

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

04/15/16

Name: Regina Morrison Newman

Office Address: Newman Law & Mediation, P.O. Box 40025, Memphis, TN 38174
(including county) Shelby County

Office Phone: 901-604-4811 Facsimile: _____

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). 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 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, 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.

Owner/Attorney/Mediator at my own practice which is Newman Law & Mediation (solo practice), P.O. Box 40025, Memphis, TN 38174.

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

1994, TN BPR #16825

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.

Only Tennessee.

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).

Aug, 1994 – Aug, 2008, Attorney, Hodges & Hodges, Attorneys; Memphis, TN. General civil litigation.

Aug, 2008 – Jan, 2010, Owner/Attorney, Newman Law Office (solo practice); Memphis, TN. General civil litigation.

Sep, 2009 – Aug, 2010, Shelby County Trustee; Memphis, TN. Government elected position; appointed to fill a vacancy.

Sep, 2010 – Jan, 2011, Sr. Assistant City Attorney, City of Memphis City Attorney's Office.

Jan, 2011 – Dec, 2015, Deputy City Attorney, City of Memphis City Attorney’s Office.

Jan, 2016 – present, Owner/Attorney, Newman Law & Mediation; Memphis, TN. Solo practice.

Occupations/employment prior to obtaining Juris Doctorate are indicated on attached resume.

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.

General civil litigation practice, with major practice areas being personal injury (40%), domestic/family (20%), business/contract (20%), wills/estates (15%), and with additional practice areas (5%) including appellate work and municipal/government law.

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.

Over 22 years, my legal experience has been in civil law and primarily litigation. I have appeared many times in all the Shelby County and Tennessee State civil courts in Shelby County, including Chancery, Circuit, Probate, General Sessions, and Juvenile, as well as the TN appellate courts, TN Supreme Court, and the U.S. District Courts. I have tried hundreds of cases before the bench, as well as numerous multi-week jury trials, and a conservative estimate of the number of motions argued would be over 1000. I have also argued successfully before the TN Court of Appeals and TN Supreme Court and represented clients in many mediations. Complex litigation and trial matters handled have ranged from intentional fraud, medical malpractice, construction contract disputes, other transactional/business disputes, personal injury cases, the Shelby County/City of Memphis school merger case, and defense of litigation from unions for the City of Memphis. While I have represented large and small clients and businesses in negotiating complex transactional matters and resolving disputes, I have also represented individuals in landlord/tenant matters, divorces and custody matters and have served as *guardian ad litem* as appointed by the courts. I do my own research and write my own briefs. I have never undertaken to practice criminal or bankruptcy law.

As the Deputy City Attorney for the City of Memphis for nearly five years, I supervised the 30-plus employed attorneys plus contracted attorneys and led the litigation team managing the handling of all claims and litigation on behalf of the City, as well as initiating litigation as needed. The City’s caseload of over 1200 litigation cases at any given time included civil rights, GTLA defense, transactional disputes and others, as well as administrative matters arising from employee issues, and regulatory matters such as violations of City ordinances, permit issues, plus tax disputes. The office included 60 employees in the bureaus of Claims, City Prosecutor’s Office, Ethics, Grants Compliance, Risk Management, Permits, and the City Attorney’s Office proper which included the litigation team and transactional attorneys.

I was the managing attorney for the firm of Hodges & Hodges until 2008, when I started my own firm. I am again managing my own solo practice while I also assist another local firm with mentoring and training young attorneys.

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

Goodale vs. Langenberg, et al was a successful multi-week jury trial where I represented the plaintiffs in a case of intentional fraud, with three excellent attorneys handling defense in Circuit Court. The case resulted in a Court of Appeals opinion with the judgment for the plaintiffs affirmed. Vinson vs. UPS was a worker's compensation bench trial where the TN Supreme Court, in a published opinion, found in favor of my plaintiff client and defined the law. General Construction Contractors vs. St. Thomas was a construction dispute tried in the Chancery Court and affirmed by the Court of Appeals in favor of my plaintiff client. I was also gratified by a jury verdict on behalf of a wrongfully evicted tenant with what I believe was the largest attorney's fee granted for that type of judgment in Shelby County. The successful defense of the City of Memphis' position in the Federal case on public school mergers was also highly noteworthy, as was our successful defense of the City's ability to manage budgets in the face of opposition of the unions in AFSCME, et al vs City, also a Federal case.

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

From 2013 – 2015, I served as legal counsel to the City of Memphis Mayor's Sexual Assault Kit Task Force. I became a Rule 31 listed civil mediator in 2012 and sat as a special judge for mental health hearings for the indigent a couple of times many years ago. I have been appointed by the Circuit and Chancery Courts as guardian ad litem for children in termination, adoption and custody cases – investigating, monitoring and making recommendations to the courts in the best interest of those children, as well as a recent GAL appointment for an elderly litigant.

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

None.

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.

Rhodes College (formerly Southwestern at Memphis), 1975-1979,
B.A. in Political Science and Public Administration
Nashville School of Law, 1990 – 1994, J.D.

PERSONAL INFORMATION

12. State your date of birth.

7/28/1957

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

40 years.

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

22 years.

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

Shelby County.

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.

None.

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.

I was named as a defendant in my official capacity as Shelby County Trustee in property tax disputes against Shelby County during my tenure, which I would consider nominal. I was the plaintiff in one collection case as to an unpaid debt, filed 6-5-14 in Shelby County General Sessions Court, #1691305, by a law firm on my behalf (disposition: paid and dismissed). I was one of many plaintiffs in three election-related cases filed and dismissed in 2010 in Shelby County Chancery Court (CH-10-1441, filed 8-9-10 for injunctive relief against Election Commission – later dismissed; CH-10-1538, filed 8-24-10 for injunctive relief and as an election contest – tried and dismissed; CH-10-1354, filed 7-28-10 for restraining order and permanent injunction as to certain candidate activities – tried and granted, then later dismissed after

election).

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.

April 4th Foundation, Board Member, 2012 to present
Memphis Area Women's Council
Member, Women of Achievement
Lawyers Committee for Civil Rights Under Law
Workers Interfaith Network for Economic Justice
Mothers of the NILE (Nat'l. Institute for Law & Equity)
Idlewild Neighborhood Association
Memphis Area Women's Foundation
Perfect 36 Society (for Woman's Suffrage Monument)
ACLU
NAACP
Ballet Memphis
Diversity Memphis
Memphis Public Affairs Forum
League of Women Voters

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.
- 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.

No.

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.

TN Bar Association (at least 10 years)
National Bar Association, Ben F. Jones Chapter (most years since 2006)
Association for Women Attorneys (most years since 2006)
TN Lawyers Association for Women (most years since 2006)

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.

Dr. Martin Luther King Service Award – 2013, for legal work on civil rights/voting issues
Ruby R. Wharton Award for Excellence in Politics and Government – 2015
African American Legacy Award – 2010, for legal work on civil rights issues

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.

Mar 1987 – Jul 1989 – Exec. Asst. to TN Commissioner of Revenue, appointed.
Jul 1989 – Jul 1994 – Personnel Director, TN Dept. of Youth Development, appointed.
Aug 2006 – General Sessions Judge, Civil Div. 5, candidate for election.
Sep 2009 - Aug 2010 – Shelby County Trustee, appointed by Shelby County Commission to fill vacancy.
Aug 2010 – Shelby County Trustee, candidate for election.
Sep 2010 – Jan 2011 – Sr. Asst. City Attorney, Memphis City Attorney's Office, appointed.
Jan 2011 – Dec 2015 – Deputy City Attorney, Memphis City Attorney's Office, appointed.

ESSAYS/PERSONAL STATEMENTS

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

I am a great believer in public service and I feel I have something to offer the judiciary, thus it is incumbent upon me to do so. The bench needs experienced, fair-minded jurists who can listen and apply the appropriate law to the issues before them without bias. My experience has provided me a wealth of knowledge which I believe would be a benefit to the bench, the attorneys and litigants who would come before me and the thus the community in general. At a certain point, experienced attorneys need to give back, which is why I am mentoring younger

attorneys, but this judgeship is also an excellent opportunity to give back.

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)*

Shelby County Circuit Court, Division 7. The County has 9 divisions/judges for Memphis, suburban cities and unincorporated areas, serving over 900,000 people, poor to affluent, filing 6000 cases annually of the same types on which I have represented clients. All civil, those cases can be jury or non-jury, and include appeals from General Sessions Courts. They include personal injury cases, divorces, contract disputes, and more, plus judges can be approached for injunctive relief, emergency hearings and other urgent matters. This vacancy leaves the remaining judges evenly divided as to race and gender and having come from a variety of legal backgrounds. I believe my selection would add to the court's diversity and my experience in all the legal areas handled by the Circuit Courts, not just one or two areas, would be beneficial to the Shelby County bench.

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)*

Absolutely, except to the extent that the validity of one law is being properly challenged in a proper jurisdiction due to conflict with another existing and valid law. Courts exist to hear such challenges and resolve such conflicts, among others. Just as attorneys are entitled pursuant to TRCP 11.02 (2) to bring "nonfrivolous argument[s] for the extension, modification, or reversal of existing law or the establishment of new law", judges are occasionally called upon to hear and resolve those very questions. However, laws and the intent of lawmakers should speak for themselves and any conflicts should be resolved by using established legal methods and rules of interpretation. The personal opinions of judges should not enter into resolving any conflicts which may exist. As an attorney, I have been called upon in different cases for different clients to argue opposite sides of the same issue and have done so in diligent representation of my client when the law provided a viable basis for argument.

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. Herman Morris, Jr., Attorney, 1800 Overton Park, Memphis, TN 38112, 901-493-1300

B. Jim Kyle, Chancellor, Shelby County,	
C. Jocelyn Wurzburg, Mediator,	
D. Gina Sugarmon, Retired,	
E. US Congressman/ Attorney Steve Cohen,	

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] _____ 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 6, 2016.



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.

Regina Morrison Newman
Type or Print Name

[Signature]
Signature

7-6-2016
Date

16825
BPR #

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

N/A