

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

9/8/20

Name: Gingeree Smith

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(including county)

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INTRODUCTION

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

This document is available in Microsoft Word format from the Administrative Office of the Courts (telephone 800.448.7970 or 615.741.2687; website www.tncourts.gov). The Commission requests that applicants obtain the Microsoft Word form and respond directly on the form. Respond in the box provided below each question. (The box will expand as you type in the document.) **Review the separate instruction sheet prior to completing this document. Submit by the noon deadline date an original (unbound) completed application (with ink signature) to the Administrative Office of the Courts.** In addition, submit a digital copy with

electronic or scanned signature via email to ceesha.lofton@tncourts.gov, or via another digital storage device such as a flash drive. 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 a self-employed attorney.

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 1995

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 took and passed the bar exam in Missouri, and my bar number is 34591. My status is non-resident and I was admitted in May of 1986.

I also took and passed the bar in the state of Illinois, and my bar number is 6200755. I was admitted in May of 1989.

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 been temporarily suspended for non-payment of enrollment fees in Missouri in the past. My license was activated once the bar dues were paid. I was retroactively reinstated after the fees were paid each time. Additionally, I was making payments on the dues until they were paid. When I was working in Missouri, my bar dues were always paid on time because I had a significant income stream. All bar dues have been paid throughout the more than 33 years that I have been practicing. There were no other suspensions. There were no issues with the Illinois bar, as that state's bar dues are significantly less than other states.

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).

Private practice – 1989 through present – St. Louis, Missouri (1989-1994) and Nashville (1994-present) The areas of practice include: State and federal criminal law (Represented a defendant in a six week federal, multiple defendant, jury trial – St. Louis), personal injury and worker’s compensation.

St. Louis County Public Defender’s Office – Assistant Public Defender, 1986 through 1989 Handled numerous felony and misdemeanor jury and bench trials, pleas, preliminary hearings, traffic and domestic violence cases. Wrote and argued appeals from felony jury trial guilty verdicts.

UAW – Chrysler Legal Services – Law Clerk. Summer 1986, drafted motions and conducted legal research for staff attorneys.

Law Offices of Forriss Elliott- pre-licensed observatory position -1986.

Law Offices of Bussey and Jordan – pre-licensed observatory position - 1985.

Iowa Civil Rights Commission -Mediator – law student - trained mediator position - 1984-1985.

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.

Private practice – 1989 through present – St. Louis, Missouri (1989-1994) and Nashville (1994-present) The areas of practice include: State and federal criminal law (Represented a defendant in a six week federal, multiple defendant, jury trial – St. Louis), personal injury and worker’s compensation. I have only practiced in federal court in Missouri. While working in the St. Louis County, public defender’s office, I wrote and argued appeals for my cases that resulted in guilty verdicts.

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.

I practiced personal injury, traffic, worker’s compensation, juvenile and adult criminal law. I have also performed one adoption. The Tennessee law business as consisted mostly (99%) of criminal law cases. However, my Missouri practice was mostly (75%) personal injury and worker’s compensation law. Guilty verdicts were appealed and argued. Additionally, I worked as a mediator with the Iowa Civil Rights Commission while I was in law school.

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

When I worked in the St. Louis County Public Defenders, I wrote and argued appeals for cases that had resulted in a guilty verdict. Additionally, I have handled workers compensation cases in St. Louis and one case here in Nashville.

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

When I lived in St. Louis, I dispensed monies from an injury claim to my client as he had severe mental and physical disabilities. After his settlement was dispensed, I gave an accounting to the court. He received money from his settlement on a monthly basis until his funds were exhausted. While I received a contingency fee from his settlement, I did not charge any additional fees for the administration of his funds.

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

This is the first application that I have submitted for a judicial position.

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.

University of Missouri-Columbia – Journalism 1980

Drake University – Juris Doctorate 1985

PERSONAL INFORMATION

12. State your date of birth.

My date of birth is [REDACTED] 1958.

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

I have lived in Tennessee for almost 27 years. My father and his family were from Denmark, Tennessee. The family name is Williamson. The Williamson family has been traced back to Isaac Williamson, who was born in 1818 in North Carolina. Isaac Williamson came to Tennessee at some point during his life because he passed away in 1876 in Madison, Tennessee. The generational line is as follows: Isaac Williamson, Sam D. Williamson (born in Tennessee in 1864), Isaac Williamson (born in Tennessee), Bethel Williamson (born in Tennessee) and Gingeree Williamson - Smith.

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

I have lived in Smyrna for 26 years.

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

I am registered to vote in Rutherford 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.

N/A

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.

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 am sure that I may have two bar complaints and maybe some complaints that I received as a public defender handling numerous cases. Both complaints were resolved. One client wanted her money back and I gave the money back to her. These complaints were made in St. Louis, about 30 years ago. The other client was a divorce client. This matter was resolved. None of the complaints resulted in any action.

19. 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.

None

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

No

21. 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 was divorced in 1982. My current husband was in a car wreck and I was named in the proceedings in Davidson, County about ten years ago. I was not in the vehicle at the time of the collision. Our insurance company resolved the matter with the petitioner's lawyer.

22. 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.

I have been a member of Born Again Church here in Nashville for 26 years. When I was in college, I pledged and became a member of Zeta Phi Beta sorority (1978). Additionally, I was a girl scout troop leader in 1996, at Born Again Church. Recently, I was a math competition proctor at Pope John Paul II High School for two competitions from about 2017-2018. I also

worked concessions and in the library at Overbook School. Additionally, I participated in the parent group, sold football game programs and worked in the book dispensary at Montgomery Bell Academy from 2010- 2012 . I also drove children to various math competitions throughout this time.

23. 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.

No

ACHIEVEMENTS

24. 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.

I have intermittently belonged to the American Bar Association in the past.

25. 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.

I was a board chairwoman for the Lutheran Hilltop Day Care center for preschool children.

26. 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 2018, I ran for state senator for the 13th District of Rutherford County, Tennessee. This position is filled by election and I did not win. I met with constituents, participated in a radio interview, attended debates and social functions.

ESSAYS/PERSONAL STATEMENTS

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

I have been practicing law for many years. As a former public defender and indigent defense counsel, I believe that I have a full understanding of the judicial process. At this stage of my career, I also believe that I have a lot of experience to offer the courts in criminal and civil matters.

When I was a young lawyer, approaching 30 years old, I had the unique opportunity of trying a criminal case, for six and a half weeks, in the U.S. Federal Court system as an appointed counsel. This case involved multiple defendants with several excellent attorneys on the case. Having sat in a trial, for this extensive period of time, enhanced my legal skills. Additionally, I have tried many jury/bench trials in St. Louis and Davidson Counties. The vast majority of the cases were tried in St. Louis. I tried one case in Davidson County. Further, I tried a conflicts case in the city of St. Louis. My experience and background in law will enhance the judiciary in Rutherford County. My case load, as a public defender, consisted of about 200 open files.

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 have lived in Rutherford County for 26 years and I am very familiar with this area. Smyrna is a small town with lots of charm, character and initiative. In describing the judgeship that I am seeking, I believe that this particular venue may review and oversee criminal matters such as bound over/grand jury cases. I believe that there are four venerable judges on this panel. Nonetheless, I would bring a freshness and different perspective to the Rutherford County court system if I am chosen to embark on this legal expedition.

My offering would be presented from an extensive legal drawing board. Each case would be reviewed with sharp eyes, wisdom and common sense. The experience that I have to offer is unprecedented and comprehensive. Moreover, having practiced law in several different areas makes my offering a complete and well-rounded package. Ultimately, fairness and public trust would be my objective and hope

28. 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)*

As a criminal defense lawyer, I have had many instances where I have disagreed with clients. Yet, I managed to continue representing my clients with vigor, in spite of apparent and obvious differences of opinion. This is a natural talent that I have been graced with and developed throughout the years. This sense of fairness was inherent, but was professionally undertaken when I began my career as a public defender. Without getting into specifics, I have often

disagreed with lifestyles and choices that my clients have made. However, I treat everyone with respect and dignity. These situations are best managed by reviewing the legal aspects and consequences of each case. Consequently, I try not to delve into the graphic details or the disturbing facts surrounding a case. Hence, I chose to focus on the law in its purest, unadulterated form, rather than the logistics or disparaging facts of a given scenario or fact pattern. For example, when handling search and seizure matters, I weigh the probable cause implications and justifications for the intrusion. The law should uphold a measured standard of review without implicit/explicit bias or prejudice. Further, the system fails when laws are not protected and revered. Upholding established, well-grounded law is essential to due process and public confidence in the judicial process. The legal system would go awry if vigilante thought prevailed in the courts. Public trust in the institution would dissipate, wane and vanish. Embracing these principles of fairness would be my goal as judicial officer of the court.

REFERENCES

29. 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. Pastor Horace Hockett, [REDACTED], Nashville, TN 37207 [REDACTED]
B. Pastor Kiwanis Hockett, [REDACTED], Nashville, TN 37207 [REDACTED]
C. Rod McDaniel, [REDACTED], Hermitage, TN 37076 [REDACTED]
D. Karynthia Phillips, [REDACTED], Nashville, TN 37214 [REDACTED]
E. Wanda McGowan, [REDACTED], Memphis, TN [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] 16th Judicial District Circuit Court – Division II 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: October 13, 2020.

Gingeree Smith
Signature

When completed, return this questionnaire to Ceesha Lofton, 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.

Gingeree Smith

Type or Print Name

Gingeree Smith

Signature

Date

BPR #

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

I passed the Missouri and Illinois bar exams.

My Missouri bar number is 34591 and my

Illinois bar number is 6200755.