonville, but my membership is with Christ Methodist 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.
- 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.

Sumner County Republican Women. This club limits full membership privileges to women. It allows men as associate members. If appointed, it would not be my intention to resign my membership but would not anticipate ever holding office. The organization hosts speakers from the community on a broad variety of topics and keeps its members updated on issues of political interest. 2023- present

Zeta Tau Alpha. This sorority limits membership to women. I was a member between 1980-1982 while attending the University of Alabama and have not been affiliated with the organization since that time.

Junior League of Memphis. This service organization limited its membership to women. I am not an active member but had "sustainer" status for a period. I am no longer affiliated with this service organization.

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.

Supreme Court's Advisory Commission on the Rules of Practice and Procedure 2015-1018, Memphis Bar Foundation Fellow 2014-present, Leo Bearman Sr. American Inn of Court 'Master' 2010-2013, National District Attorneys Association 2016-, Executive Committee of the Shelby County Republican Party 2017-2018, Memphis Bar Association Government Lawyers Section, Board Member 2010-2011, The Adoption Project, Policy Committee 2022- present, Member Advisory Council Addressing Sexual Abuse by Youth 2022, Tennessee Bureau of

Investigation, Dangerous Drug Task Force, Executive Board 2019-2022, Co-Chair, Tennessee Safe Baby Court Advisory Board, 2019-2022, Tennessee Child Welfare Advisory Board 2019-2022, Leadership Tennessee, Class VIII 2020-2022, Sumner County Bar Association 2024-

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.

Recognized for my advocacy for vulnerable children and championing of trauma-informed practices by Grammy award artist Stephen Curtis Chapman and his wife Mary Beth at Show Hope's (co-founded by the Chapmans and nationally recognized for adoption advocacy and child welfare work) annual Hope for the Journey Conference, 2021.

Finalist, Best of the Bar, Recognized by Memphis Business Journal, 2018.

President's Award, Recognition for Exceptional Service. District Attorneys Conference, October 2017.

Recognized by City of Memphis, Director of Police Services for outstanding performance on a case involving a young female police officer who was killed in the line-of-duty, February 2017.

Honored by Memphis Child Advocacy Center following a significant donation made in my name for my work in child abuse (anonymous donor), 2014.

Veronica D. Coleman Law Enforcement Professional of the Year, 2013, presented by Sheriff Bill Oldham, Mayor Mark Luttrell, Mayor A.C. Wharton and District Attorney General Amy Weirich.

Special Achievement Award, USPS Southeast Area Law Department by Managing Counsel for outstanding performance, personal investment on my cases and for being one of the top three producers in the Southeast Area, July 2005.

US Department of Justice, Federal Bureau of Investigation, Robert Mueller, Director of FBI, for an outstanding record and notable contribution in the prosecution of offenders brought to justice through the combined efforts of local law enforcement and the FBI, August 2002.

Citizens of Community Values, in recognition for my contributions to the cause of justice and community service, September 1996.

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.

In the fall of 2017, I applied for the position of Criminal Court Judge, Division 10 for the 30th Judicial District of Tennessee in Memphis. I appeared before the Trial Vacancy Commission on

November 6, 2017, at a public hearing. The Commission submitted my name to Governor Haslam as a nominee and I received the appointment from the Governor on January 10, 2018. I was a candidate in the August 2018 election for the same position.

ESSAYS/PERSONAL STATEMENTS

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

I believe that God gives us talents, skills, and experiences to use for the public good. I've been blessed with a breadth of experience few have. I practiced civil law in Florida before I moved to Tennessee, and as in-house counsel for the Postal Service. I've handled the widest array of criminal cases, from small offenses up to multiple murder cases, first in Shelby County and now in Sumner County. As DCS Commissioner, I gained insight into challenges families face in every corner of our State. These experiences gave me a firm grounding in civil and criminal law and a rich understanding of humanity. My tenure as a judge in Shelby, though brief, left me convinced that serving as a trial judge is the highest and best use of the gifts I've been given. If selected, I will serve honorably and treat all in my court with respect.

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 seek the judgeship for the new division of Circuit Court in the 18th Judicial District for Sumner County. The position is a hybrid one and will hear both criminal and civil matters. I have experience in both areas. My work as DCS Commissioner where the essence of its existence is family law, decades of criminal law, years of labor and employment law, and insurance defense work at the beginning of my career, would make the transition to Circuit Court Judge- seamless. Though my experience on the bench is limited to Criminal Court, the fact that I managed 1200 – 1300 cases on my docket prepared me well if I am selected. Sumner County has a case backlog in Criminal Court that forced our one Criminal Court Judge to begin scheduling trials in 2025. The individual selected needs to hit the ground running; I can do it.

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 it. One of my responsibilities as an ADA is to review and if appropriate, dismiss or reduce indicted cases due to legal deficiencies. As Deputy District Attorney, I dismissed a murder charge because of a technical rule of law even though the correct person was apparently charged. Dismissing the case was ethically and legally required under the circumstances. As Judge, I was available to law enforcement to review and sign search warrants when there was sufficient probable cause to go forward. However, in some instances, staleness, insufficient probable cause, lack of particularity, and statute of limitations problems required

me to decline to sign the search warrant. I am committed to upholding the law even if I disagree with the substance of it.

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. Lawrence Ray Whitley, District Attorney General for the 18th Judicial District of Tennessee; [REDACTED]

B. Holly Kirby, Chief Justice of the Tennessee Supreme Court; [REDACTED]

C. Jonathan Skrmetti, Attorney General and Reporter for the State of Tennessee; [REDACTED] P.O. Box 20207, Nashville, Tennessee, [REDACTED]

D. Ferrell Haile, [REDACTED] Senator, Tennessee General Assembly; sen.ferrell.haile@capitol.tn.gov; [REDACTED]

E. William Lamberth, Majority Leader of Tennessee House of Representatives; [REDACTED] Tennessee 37148; [REDACTED]

F. Vickie Graham, Director of HR, Tennessee Department of Mental Health and Substance Abuse; (Sumner County resident) [REDACTED]


AFFIRMATION CONCERNING APPLICATION

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

I have read the foregoing questions and have answered them in good faith and as completely as my records and recollections permit. I hereby agree to be considered for nomination to the Governor for the office of Judge of the [Court] Circuit Court, 18th 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: 4/16, 2024.


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.

Jennifer Smith Nichols
Type or Print Name


Signature

4/16/24
Date

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

#14429

BPR #
