

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

04/15/16

Name: Melanie Totty Cagle

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(Including county)

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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 [debra.hayes@tncourts.gov](mailto:debra.hayes@tncourts.gov), or via another digital storage device such as flash drive or CD.

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

**PROFESSIONAL BACKGROUND AND WORK EXPERIENCE**

1. State your present employment.

Attorney at Cagle & Boehms, An Association of Attorneys with two offices in Hickman County and Lewis County, Tennessee.

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

1998 TN #019189

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.

Not applicable

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

No

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

1998-2001 Associate Attorney at Harvill & Lovlace, a partnership, Centerville, Hickman County, Tennessee engaged in a general law practice.

1998-2001 Part-time Attorney at 21<sup>st</sup> Judicial District Child Support Office (contracted with PSI, Inc.), Hohenwald, Lewis County, Tennessee serving Hickman, Lewis and Perry Counties. Duties included establishing paternity, setting child support, collection of child support, and prosecuting contempt actions.

2001-2012 Attorney at Harvill & Lovlace, later known as Harvill & Associates, Title Insurance Producer for Old Republic Title, Attorney for the Town of Centerville, Delinquent Tax Attorney for Hickman County, counsel for First National Bank, and engaged in a general practice of law.

2010-2014 Assistant Public Defender for the 21<sup>st</sup> Judicial District (part-time), representing indigent criminal defendants in General Sessions and Circuit Court.

2012-2015 Law Offices of Melanie Totty Cagle, County Attorney for Hickman County and Delinquent Tax Attorney, engaged in a general practice of law.

2015 to present Cagle & Bohems, an Association of Attorneys, County Attorney for Hickman County, Delinquent Tax Attorney, Title Insurance authorized agent for Plateau Title engaged in a general practice of law.

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.

Currently, I operate two offices in the 21<sup>st</sup> Judicial District. One is located in Centerville, Hickman County and the second is located in Hohenwald, Lewis County. As a general practitioner, I have represented a broad spectrum of clients in legal cases in Chancery, Circuit, General Sessions, Juvenile, Appellate, and Criminal Courts within the Middle Tennessee area for over 20 years.

Divorce/Post Divorce Petitions 30%; Child Paternity and Visitation (unmarried persons) 10%; Child Support 2%; Criminal Cases 5%; Probate of Wills and Estates 5%; Estate planning including Wills, Power of Attorneys and Trusts 10%; Real Estate Closings including authorized title insurance agent for Plateau Title 2%; General Sessions Matters including Detainer Actions, Warrant to Recover and Small Claims 2%; Juvenile Court Dependent and Neglect Cases 2%; Termination of Parental Rights/Adoption Cases 10%; Bankruptcy-Creditor only 2%; Civil Litigation (Circuit/Chancery Court) 5%; Delinquent Tax Attorney for Hickman County 5%; County Attorney for Hickman County 10%

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.

Practicing in a smaller community, most attorneys do not have the ability to specialize in one area of the law. I have been a general practitioner for 20 years. Accordingly, there was no learning curve from law school to private practice. My first case was an appointment to an indigent father in Hickman County Juvenile Court accused of sexually molesting his adopted daughter, with the Department of Children Services removing all of his children from his home, and later being criminally charged with rape of a child. In short, I have been a trial attorney handling civil to criminal, simple to complex litigation in Middle Tennessee. Additionally, I have

represented local financial institutions in bankruptcy proceedings, collections, litigation, and in transactions of preparing Deeds, Deeds of Trust, Notes, Modification Agreements and Real Estate Closings. I have been a title insurance producer licensed by the State of Tennessee for Old Republic Title and title insurance agent for Plateau Title. I have drafted Wills and Trusts. I have probated numerous estates and been involved in various types of litigation in Probate Court. I have been the Attorney for the Town of Centerville and am currently the County Attorney and Delinquent Tax Attorney for Hickman County. In said roles, I have represented my clients in Bankruptcy Court, Unemployment Hearings, Administrative Hearings regarding Tax Assessments and have drafted numerous Ordinances and Resolutions. I have worked closely with various Committees such as Board of Zoning Appeals, Planning and Zoning, Public Safety, Solid Waste and Personnel/Benefits to represent my client and/or to work on policies and procedures. I have also represented the Hickman County School System in educational neglect cases against parents whose child was a truant. However, due to the social and economic situation of our geographic area, the majority of my practice has been dedicated to family law. I have handled numerous divorces, child custody, child support, and paternity actions. In addition, I have handled both civil and criminal appellate work. I have been involved in approximately 13 Court of Appeals matters and currently have three appeals pending in same.

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

JAMES RYAN SKELTON v. JENNA MARIE SKELTON, 2017 WL 2179950, (Tn. Ct. App. 2017). Represented a father at Trial and on Appeal from a Lewis County Modification of Parenting Plan that was affirmed by the Court of Appeals. The Father was awarded primary residential parent of the minor child due to change of the Mother's circumstances.

ETHEL CARMICAL, ET AL. v. MARY JANE KILPATRICK, 2002 WL 318632293, (Tn. Ct. App. 2002). Represented the daughter of a decedent on Appeal, of which the Court of Appeals affirmed in part and reversed in part. The trial court was affirmed as to the designation of a bank account as an estate asset but reversed the award of attorney fees that was assessed to my client under the "common fund" theory as error.

IN RE JACKSON G. ET AL., 2014 WL 3844793 (Tn. Ct. App. 2014). Represented step-father in a termination of parental rights at Trial and on Appeal. The trial court terminated the natural father's parental rights and granted adoption. On appeal, the Court affirmed.

JOHN WAYNE McDONALD v. JAMIE RHEA McDONALD BUNNELL, 2014 Tenn. App. LEXIS 774 (Tn. Ct. App. 2014). Represented the mother at Trial and on Appeal. Successfully, defended a Petition for Modification of a Parenting Plan that would change primary residential parent from mother to father. On appeal, the Court affirmed.

CHRISTOPHER ERIC TIDWELL v. ALICIA ANN TIDWELL, 2016 Tenn. App. LEXIS 73 (Tn. Ct. App. 2016). Represented the Husband on Appeal. Court of Appeals affirmed in part and reversed in part. The Court reversed the award of alimony.

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

Most recently, the Hickman County Solid Waste Landfill has neared the end of its capacity to be used for Class 3/Class 4 material due to the lack of real estate for expansion. As a result, the citizens of Hickman County would either have to fund a new facility and/or pay additional fees for outsourcing the disposal of Class 3/Class 4 material. The cost would exceed millions of dollars. With the assistance of Congresswoman Marsha Blackburn's office, we were able to release an unused FAA lease with the Town of Centerville Airport. Working in conjunction with the Town of Centerville, Hickman County, and the FAA to prepare the necessary releases, affidavits, and deeds to accomplish the expansion of the Solid Waste Landfill thereby saving our citizens millions of dollars.

I represented an attorney who was wheel-chair bound after we had to conduct hearings (we were adversaries) in the lobby of the Lewis County Courthouse due to her inability to access the entire Courthouse pursuant to the Americans with Disability Act. We were able to reach an agreement with Lewis County to install an elevator and make other such improvements. The case was settled. I waived all fees to the client and Lewis County.

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

Not applicable

### 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.

1991-1992 David Lipscomb University, No degree awarded transferred to another school due to financial hardship.

1992-1995 Tennessee Technological University, Associates Degree in Criminal Justice and Bachelor of Science in Sociology, Summa Cum Laude.

1995-1997 University of Tennessee, College of Law, Doctor of Jurisprudence, Member of the University of Tennessee Law Review, 2<sup>nd</sup> Place Award in the Advocate's Prize in the Moot Court Competition, Teaching Assistant for the Appellate Advocacy Class, Secretary of Moot Court Board, Student Attorney at the University of Tennessee Advocacy Clinic, and Law Clerk at the United States Attorney General's Office Eastern District (1996-1997).

**PERSONAL INFORMATION**

12. State your date of birth.

██████████ 1973

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

44 years

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

(Except for attendance in College for 7 years) 44 years

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

Hickman

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.

1) At the beginning of my legal career, approximately 1999-2000, a person filed a Complaint against me, another attorney, and the Juvenile Court Judge alleging a conspiracy to remove her children from her custody and into the custody of the father to the Board of Professional Responsibility. I had been court appointed the Guardian ad litem. I responded to the Complaint and the matter was closed with no hearing. I apologize that I cannot remember the Complainant's name.

2) A former client filed a Complaint with the Consumer Assistance Program very early in my career. I had represented this child support obligor in Lewis County and his child support had been terminated. Sometime later, the child support was reinstated in an action of which I was not involved in. I received a letter from CAP and responded. I received a letter indicating that the matter was dismissed.

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.

David Fitzgerald v. Hickman County, et al. Hickman County Circuit Court, case number 16-CV-2. The case (as to me) was dismissed on a Rule 12 motion for failure to state a cause of action with the Plaintiff ordered to reimburse my attorney fees. The case was brought by a former employee of Hickman County for his termination which he maintained was unlawful. I was named as a party because I am the County Attorney for Hickman County. The court found that

the case was without merit to me and dismissed same. No appeal as to my dismissal was taken.

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.

Hickman County Adopt-A-Class Sponsor (2009-present)

Vice-Chairman of the Hickman County Republican Party (2014-to present)

Williamson County Women's Republican Party (2018-to present)

Member of Hickman County Chamber of Commerce (2012-present)

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.

Not applicable

#### **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.

Tennessee Bar Association (2008-to present)

Member of the Board of Directors of the Legal Aid Society for Middle Tennessee and the Upper Cumberland's (2008-2012)

Hickman/Lewis/Perry County Bar Association (2008-to present), President (2010-2014), Vice-President (2008-2010)



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.

National Institute for Trial Advocacy; Child Advocacy, Diploma July 2013

Tennessee Commission on Continuing Legal Education and Specialization, 2012 Annual Speaker's Training Program

Train-the-Trainer Attorney for the Court Improvement Program 2009-2013

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.

Candidate for Hickman County General Sessions Judge, 2014, elective, not elected.

### **ESSAYS/PERSONAL STATEMENTS**

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

As a life-long resident of Hickman County, I have a great desire to serve my community and I appreciate the circumstances of the citizens of these three rural communities. These litigants often have limited funds for attorney fees and need to have their matters heard in a timely matter. With my breadth of experience and knowledge of the community, I am prepared to move into the next step in my career. If selected, I will dedicate all my time and effort to serving the citizens of my community justly and fairly under the law.

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)*

The 5<sup>th</sup> Judge comprises of Williamson, Hickman, Lewis, and Perry Counties. The legislative intent is for the 5<sup>th</sup> Judge to serve Hickman, Lewis, and Perry Counties. The Presiding Judge has issued a decree that the 5<sup>th</sup> Judge will have chambers as well as hear all cases in same. This position encompasses eight non-jury dockets each month with special set trial dates. The five-year average for new case filings for same is 2585 per year with 2370 dispositions per year. I am a trial attorney specifically practicing in these three counties. I live in Hickman County and have an office/staff already in place to assist me. I pride myself at being efficient and organized and will bring those qualities to the court. If appointed, this will allow the remaining four Judges to utilize their collective time to assist the needs of the citizens of Williamson County.

30. Will you uphold the law even if you disagree with the substance of the law (e.g., statute

or rule) at issue? Give an example from your experience as a licensed attorney that supports your response to this question. (250 words or less)

Yes. For the last four years, I have not only been the Vice-Chairman of the Hickman County Republican Party but also Attorney for Hickman County. After the *Obergefell v. Kasich* decision, I received two communications. The first was from the ACLU detailing how that organization was prepared to sue Hickman County if the County Clerk failed to issue marriage licenses to same-sex couples. The second was a phone call from an Attorney whom represented an organization prepared to pay all the attorney fees, costs, and fines if the Hickman County consented to refuse to issue marriage licenses to same-sex couples. I was being asked as both "the Vice-Chairman and the County Attorney" to encourage the Court Clerk's refusal to issue marriage license to same-sex couples. I explained that regardless of my dual roles, I had taken an oath to uphold the Constitution of the United States and the State of Tennessee. Once the United States Supreme Court ruled in the *Obergefell v. Kasich* case that same-sex couples could, in short, marry regardless of state law, I was ethically bound to follow the law. The issue was settled. As an aside, the County Clerk had never entertained refusing to issue marriage certificates to any couple. A similar situation occurred during the national furor over the use of "public bathrooms." I explained that our County had no known "bathroom" usage issues and would not start or invite a lawsuit on who could or could not use a County or School bathroom.

#### 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. Michael Curcio, Member of House of Representatives for the State of Tennessee, 69<sup>th</sup> District and Insurance Agent, P.O. Box 823, Dickson, Tennessee 37056; [REDACTED]

B. K. Keith Nash, Chairman of the Hickman County Commission and Engineer, 10004 McFarlin Road, Bon Aqua, Tennessee 37025; [REDACTED]

C. Bob Bohn, former Mayor of the Town of Centerville, 3 Byrd Rd; Lawrenceburg TN 38464; [REDACTED]

D. Lee Dryer, Attorney at Law, 426 Century Ct., Franklin, Tennessee 37064; [REDACTED]

E. Vanessa Bryan, Public Defender for the 21<sup>st</sup> Judicial District, 305 Public Sq, Franklin, TN 37064; [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 21<sup>st</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: July 5<sup>th</sup>, 2018.

  
Signature

When completed, return this questionnaire to Debbie Hayes, 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.

Melanie Totty Cagle

Type or Print Name

Melanie Totty Cagle

Signature

July 5<sup>th</sup>, 2018

Date

#019189

BPR #

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