

**Tennessee Trial Court Vacancy Commission**  
***Application for Nomination to Judicial Office***

1/31/19

Name: Richard W. Rucker

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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 word processing format from the Administrative Office of the Courts (telephone 800.448.7970 or 615.741.2687; website [www.tncourts.gov](http://www.tncourts.gov)). The Commission requests that applicants obtain the word processing 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 [cesha.lofton@tncourts.gov](mailto:cesha.lofton@tncourts.gov), or via another digital storage device such as a flash drive.

THIS APPLICATION IS OPEN TO PUBLIC INSPECTION AFTER YOU SUBMIT IT.

**PROFESSIONAL BACKGROUND AND WORK EXPERIENCE**

1. State your present employment.

I am in the general practice of law in Rutherford and surrounding counties in Tennessee.

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

My license to practice law in Tennessee was received on April 4, 1971.

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.

Tennessee, only. BPR #002895. April 4, 1971. Currently active.

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

No, in no way.

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).

6. **EMPLOYMENT:**

- 7. 1970 -1971: Clerk for John R. Rucker Law Firm
- 8. 1971-1972: Associate attorney for John R. Rucker Law Firm
- 9. 1972-1984: Partner, Rucker and Rucker
- 10. 1985-1991: Judge, Tennessee Claims Commission, Middle District
- 11. 1990-1991: Adjunct Professor of Law, Edmondson Junior College
- 12. 1991-2002: Partner, Rucker and Rucker
- 13. 2002-2019: Assistant City Attorney & Risk Manager for Murfreesboro, Tn.



14. 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.

I retired from the City of Murfreesboro on November 8, 2019 to reenter private practice and to develop the practice of being a mediator. I have provided legal advice relating to and researched real estate titles but have not yet been consulted to handle a case in court. Since I am just starting the reentry into private practice, I expect that the major areas of law that I will be dealing with initially will be torts, domestic relations, with a gradually increasing number of mediations. Since this is the holiday season and I retired just as it started, no statistics that I could offer could possibly be valid.

15. 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 the initial 15-year period of practice after law school, my experience was a typical small city practice involving miscellaneous torts, eminent domain, criminal offenses including appointments, domestic relations, workers' compensation, real estate title searches and closings, wills and estates and some business consultations. I appeared in all Tennessee courts: County, General Sessions, Circuit, Chancery, Court of Appeals and Tennessee Supreme Court as well as with my father in the Middle District of Tennessee Federal Court.

During the second six-year period of practice I was appointed by Governor Lamar Alexander as the first Judge/Commissioner of the Tennessee Claims Commission in Middle Tennessee. In consultation with the other two Judges on the Claims Commission, I authored the first rules of practice before the Claims Commission and with the two new Judges in both East and West divisions, I authored a major revision in the rules of practice about a month before my 6-year term ran out. Per the statute, I issued findings of facts and conclusions of law in every case that came before me. Most of the cases were torts, prisoner claims, workers' compensation, some contract cases and constitutional rights matters as allowed by the TCC statute.

The next 11 years were those of practicing law in a growing city and surrounding counties in the area of torts (including medical malpractice and product liability), eminent domain, domestic relations, wills and estates in the same variety of courts.

In 2002, I applied for and was employed by the City of Murfreesboro as an Attorney in the City's Legal Department as well as the Risk Manager of Murfreesboro. My duties as an attorney included such activities as appearing in City Court on behalf of the City and the various departments of the City who needed to have cases tried (principally among the following departments: Police, Street & Signs, Buildings & Codes, Water & Sewer, Electric and Parks & Recreation). I created and reviewed proposed contracts, City ordinances and researched issues of law for the City Attorney to present to the City Council, managed the workers' compensation program, appeared in all courts previously mentioned on behalf of the City and managed



complaints of citizens with the objective of resolving the issues without going to court.

While managing the Office of Risk Management, I oversaw a staff of two, one of whom was the Safety Director and handled the budget process for the ORM. In conjunction with the Safety Director, Tennessee OSHA rules were applied where required, accidents were investigated and reports were made to the State, the Risk Management Committee of Murfreesboro, and the City Council.

When the tornado struck Murfreesboro in 2010, I was part of the City's response team which organized the citywide response including mobilizing the resources of the various departments of the City in order to ensure: public safety, cleanup, continuing to provide City services and repairing City damages. I was part of the liaison with Rutherford County's response team. I worked with the Federal OSHA representative in determining the amount of damages done by the tornado.

Another of my duties was keeping up with the Insurance program and the bidding process as well as comparing insurance coverages and recommending to the City Council which policies to purchase. Among the miscellaneous other duties was solving problems that did not come under the duties of any other department of the City. Examples of the problems dealt with were 1) what to do about a garbage truck leaking a large puddle of blood, 2) what to do about a garbage truck that was prohibited from dumping garbage because it was putting out an excessive amount of radiation and 3) what to do about rattlesnakes left over from a MTSU student's research project that came from one of the City parks. I was part of a team that resolved the question of whether a group of "paranormal investigators" would be permitted to investigate City property for ghosts.

There were other duties, "as assigned" but less interesting than the preceding paragraph.

After 17 years, I retired on November 8, 2019 to return to private practice.

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

The unreported workers' compensation case of Mai Gooch vs Murfreesboro, 2007, (which was finally resolved by the Tennessee Supreme Court Panel) established the principle that cities and counties were not responsible for discretionary costs because the Rule of Civil Procedure addressing discretionary costs did not specifically state that cities and counties would be subject to that particular rule in workers' compensation cases. That rule still stands.

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

I worked as an Adjunct Professor of law for Edmondson Junior College in 1990-1991 teaching students studying to be paralegals about civil procedure, domestic relations, insurance law and

torts. Edmondson Junior College closed in 1992 or 1993, I believe.

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

For the position of Workers' Compensation Judge when that court was created. A few of the questions asked were similar to the questions in this application.

### EDUCATION

19. 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.

I entered the University of Tennessee in the summer quarter of 1965 and took classes continuously through the mid-summer of 1967, thereby completing three academic years in a little over two chronological years. I then entered University of Tennessee College of Law in the fall of 1967 and graduated after the summer quarter of 1970. I was allowed to enter the college of law on the "3+3 program" (which has been reinstated at the UT College of Law in the past few years) partly because my LSAT score was sufficiently high to lead my incoming class (702 out of 800). Because my practice with my father and later my brother was located in Murfreesboro, I never took time out to complete an undergraduate degree at UT.

### PERSONAL INFORMATION

20. State your date of birth.

██████████ 1947

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

All my life – 72 years.

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

All my life excepting summer, 1965 through summer 1970 at UT obtaining a law degree.



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

Rutherford County, Tennessee

24. 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.

None.

25. 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.

26. 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.

Not to my knowledge.

27. 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.

None.

28. 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.

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

corporation, or other business organization)?

Personally, with my second wife, yes. A five-year payoff of all debts was approved by the Court. The final amount of the debts will be paid in full in approximately 15 months. No scheduled payment has been missed nor has any been late.

30. 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.

As a Judge on the Claims Commission, I have been sued by approximately five or less prisoners for violation of their constitutional rights. These lawsuits were handled by the Office of the Attorney General for Tennessee and I was usually informed of each suit after it was dismissed.

My first wife and I were married in May 1972 and divorced in February 1975. No issues required a contested hearing. There were no children and no real property to deal with. I agreed to pay the few debts and we each were earning about the same amount of income, so no alimony was awarded except for the division of furniture which was agreed to be alimony in solido to my wife. Rutherford Circuit Ct. Dkt. # 9381.

31. 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.

In the past five years. The only organization that qualifies for this question is the church that I regularly attend, North Boulevard Church of Christ. I have held no offices in this church.

32. Have you ever belonged to any organization, association, club or society which limits its membership to those of any particular race, religion, or gender? Do not include in your answer those organizations specifically formed for a religious purpose, such as churches or synagogues.
- If so, list such organizations and describe the basis of the membership limitation.
  - If it is not your intention to resign from such organization(s) and withdraw from any participation in their activities should you be nominated and selected for the position for which you are applying, state your reasons.



None, except a high school fraternity, Sigma Phi Omega and a college fraternity, Pi Kappa Phi, both of which were limited to the male gender. While I am an alumnus of each, I have not been active with either except for serving as a "District Governor" for Pi Kappa Phi for a four year term after graduating from the college of law, 1970 – 1974.

### ACHIEVEMENTS

33. 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.

34. PROFESSIONAL ASSOCIATIONS:

35.

36. American Bar Association 1972-1982

37. Tennessee Bar Association 1971-present

38. House of Delegates 1973 - 1985 (Responsible for representing the opinions of the lawyers in my district on various subjects or proposals to be considered by the TBA.)

39. Constitution and Bylaws Committee 1975 - 1977, Chairman 1976-1977

40. Select Committee for Pro Haec Vice Appearances by Attorneys From Other States, 2017.

(Responsible for evaluating and proposing changes in the Rules of Court providing for appearances before Tennessee courts by lawyers from other states. Changes accomplished.)

41. Rutherford/Cannon County Bar Association 1971- present, President 1981

42. Tennessee Defense Lawyers Association, various years not presently remembered.

43. Defense Research Institute, various years during 1980-2008.

44. Tennessee Public Risk Management Association (PRIMA) 2002-2019.

45. International Municipal Lawyers Association (IMLA) 2002-2019.

46.

47. PROFESSIONAL ACTIVITIES

48.

49. Rutherford County Election Commission 1972-1985. (Worked with 5 commissioners, both Democrat and Republican to fairly and peacefully conduct elections in Rutherford County.)

50. Board of Law Examiners 2004-2017; 2018-2019. (Prepared and graded questions for the bar exam)

51. Board of Professional Responsibility 2005-2011. (Judged charges against lawyers for malpractice and prepared advisory opinions on whether certain actions proposed by lawyers would meet the requirements for acceptable practice.)

52. Legal Advisory Board for Draughon's Junior College 2004-2008. Provided advice for the paralegal program.

53. American Inns of Court, Andrew Jackson chapter (Rutherford/Cannon Counties), Title: Master of the Court, approximately 1995-2000.

54. 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.



Board of Law Examiners: my 12-year term of appointment ended in 2016 but the Supreme Court approved keeping me over for an additional six months due to difficulty in finding a new examiner and called me back for part of the 2018-2019 years because of some difficulty with the examiner that did replace me.

FEATURED SPEAKER AT FOLLOWING SEMINARS

"Tennessee Claims Commission" by Maury County Bar Association, June 25, 1986.  
"Legal Issues for State Government Lawyers" by Attorney General's Office, October 1987.  
"Criminal Injuries Compensation Claims" by Williamson County Bar Association, October 3, 1988.  
"Since You Can't Sue the State--the Claims Commission" by Nashville Bar Association, November 16, 1988.  
"Tennessee Claims Commission" by Middle Tennessee State University and Rutherford/Cannon County Bar Association, December 2, 1988.  
"Legal Issues for State Government Lawyers" by Attorney General's Office, October 1989.  
"Legal Issues Involving Local Governments" by National Business Institute, May 2007

PUBLICATIONS

Criminal Injuries Compensation Fund: A Primer; Tennessee Bar Journal, July/August 1987.  
Criminal Injuries Compensation: 1988 Up Date; Tennessee Bar Journal, November/December 1988.  
Forms for Criminal Injuries Compensation 1987-1991  
Rules for Procedure for Tennessee Claims Commission, 1985-1991.  
Ethical Dilemmas for Municipal Attorneys, National Business Institute, May 2007.

MISCELLANEOUS:

Who's Who, National Registry, Life Member #119532

Attended the Tennessee Judicial College in 1985 for training for new judges.

55. 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.

Rutherford County Election Commission, 1972-1985, Commissioner, appointed by Rutherford County judge (title at that time).

TBA House of Delegates, 1973-1985, Delegate, elected by local Bar Association.

TBA Constitution and Bylaws Committee, 1975-1977, Chairman, appointed by TBA President.

Rutherford/Cannon County Bar Association, 1981, President, elected by local Bar Association.

Tennessee Claims Commission, 1985-1991, Judge, appointed by Gov. Lamar Alexander.

Board of Law Examiners, 2004-2017 and recalled for parts of 2018-2019, appointed by Tennessee Supreme Court.

Board of Professional Responsibility, 2005-2011, appointed position.

Unsuccessfully applied for judge on the Workers' Compensation Court. 2013. Appointed position.

Unsuccessful candidate for Chancellor in 1990 and for Circuit Judge in 1998. Both elective.

### ESSAYS/PERSONAL STATEMENTS

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

Principally, because I have been through the time that it takes a person who is new to the position of Judge to become comfortable with the distancing from old lawyer friends which is necessary for impartially hearing cases where those friends appear on one side. The diversity of cases that I've handled both as lawyer and judge and the diversity of problems I've handled while keeping Murfreesboro out of court have made me familiar with the kinds of problems that both people and corporations can get themselves into and why the people involved let it happen.

My family has a long line (back to 1859) of lawyers and judges. This history calls me to serve the public with the best that I have to offer.

57. 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)*

58. There are four Circuit Judges and one Chancellor for the 16<sup>th</sup> Judicial District comprising Rutherford and Cannon counties. These are courts of general jurisdiction meaning that all lawsuits (municipal, criminal and civil except Workers' Compensation) may be brought before these judges.

59. With Judge Taylor's retirement, 20% of the judicial capacity will be gone from the most rapidly growing county in Tennessee. The caseloads only increase. Needed is a judge who's widely experienced in diverse cases, procedures, ethics and problem-solving which must be dealt with from the first day on the job.

60. My impact is having this diverse background (Tennessee Judicial College, diverse legal experience, diverse problem-solving experience, ethical background and judicial experience) and having been a judge who has already heard and decided many of the



kinds of cases coming before the new circuit judge.

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

Yes:

From my years as a Judge on the Claims Commission, I remember a lawsuit where an 82-year-old widow was struck and killed instantly while crossing in a crosswalk by a vehicle driven by a state employee. The statutory liability of the state was clear. The question was the amount of damages for her plaintiff children.

Possible damages included: pain and suffering, economic value of her life (income for the statutory time the lady would've received income), funeral costs and medical bills. No award was available just for loss of life at that time.

Evidence showed: medical bills: only ambulance transport, no pain and suffering because she died instantly. Income was deceased husband's pension and Social Security. She had saved under \$500 since her retirement at 65. House: paid off with no other debts. She was active in her church, her retirement center, and visiting her two financially independent, married children and three grandchildren (all three in late teens).

Suit: \$300,000, the maximum allowable at that time. Funeral expenses: \$5500 and the computed amount of monthly income multiplied by the statutory table of her short life expectancy was approximately \$15,000.

I granted judgment for only \$25,000 though I wanted to grant more. Plaintiffs appealed claiming that damages were far too low for the loss of a life. The appellate courts denied the appeal because she wasn't saving much and was using all her income to maintain her active lifestyle. The evidence and law allowed no other damages.

### REFERENCES

62. 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. Circuit Judge Mark Rogers, Rutherford Judicial Center, [REDACTED] Murfreesboro, TN 37130. [REDACTED]

B. General Sessions Judge Ben McFarlin, Rutherford Judicial Center, [REDACTED] Murfreesboro, TN 37130. [REDACTED]

C. Senior Judge Don Ash, [REDACTED] Murfreesboro, TN 37130. [REDACTED]

D. Emeritus Prof. Richard S. Redditt, [REDACTED] Murfreesboro, TN 37129, [REDACTED]

E. Tony Holt, Minister of Church Life, North Blvd. Church of Christ, [REDACTED]  
Murfreesboro, TN 37130; [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 for the 16<sup>th</sup> 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: January 6, 2020.



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.

Richard W. Rucker  
Print Name

Signature

January 6, 2020  
Date

002895  
BPR #

<p>Please identify other licensing boards that have issued you a license, including the state issuing the license and the license number.</p> <p>None _____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
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