

Tennessee Judicial Nominating Commission
Application for Nomination to Judicial Office

Rev. 14 September 2011

Name: Cynthia Jane Bohn

Office Address: 545 Mainstream Drive, Suite 320
(including county) Nashville, Davidson County, Tennessee 37228

Office Phone: (615) 252-8866 Facsimile: (615) 252-8020

Email Address: cynthia@cynthiajbohn.com

Home Address: [REDACTED]
(including county) Nashville, Davidson County, [REDACTED]

Home Phone: [REDACTED] Cellular Phone: [REDACTED]

INTRODUCTION

Tennessee Code Annotated section 17-4-101 charges the Judicial Nominating 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 <http://www.tncourts.gov>). The Commission requests that applicants obtain the word processing form and respond directly on the form. Please respond in the box provided below each question. (The box will expand as you type in the word processing document.) Please read the separate instruction sheet prior to completing this document. Please submit the completed form to the Administrative Office of the Courts in paper format (with ink signature) **and** electronic format (either as an image or a word processing file and with electronic or scanned signature). Please submit seventeen (17) paper copies to the Administrative Office of the Courts. Please e-mail a digital copy to debra.hayes@tncourts.gov

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

PROFESSIONAL BACKGROUND AND WORK EXPERIENCE

1. State your present employment.

Self-employed family law attorney at Cynthia J. Bohn & Associates

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

1994 - BPR #016592

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, BPR#016592; Active since 10/25/1994.

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).

Charlotte Fleming & Associates from August 1994 through December 1994

Robert J. Turner & Associates from January 1995 through August 1997

Cynthia J. Bohn from August 1997 through August 2000

Cynthia J. Bohn & Associates from August 2000 through present

After completion of my undergraduate degree at Vanderbilt University in 1985 I took some time to work before attending law school at Nashville School of Law in 1989. I worked in restaurants as a server and cook. I worked in sales as it relates to the construction business. I was part owner in a seafood restaurant on 2nd Avenue North called Laurell's Raw Bar. In addition, at the same time, I became owner and partner of a salon where I worked on developing our own product line

before the business closed. I have worked with all kinds of people from all walks of life.

6. If you have not been employed continuously since completion of your legal education, describe what you did during periods of unemployment in excess of six months.

I have been continuously employed since completion of my law degree.

7. 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.

100% of my work is in the family law and domestic areas.

8. 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. In making your description, include information about the types of matters in which you have represented clients (e.g., information about whether you have handled criminal matters, civil matters, transactional matters, regulatory matters, etc.) and your own personal involvement and activities in the matters where you have been involved. In responding to this question, please be guided by the fact that in order to properly evaluate your application, the Commission needs information about your range of experience, your own personal work and work habits, and your work background, as your legal experience is a very important component of the evaluation required of the Commission. Please provide detailed information that will allow the Commission to evaluate your qualification for the judicial office for which you have applied. The failure to provide detailed information, especially in this question, will hamper the evaluation of your application.

During my seventeen (17) years of practicing law I have litigated many types of cases. Early on I tried a car wreck case in general sessions court for my first (1st) employer. I was successful in that trial. I did legal research and wrote appellate briefs for my first (1st) employer, Charlotte Fleming.

When I moved to Robert J. Turner & Associates, I was given the task of developing his domestic practice, which I did very successfully. While developing the domestic practice, I was also tasked with representation of alleged criminals in general sessions court. I also had a case regarding the Lemon Law and that case was settled.

When I began my own practice, I took what cases I could get while developing my own domestic practice. I worked the mental health docket and I worked in General Sessions Criminal and Civil Court. I also had the wonderful experience of trying two (2) cases in Chancery Court that both ruled in my favor.

While starting my own practice I would often work sixty (60) to eighty (80) hours per week. I went to court to pick up appointed cases. When I was able to expand my practice to add

associates, the work really took off. By expanding my practice I was better able to pick and choose the type of cases I took. I enjoy doing family law and so this is the area where I decided to concentrate my practice. Family law is the most common area in which the general public has contact with the legal system. Of all the cases that were tried in Davidson County, Tennessee, in 2010, eighty four percent (84%) of those cases were domestic cases.

Throughout my career I have practiced in Davidson, Williamson, Rutherford, Cheatham, Wilson, Robertson and Sumner counties. In ninety nine percent (99%) of my trial work, I have been the lead attorney. Having been before many judges I believe I have the demeanor and knowledge of the law to be the next Davidson County domestic judge. My job as a judge would be to look at the case presented, ask questions where necessary, apply the law to the facts and to make a fair and impartial ruling.

9. Separately describe any matters of special note in trial courts, appellate courts, and administrative bodies.

I was the trial lawyer for two (2) cases that had substantial impact on family law and the shared parenting idea. The first (1st) case was Darvarmanesh v. Gharachlou, No. M2004-00262-COA-R3-CV, 2005 WL 1684050 (Tenn. Ct. App. July 19, 2005) wherein the trial court divided parenting time 50/50. The appellate court said only one person can be named primary parent. This case was settled before a rehearing before the judge. The second (2nd) case on this topic is Eastman v. Eastman, No. M2006-01134-COA-R3-CV, 2007 WL 1227042 (Tenn. Ct. App. April 25, 2007). In this case the trial court ordered 50/50 parenting time. This case was upheld by the appellate court and found it was in the best interest of the child to be with each parent an equal amount of time. This court upheld the 6 month/6 month split with the Mother designated the primary residential parent. Early in my career, in White v. State ex rel. Armstrong, No. M1999-00713-COA-R3-CV, 2001 WL 134601 (Tenn. Ct. App. February 16, 2001), I helped in developing a standard for paternity when a father has agreed the new child is his but does not complete a DNA test. Years later when the father finds out he is not the biological father, his parental rights may be terminated and his obligation for support terminated. In addition to these case, before the Tennessee Child Support Guidelines were in place I had a male client with children by four (4) mothers and was able to convince the mothers that each child should get equal money from their father. This was the start of giving all children an equal piece of the available monies to pay for child support.

10. If you have served as a mediator, an arbitrator or a judicial officer, describe your experience (including dates and details of the position, the courts or agencies involved, whether elected or appointed, and a description of your duties). Include here detailed description(s) of any noteworthy cases over which you presided or which you heard as a judge, mediator or arbitrator. Please state, as to each case: (1) the date or period of the proceedings; (2) the name of the court or agency; (3) a summary of the substance of each case; and (4) a statement of the significance of the case.

Early in my career I substituted for the night court commissioner. This was rewarding and a very important responsibility. This is where Orders of Protection Petitions are filed and warrants issued for arrest. I believe this to be a more important job in the judicial process than it is given.

In addition, I have sat as special judge in General Sessions and for magistrates in Juvenile Court. These experiences have been very rewarding. In General Sessions Court, I was able to experience the patience and order required by the Judge for the court to be effective. In Juvenile Court, I heard cases wherein unmarried parents are learning how to co-parent from separate homes.

11. Describe generally any experience you have of serving in a fiduciary capacity such as guardian ad litem, conservator, or trustee other than as a lawyer representing clients.

Very early in my career I served as conservator for two (2) elderly sisters. I managed their money, invested and eventually saw the sisters buried. This became a very contentious case as the son of one of the sisters was killed during my conservatorship.

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

Early in my career I did a lot of Juvenile Court work. This is a sad place to work with children being abused and neglected and requires a certain amount of empathy as well as integrity to deal with the parties involved in some of these type cases. The same empathy needs to be applied to domestic cases.

13. List all prior occasions on which you have submitted an application for judgeship to the Judicial Nominating Commission or any predecessor commission or body. Include the specific position applied for, the date of the meeting at which the body considered your application, and whether or not the body submitted your name to the Governor as a nominee.

None.

EDUCATION

14. 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.

Vanderbilt University, 1981-1985 - Double major in general biology and sociology with a minor in psychology. Bachelor of Science awarded in May 1985.

Nashville School of Law, 1989-1994 - Doctor of Jurisprudence awarded in 1994. Passed the bar exam on the first (1st) attempt.

PERSONAL INFORMATION

15. State your age and date of birth.

48; June 3, 1963

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

Twenty six (26) years.

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

Twenty six (26) years.

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

Davidson County

19. 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.

20. Have you ever pled guilty or been convicted or are you now on diversion for violation of any law, regulation or ordinance? Give date, court, charge and disposition.

On March 13, 2009, I went to trial in General Sessions Court for the charge of misdemeanor assault. I was surprisingly found guilty. The Judge found that I was wreckless in my conduct. A copy of the General Sessions Disposition sheet is attached hereto as Exhibit "A" to question 20. I appealed the conviction to the Criminal Court and was awarded a pretrial diversion. I completed the pre-trial diversion and the conviction and charge are in the process of being expunged. A letter from my pre-trial diversion officer stating that I completed the requirements of diversion is attached hereto as Exhibit "B" to question 20.

This charge arose out of a deposition, wherein I was deposing a doctor and I felt he was being intimidating to my client, his wife. I terminated the deposition and asked the doctor to immediately leave my office. After a few minutes the doctor had not left and I returned to the conference room. Upon opening the conference room door, the doctor was reaching for the door and his hand was hit by the door handle. This altercation occurred on or about July 10, 2008. The misdemeanor citation is attached hereto as Exhibit "C" to question 20.

21. 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.

22. If you have been disciplined or cited for breach of ethics or unprofessional conduct by any court, administrative agency, bar association, disciplinary committee, or other professional group, give details.

Divorce attorneys are more susceptible to complaints to the Board of Professional Responsibility than any other legal practitioner. That being said, in my seventeen (17) years as a divorce practitioner, I have been given reprimands on two (2) occasions.

The first (1st) occasion was May 20, 2004, when I received an Informal Admonition. This was because I did not file a two (2) page Final Decree when this was actually the opposing counsel's responsibility. Either way, I should have followed up and I was in error. The letter from the Board regarding this incident is attached hereto as Exhibit "A" to question 22.

The second (2nd) reprimand came in January 26, 2009, as a public censure. This resulted from the deposition with the medical doctor on July 10, 2008, referred to in question 20. A copy of the public censure is attached hereto as Exhibit "B" to question 22.

23. 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.

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

No.

25. 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.

On July 6, 2009, I was civilly sued by the medical doctor for negligence, battery and intentional infliction of emotional distress. This lawsuit arose from the deposition of July 10, 2008. I turned this matter over to my premises liability insurance carrier. I never appeared in Court. This matter was settled by the insurance company for Six thousand dollars and 00/100 (\$6,000.00) without my consent. The case had a docket number of 09-C-2299 and was dismissed by Stipulation and

Order of Dismissal. There was no admission of liability. The Stipulation and Order of Dismissal and Settlement Agreement are attached hereto as Exhibit "A" to question 25.

26. 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.

None.

27. 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

28. 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; Nashville Bar Association; National Women's Political Caucus; Women's Political Caucus - Nashville; Tennessee Lawyer's Association for Women; Lawyer's Association for Women - Nashville; American Bar Association. In all associations that had a family law committee, I was a member.

29. 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.

Martindale-Hubbell CV Peer Review Rated, which means high legal ability and ethical standards in 2009.

30. List the citations of any legal articles or books you have published.

None.

31. List law school courses, CLE seminars, or other law related courses for which credit is given that you have taught within the last five (5) years.

None.

32. 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.

None.

33. Have you ever been a registered lobbyist? If yes, please describe your service fully.

No.

34. Attach to this questionnaire at least two examples of legal articles, books, briefs, or other legal writings which reflect your personal work. Indicate the degree to which each example reflects your own personal effort.

The first example is a trial brief I wrote for a second parent adoption. I did the legal research and 80% of the writing. The second example is a letter to an opposing counsel attempting to settle a long term marriage equitably.

ESSAYS/PERSONAL STATEMENTS

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

I believe I am a fair and impartial person. These are two (2) of the most needed characteristics necessary to be an effective judge. A judge must fairly apply the laws based on the arguments made and evidence presented to the Court. Empathy is also necessary to be an effective judge. I possess the ability to place myself in a litigating party and lawyer's shoes and understand their point of view. So much of divorce work as a lawyer is dealing with the client, explaining the law and how it affects their client's wants and desires. This has helped me understand that each case is unique and should be handled as such. I believe that through my experiences in life I have gained the ability to deal with the stress and reactions of the parties involved in these proceedings. Therefore I believe I am an appropriate candidate for this position.

36. State any achievements or activities in which you have been involved which demonstrate your commitment to equal justice under the law; include here a discussion of your pro bono service throughout your time as a licensed attorney. *(150 words or less)*

I believe that all lawyers have a duty to perform pro bono work. I regularly accept cases through the Nashville Pro Bono Program and try to keep at least two (2) pro bono cases open at all times. I also offer every person a free hour of my time to discuss their case and/or issues they are having whether they can afford my services or not. Through these meetings I often meet people who cannot afford my services, but do not qualify for legal aid. I have regularly taken on cases of this type which often drag on for years. These are custody battles wherein the parents cannot financially afford to hire an attorney, but for the well-being of the children, are in desperate need of help.

37. 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 judgeship I seek is the 20th Judicial District, 5th Circuit Court for Davidson County, Tennessee, being vacated by Barbara Haynes on November 15, 2011. This Court has concurrent jurisdiction with all other Circuit Courts. Davidson County needs 2.4 judges to handle the caseload of the domestic matters filed in this jurisdiction. Currently, there is only 1 judge that is designated as a domestic court. None of the current judges stepped up to take over the domestic caseload when Judge Carol Soloman asked to be relieved from same. My selection would help the current judges because I want to be the next domestic judge. I believe that I have the knowledge and experience to undertake this challenge and do so successfully.

38. Describe your participation in community services or organizations, and what community involvement you intend to have if you are appointed judge? *(250 words or less)*

During my legal career I have not participated in community service in a large extent because I usually have had complicated domestic cases that took up my extra time. The service work that I have participated in has been at the House of Mercy. House of Mercy is a halfway house where mothers and their children may reside together. I worked on a divorce for a resident; I have babysat the children so the mother's could attend whatever classes they needed to help them with the hardships they were encountering; I did yard work and even purchased and donated a new lawnmower for the house.

As a judicial officer I would participate in more community service. One reason, the position carries with it a standard of higher calling. Part of being a judge is community service. The judges are employed by the public and all public members deserve respect and the opportunity to be heard. As a judge I would participate in summer internships from high school students. I would welcome any engagements where I can educate the public about family law. I would participate in the clean the courthouse weekend held by the Nashville Bar Association and trial court judges.

39. Describe life experiences, personal involvements, or talents that you have that you feel will be of assistance to the Commission in evaluating and understanding your candidacy for this judicial position. *(250 words or less)*

I was raised in a small town in eastern Kentucky where my family was considered prominent. My parents raised me to be a worker. I worked in their retail store as young as twelve (12) years old. Upon graduation from high school, I entered Vanderbilt University in Nashville, Tennessee, in 1981.

At Vanderbilt I studied people from all angles with my degrees being in biology, sociology and psychology. Once I earned my bachelor's degree, I got a job selling lasers to the construction industry. Also, In the four (4) years between earning my undergraduate degree and the beginning of law school, I was a partner in a restaurant on 2nd Avenue North in Nashville called Laurell's Raw Bar and Seafood Restaurant. I was simultaneously a partner in a hair salon called Lauren Michelle Salon. I helped negotiate leases, pay liquor tax, and was involved in all other day to day operations.

While I was in law school I worked for different lawyers who practiced in different areas of law to determine which area I could best serve the public. Once I graduated law school and passed the bar, the area I found to interest me the most was domestic law. During my career, I have tried cases in Chancery Court, Circuit Court, Juvenile Court and General Sessions Court, both criminal and civil.

40. 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 I will uphold the law even if I disagree with the substance of the law. Domestic law is statutory. It must be followed and appropriately applied by the judge. For instance, the law as it applies to calculation of child support obligations and specific income sources used for the purpose of determining a parties average gross monthly income. One of these specific income sources includes bonuses and overtime, which most argue that the bonuses and overtime are not guaranteed and should not be included in calculating their gross monthly income for child support purposes. I understand this argument and in certain situations agree. Clients have asked me to only provide hourly rate income proof and I have declined because that is not the law.

I understand that the law is that all income of a parent must be considered in determining child support obligations. The basis behind this is that the child will not receive any benefit from a party receiving overtime or a bonus because the party receiving same will not typically volunteer a portion to the primary parent. Therefore, the child does not receive the benefit of this in the primary parent's home. I believe the child would receive the benefit in the recipient's home, but I know this is not the law.

REFERENCES

41. 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. George Duzane, Attorney 603 Woodland Street Nashville, TN 37206, (615) 259-1214
B. Max Fagan, Attorney 545 Mainstream Drive, Suite 320 Nashville, TN 37228, (615) 252-8866
C. Leilani Forrester, Diagnostics 5755 S. New Hope Road Hermitage, TN 37076, (615) 210-9117
D. Scott Stone, CPA 1008B Forrest Street Nashville, TN 37206, (615) 227-5916
E. Gina Embry, Certified Financial Planner & Wealth Manager 720 A S. Church Street Murfreesboro, TN 37130, (615) 962-9122

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 **Third (3rd) Circuit Court for Davidson County** 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: 9-26, 2011.



Signature

When completed, return this questionnaire to Debbie Hayes, Administrative Office of the Courts, 511 Union Street, Suite 600, Nashville, TN 37219.



TENNESSEE JUDICIAL NOMINATING COMMISSION
511 UNION STREET, SUITE 600
NASHVILLE CITY CENTER
NASHVILLE, TN 37219

TENNESSEE BOARD OF PROFESSIONAL RESPONSIBILITY

WAIVER OF CONFIDENTIALITY

I HEREBY WAIVE THE PRIVILEGE OF CONFIDENTIALITY WITH RESPECT TO ANY INFORMATION WHICH CONCERNS ME, INCLUDING 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, AND I HEREBY AUTHORIZE A REPRESENTATIVE OF THE TENNESSEE JUDICIAL NOMINATING COMMISSION TO REQUEST AND RECEIVE ANY SUCH INFORMATION.

CYNTHIA J. BOHN

TYPE OR PRINTED NAME

Cynthia J. Bohn

SIGNATURE

9/28/11

DATE

061952

BPR #

[] I hereby waive my right to counsel.

Motion for Waiver of Right to Counsel

Having been heretofore advised of my right to counsel pursuant to the authority granted by TCA 40-14-103, the 6th and 14th Amendments to the United States Constitution, Article I, Section 9 of the Tennessee Constitution, I hereby move to waive my right to counsel which motion of the Court is pleased to grant.

The defendant make oath in due form that he has been advised by the Court of the constitutional right of every defendant to be represented by counsel and to have one appointed by the Court if the defendant cannot afford one, pursuant to TCA 40-14-103.

This motion is concurred by the Assistant District Attorney General.

Assistant Attorney General (signature)

Defendant (signature)

SWORN to and subscribed before me this _____ day of _____, _____ Deputy Clerk

The defendant Cynthia Bohn pleads [] guilty [X] not guilty to the offense of Assault misc A
TCA Description Qualifier Class

and waives his right to be tried only by indictment or presentment preferred by a Grand Jury, and likewise waives trial by a jury of his peers.

X Cynthia Bohn
Defendant (signature)

Whereupon, said defendant appeared before the Judge of the Court of General Sessions of Davidson County, Tennessee, on said charge was informed by said Judge of the offense with which he was charged, of his right to make a statement in reference to the charge or his right to waive such statement, and being asked by said Judge whether he desired to plead guilty, or not guilty, said defendant waived the right to a hearing of this case by a Grand Jury and the right to be put on trial by indictment or presentment, and waived the right to a trial by a jury, and then entered a plea of [] guilty [] not guilty to said charge and requested that this case be heard and determined by this court and said judge upon the charging instrument without indictment or jury and upon said plea the Court having heard the evidence produced by the State and Defendant and argument of counsel for the defendant, find the defendant guilty of the offense charged in the charging instrument and hereby orders and adjudges the defendant pay a fine of _____ and all the costs of this cause; and that in addition to said fine and costs said defendant be committed to and confined in said workhouse of Davidson County for a period of:

DISPOSITION

- [] Plead Guilty [X] Found Guilty [] Found Not Guilty [] 40-35-313 [] 40-15-105 [] Nolo Contendere
- [] Dismissed [] Dismissed ROS [] Dismissed on Costs [] Retired [] Retired on Costs [] Nolled

Other [] _____

SENTENCE

Suspended [] Suspend All But [] _____ Months _____ Days _____ Hours @ _____% [] Day for Day [] Hour for Hour
 _____ Months _____ Days _____ Hours @ _____% [] Day for Day [] Hour for Hour
 _____% before work release _____ Jail Credit
 Fine \$ 500.00 [] Indigent %Fine _____ [] Waived [] Suspended %Costs _____ [] Waived [] Suspended

Other _____

PROBATION

[] Supervised [] Unsupervised [] Community Corrections _____ Years _____ Months _____ Days
 Consecutive: _____ Concurrent: _____ CSW _____ Hours PSW _____ Hours

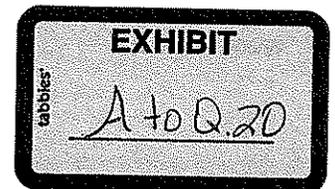
Court Mandated Programs: _____
 Restitution: Total Amount: _____ Amount Per Month: _____ Recipient: _____

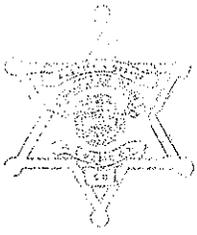
Other: _____

[Signature]
Judge (signature)

Division

Date 3/13/09





**DAVIDSON COUNTY
SHERIFF'S OFFICE**

Daron Hall, *Sheriff*

506 Second Avenue North
Nashville, TN 37201

Telephone: 615-862-8170

Fax: 615-862-8188

Ms. Cynthia J. Bohn
6529 Jocelyn Hollow Road
Nashville TN 37205

January 09, 2011

Re: GSA 4081

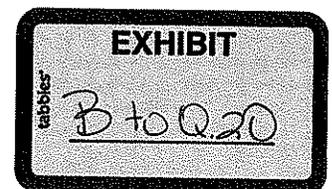
Dear Ms Bohn,

It is with pleasure that I congratulate you on the completion of Pretrial Diversion on the above named case. You have met all of your obligations as set forth in the Memorandum of Understanding as mandated by the court.

You are no longer obligated to contact this office. You **do** need to contact your personal attorney on this matter to proceed with the expungement order associated with your case.

Sincerely,

Chuck Willis, CJM
Pretrial Diversion Officer
615-862-8520 ext. 3



MISDEMEANOR CITATION

STATE OF TENNESSEE - COUNTY OF DAVIDSON In The Metropolitan General Sessions Court

CONTINUED ON M.P.D. FORM #100D
SC 803625

M.P.D. COMPLAINT NO. **08-462401**

I, THE UNDERSIGNED, HAVE PROBABLE CAUSE THAT THE FOLLOWING NAMED DEFENDANT DID UNLAWFULLY COMMIT THE FOLLOWING OFFENSE IN VIOLATION OF THE APPROPRIATE LAWS CITED.

ARRESTEE INFORMATION
REPORTING AGENCY OTHER THAN M.P.D. A.P. BELLE MEADE P.D.
 BERRY HILL P.D. GOODLETTSVILLE P.D. LAKEWOOD P.D.
 PARK RANGERS V.P.D. OTHER _____

AGENCY'S CASE / COMP. NO. OF REPORTING AGENCY

ARRESTEE'S NAME (LAST, FIRST, MIDDLE) UNK. SR. JR. OTHER
Robert Cynthia Jane

PLACE OF BIRTH
Portsmouth, Ohio

OTHER NAME(S) USED: (MAIDEN, NICKNAME, ALIAS, ETC.) NONE SEE ATTACHED

MARITAL STATUS
 UNK. DIVORCED
 MARRIED SINGLE

RACE AM IND/ALASKAN ETHNICITY UNK. HEIGHT WEIGHT EYES HAIR D.O.B. AGE SUSPECTED OF USING
 WHITE ASIAN/PAC ISLANDER HISPANIC 5'10" 160 Blue Brown 6/2 6/3 45 ALCOHOL COMPUTER
 BLACK UNK N/A NON-HISPANIC DRUGS N/A

RESIDENCE ADDRESS (STREET, APT. NO., CITY) NASHVILLE STATE TN ZIP CODE TELEPHONE NO. NONE
6529 South McAllen Rd Nashville TN 37205 (615) 478-1116

PLACE OF EMPLOYMENT / SCHOOL (NAME & ADDRESS) NASHVILLE STATE TN ZIP CODE RESIDENT STATUS DAVIDSON CO. RESIDENT? YES NO
Self-employed - Lawyer

SOCIAL SECURITY NO. UNK. DRIVER LICENSE NO. NONE VISUALLY CHECKED STATE STATUS
410-86-0728 TN 63308147 TN
 VALID REVOKED I.D.
 SUSPENDED CANCELLED RESTRICTED

LOCATION OF ARREST (STREET ADDRESS, INTERSECTION) DATE & TIME OF ARREST DAY OF WEEK
545 American #320 7/21/08 1110 HRS.
 SU MO TU WE
 TH FR SA

VEHICLES LIC. NO. STATE YEAR MAKE MODEL STYLE COLOR
 N/A

WEAPON/ HANDGUN REVOLVER MOTOR VEHICLE FIRE/INCENDIARY DRUGS OTHER
TOOL SHOTGUN OTHER FIREARM CUTTING INSTRUMENT EXPLOSIVES ASPHYXIATION NONE
(ENTER UP TO 3) RIFLE BLUNT OBJECT PERSONAL (HANDS, ETC.) POISON UNK

TCA CODE **39-1-101** CHARGE / OFFENSE **Assault**

NARRATIVE:
searched state warrant
65 390395 for Assault

PROSECUTOR'S SIGNATURE

ARRESTING OFFICER'S NAME (PRINT) EMPLOYEE NUMBER APPROVING SUPERVISOR EMPLOYEE NUMBER REVIEWER'S EMP. NO.
Robert Conover 46159

RESPONSIBILITIES
The defendant shall report on the date and time indicated below to be booked and go to court. The reporting location is the Davidson County Sheriff's Office booking area, located in the basement of the Metropolitan Nashville Ben West Building, 100 James Robertson Pkwy., Nashville, TN 37201.
RESPONSABILIDADES DEL ACUSADO
El demandado estará presente en la fecha y hora indicadas abajo para ser procesado y que irá a corte. El local de presentarse es el edificio de la Oficina del Alguacil (Sheriff's Office) del Condado de Davidson, el salón de inscribir el arresto, ubicado en el sótano del edificio Metropolitano de Ben West de Nashville, 100 James Robertson Parkway, Nashville

I hereby affix my signature and fingerprint with the understanding that such is NOT A PLEA OF GUILTY, but to certify that I received a copy of this citation and agree to appear as indicated without issuance of a warrant as provided by T.C.A. Section 40-7-118. Por medio de la presente adjunto mi firma y aplico mi huella digital, entendiendo que este acto NO IMPLICA QUE ME DECLARO CULPABLE, sino que certifica que he recibido una copia de esta citación y que me comprometo a presentarme en corte como se indica, previamente a la emisión de una "warrant" (autorización para arresto) como se prevee en el T.C.A., Sección 40-7-118.

X **Cynthia Jane** BOOKING DATE **8/11/08** BETWEEN 7:00 AND 7:00

EXHIBIT
C to 6.20

SC 803625

MISDEMEANOR CITATION

WHAT YOU NEED TO KNOW

The misdemeanor citation you have received represents an arrest for the violation charged. Although you are not being taken into immediate custody and you are not being required to post bond, you must report to the Davidson County Sheriff's Office, during the specified time, to be photographed and fingerprinted and to complete further paperwork. Immediately following the booking process you will go to court.

LOS QUE DEBE SABER

La citación del delito menor que Usted ha recibido representa un arresto para la infracción cargada. Aunque Usted no sea tomado en la custodia inmediatamente y estas libre bajo caución, Usted debe presentarse a la Oficina del Alguacil (Sheriff's Office) del Condado de Davidson, durante el tiempo especificado para ser fotografiado y para tomar las huellas dactilares y para completar papeleo adicional. Inmediatamente después de inscribirse Usted irá a la corte.

TO BE BOOKED AND GO TO COURT

Report to the basement of the Metropolitan Nashville Ben West Building, 100 James Robertson Parkway, Nashville, TN 37201.

DIRECTIONS: I-24 merge onto James Robertson Pkwy/TN-11s/TN-6 S/US-41 S via Exit 48 toward State Capitol. The Ben West Building is 0.7 miles on the right at the intersection of James Robertson Pkwy and 2nd Avenue North.

DIRECTIONS FROM NASHVILLE'S AIRPORT: I-40 towards Nashville 5.3 miles merge onto I-24 w via exit 211b toward Clarksville 1.4 miles. Merge onto James Robertson Pkwy/TN-11 S/TN-6 S/US-41 S via exit 48 toward state capitol. The Ben West Building is 0.7 miles on the right at the intersection of James Robertson Pkwy and 2nd Ave North. *(Court will immediately follow the booking process)*

PARA SER INSCRIBIRSE Y IR AL TRIBUNAL

Debe presentarse al sótano del edificio Metropolitano de Ben West de Nashville, 100 James Robertson Parkway, Nashville, TN 37201.

DIRECCIÓN: I-24 converja con el James Robertson Pkwy/TN-11 S/TN-6 S/US-41 vía la Salida 48 hacia Capituló del Estado. El edificio de Ben West es 0.7 millas en la derecha del semáforo en la calle de James Robertson Pkwy y 2da Avenida Norte.

DIRECCIONES DEL AEROPUERTO: I-40 hacia Nashville (5.3 millas) hasta el I-24 oeste vía la salida 211b, hacia como si fuera ir por Clarksville (1.4 millas) converja en el James Robertson Pkwy/TN-11 S/TN-6 S/US-41 vía la Salida 48 hacia Capituló del Estado. El Edificio de Ben West queda 0.7 millas en la derecha en el semáforo en la calle de James Robertson Pkwy y 2da Avenida Norte. *(Su juicio será inmediatamente después de que usted sea procesado)*

IMPORTANT NOTICE

Failure to appear in court on the date assigned by this citation for booking and processing will result in your arrest for a separate criminal offense which is punishable by a jail sentence of eleven (11) months and twenty-nine (29) days and/or a fine up to two thousand five hundred dollars(\$2,500).

(TCA 39-16-109 (a)(1), TCA 40-7-118 (e)(f)(i))

AVISO IMPORTANTE

Si Usted no aparece en el tribunal en la fecha asignada por esta citación para procesamiento y inscribirse, puedes resultar en su arresto y en una ofensa criminal que se puede imponer una condena de cárcel hasta once (11) meses y veintinueve (29) días y/o una multa hasta dos mil quinientos dólares (\$2,500).

(TCA 39-16-109 (a)(1), TCA 40-7-118 (e)(f)(i))

ATTORNEY INFORMATION

If you wish to be represented by an attorney, you must:

- (a) Hire an attorney, or if you are unable to do so,
- (b) Go to the Public Defender's Office today or tomorrow.

(404 James Robertson Parkway, Suite 2022, Parkway Towers, Phone: 862-5730)

INFORMACION SOBRE REPRESENTACIÓN

Si usted desea ser representado por un abogado, usted debe:

- (a) Emplea a un abogado, o si usted es incapaz de hacer así,
- (b) Vaya al la oficina del defensor publico ahora mismo o mañana.

(404 Avenida Norte De James Robertson Parkway, Salón 2022, Parkway Towers, Teléfono: 862-5730)



BOARD OF PROFESSIONAL RESPONSIBILITY
of the
SUPREME COURT OF TENNESSEE

LANCE B. BRACY
CHIEF DISCIPLINARY COUNSEL

LAURA L. CHASTAIN
DEPUTY CHIEF DISCIPLINARY COUNSEL

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WILLIAM W. HUNT, III
CHARLES A. HIGH
SANDY GARRETT
JESSE D. JOSEPH
JAMES A. VICK
THERESA M. COSTONIS
DISCIPLINARY COUNSEL

May 20, 2004

CONFIDENTIAL

Cynthia Jane Bohn, Esquire
545 Mainstream Drive, Suite 320
Nashville, TN 37228

Re: File No. 27151c-5-sg
Complainant: Mamie M. Bullard-Richardson
INFORMAL ADMONITION

Dear Ms. Bohn:

You agreed to represent Ms. Bullard-Richardson in her divorce. A hearing was set in Ms. Bullard-Richardson's case for March 25, 2003 at which you did not appear. Opposing counsel, Trippe Fried, appeared at this March 25, 2003 hearing but apparently did not provide the court with a Final Decree of Divorce. Accordingly, a Final Decree was never entered by the court. You failed to note or discover that a Final Decree had not been entered in Ms. Bullard-Richardson's case until the matter was brought to your attention. You then incorrectly advised Ms. Bullard-Richardson that the Agreement had expired when the court believed the Agreement was still valid. You charged Ms. Bullard-Richardson \$60.00 for your incorrect legal advice. Your actions violate Rules 1.3; 1.4 and 8.4(d) of the Tennessee Rules of Professional Conduct.

Tennessee Supreme Court Rule 8 is mandatory and prescribes a minimum level of conduct. Any violation adversely reflects upon the professional reputation of all members of the Bar.

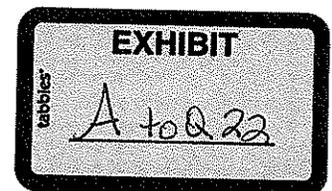
Rule 9, Section 4, of the Tennessee Supreme Court Rules on Disciplinary Enforcement sets out the type of discipline to be administered when misconduct has been determined. The Board of Professional Responsibility of the Supreme Court of Tennessee, with concurrence of a Hearing Committee member in your Disciplinary District, has found that your actions warrant an Informal Admonition, and with it your file will be closed.

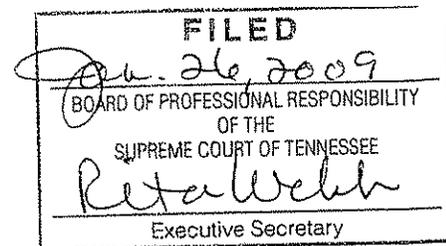
Please note that Rule 9, Section 8.1, permits you twenty (20) days to request a formal hearing on this matter. Also note that Rule 9, Section 25, and Disciplinary Board v. Banks, 641 S.W.2d 501 (Tenn. 1982), describe the limited extent of confidentiality applicable to this admonition.

Sincerely,

Lance B. Bracy
Chief Disciplinary Counsel

LBB:cd
27151c-sg





IN DISCIPLINARY DISTRICT V
OF THE
BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE

IN RE: CYNTHIA J. BOHN, BPR NO. 16592
Respondent, an attorney licensed
to practice law in Tennessee
(Davidson County)

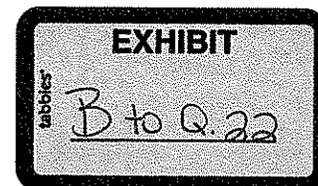
FILE NO. 31374-5-JV

PUBLIC CENSURE

The above complaint was filed against Cynthia J. Bohn, an attorney licensed to practice law in Tennessee, alleging certain acts of misconduct. Pursuant to Supreme Court Rule 9, the Board of Professional Responsibility considered these matters at its meeting on December 12, 2008,

The Respondent represented the adversary wife in a contested divorce. The Complainant represented the husband/medical doctor. The parties' depositions were taken on July 10, 2008. In response to a comment by the adversary husband, the Respondent became upset and stated that they were going to terminate the deposition and, using an expletive, told the husband to get out of her office. The Respondent left the conference room. While the husband, his attorney, and the court reporter were gathering to leave the office, the Respondent returned to the conference room and, again using the expletive, again told them to get out of her office or she would call the sheriff.

By the aforementioned facts, Cynthia J. Bohn, has violated Rules of Professional Conduct 4.4(a) and is hereby Publicly Censured for these violations.



FOR THE BOARD OF
PROFESSIONAL RESPONSIBILITY



Tom Scott, Chair

1-26-09

Date

5

IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

FILED

2010 JUN -3 AM 8:11

RICHARD R. ROOKER, CLERK

[Signature]
D.C.

FRED A. NORDQUIST, M.D.,

Plaintiff,

v.

CYNTHIA J. BOHN,

Defendant.

)
)
)
)
)
)
)
)
)
)

Docket No.: 09-C-2299

STIPULATION AND ORDER OF DISMISSAL

It is hereby stipulated and agreed between the parties that this action should be, and hereby is, dismissed with prejudice for the re-filing of the same. Each party shall bear their own costs and attorneys fees.

Entered this _____ day of _____, 2010.

[Signature]
JUDGE

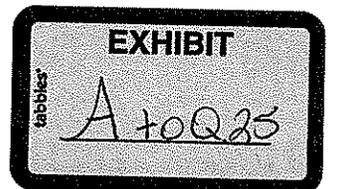
APPROVED FOR ENTRY:

[Signature]

Kate Dyer, Esq. (B.P.R.# 024210)
Attorney for Plaintiff,
P.O. Box 782
Pleasant View, TN 37146

[Signature]

Stewart C. Stallings, Esq.
Attorney for Defendant
Stewart C. Stallings & Associates
3200 West end Avenue, Suite 500
Nashville, Tennessee 37203



COPY ^{File}

**SETTLEMENT AGREEMENT, RELEASE, ACCORD AND SATISFACTION AND
EVIDENCE OF PAYMENT, IN FULL, OF RESTITUTION**

THIS SETTLEMENT AGREEMENT, RELEASE, ACCORD AND SATISFACTION AND EVIDENCE OF PAYMENT, IN FULL, OF RESTITUTION, is entered into on the date herein below set forth between Fred A. Nordquist (hereinafter "Plaintiff"), plaintiff in a certain cause of action filed in the Circuit Court of DAVIDSON County, Tennessee, bearing Docket No. 09C2299, and the defendant in the described lawsuit, Cynthia J. Bohn (hereinafter "Defendant"). It is agreed that in consideration of the full discharge, complete settlement and release of past, present and future claims, whether known or unknown, arising out of the allegations set forth in the said cause of action and in further full and complete discharge, settlement and release, accord and satisfaction and as evidence of payment of any and all restitution owed as being paid in full for any and all claims that could be asserted in the future by Plaintiff, Plaintiff's heirs, assigns, or beneficiaries, against any individual, partnership, corporation, or other entity, Defendant agrees to pay and Plaintiff agrees to accept \$6,000.00.

Plaintiff hereby agrees to remise, release, give accord and satisfaction and accept the above-referenced funds, as evidenced by payment and signature hereon, as complete and full restitution for Plaintiff, Plaintiff's heirs, executors, administrators and assigns, and hereby remise, release, and forever discharge the aforesaid Defendant, Defendant's agents, officers, successors and assigns, of and from all manner of actions, causes of actions, suits, debts, dues, sums of money, accounts, reckonings, bonds, bills, specialties, covenants, contracts, controversies, agreements, promises, variances, trespasses, damages, judgment, extents, executions, claims, demands and/or obligations whatsoever in law, or in equity, or under any theory, which against Defendant, the undersigned Plaintiff, ever had, now has, or which

Plaintiff's heirs, executors or administrators hereafter can, shall, or may have for, upon or by reason of any matter, cause or thing whatsoever.

Payment by settling Defendant is not to be construed as admission of liability. To the contrary, Defendant admits no liability to Plaintiff for any alleged injuries or damages. Payment by settling Defendant is made as a compromise and in an effort to avoid incurring unnecessary costs and expenses for all parties to this litigation.

The terms of this settlement have been completely read and are fully understood and voluntarily accepted for the purpose of making a FULL AND FINAL COMPROMISED SETTLEMENT of any and all claims, disputed or otherwise, whether referenced or enumerated in the lawsuit, or otherwise, and for the express purpose of precluding forever any further or additional claims, damages or recoveries against Defendant and/or the Carrier of Defendant arising out of or in any manner related to the aforesaid incident and lawsuit. It is further agreed and acknowledged that the Plaintiff shall be responsible for payment of any and all liens, debts, bills and or expenses from whatever source and that Plaintiff agrees to indemnify and hold the Defendant harmless from any action or cause of action arising therefrom. It is further agreed that counsel for Plaintiff, Kate Dyer, agrees that none of these settlement funds shall be distributed until any and all liens have been resolved. Kate Dyer further agrees that she will hold Defendant and Maryland Casualty Company harmless from any action or cause of action arising from any liens asserted on the settlement proceeds.

This Release may not be changed orally.

YOU ARE MAKING A FINAL SETTLEMENT.

Writing Sample #1
Response to Question 34

IN THE SECOND CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

IN RE:)

[REDACTED])
D.O.B. 03-03-2006)

[REDACTED])
D.O.B. 03-03-2006)

) Docket No. [REDACTED]

BY:)

[REDACTED])
[REDACTED])
and,)

UNKNOWN FATHER, Ex Parte.)

TRIAL BRIEF

Come now the Petitioners, [REDACTED] and [REDACTED] by and through counsel, and would submit the following Memorandum of Law in Support of Petition for Adoption. As grounds for said Petition, the Petitioners submit the following facts and law:

I. FACTS

1. The Petitioner, [REDACTED] (hereinafter "Father"), adopted the children who are subject to this petition in the Republic of Guatemala on [REDACTED]
2. The Petitioner [REDACTED] (hereinafter "the Co-Father") and the Father decided ten years ago that they wanted to have children. The parents have been a couple in a committed relationship for 25 years since meeting in college. The Co-Father is a single person under the meaning of the statutes of State of Tennessee. The parties have the love and support of both their families. The parents became very serious about adopting 2 ½ years ago. The parties

did exhaustive research on adoptive agencies in Guatemala. Once the parties received their referral they were notified of the birth of the twin girls subject to this petition, and decided to adopt them. The parties have had a home study performed by the Jewish Family Service.

3. Since the parties decided to adopt a child from a foreign county both parties have been participants in the adoption, and raising of this minor children. Both parents have created the bond of father and child with the minor children and provide love and nurturing for the two girls.

4. The Co-Father is a financially able, loving, and fit parent to care for the minor children. [REDACTED]. The parties have hired a nanny who comes to the home 25-30 hours per week to give extra assistance to the parents with the minor children.

5. There is no parental right to terminate because of the prior foreign adoption.

6. It is in the best interest of the children that this adoption occur.

7. It is in the best interest of the children that the second parent have all the legal rights of the first parent.

8. The Father, [REDACTED] joins in the petition for the purpose of giving consent to this adoption of the minor child, and for the purpose of ratifying the foreign adoption by this Court.

II. LAW

- A. Readoptions are allowed in the state of Tennessee and are governed by TCA 36-1-106.

In Tennessee readoption of a child who was previously adopted in a foreign jurisdiction is

governed by TCA 36-1-106. The statute is as follows:

(a) Any minor child who was previously adopted under the laws of any jurisdiction may be subsequently readopted in accordance with the provisions of this part.

(b) With respect to a child sought to be adopted a second time or subsequent time by new adoptive parents, all provisions in this part relating to the biological parents or legal parents or guardians shall apply to the prior adoptive parents, except that in no case of readoption shall a biological or legal parent or guardian whose rights were previously terminated before the child was initially adopted and whose rights were not subsequently restored be made a party to the new adoption proceeding, nor shall such person's surrender, parental consent, or waiver of interest be necessary. The prior adoptive parents whose rights have not been previously terminated and any other persons who otherwise would be entitled to notice pursuant to this part subsequent to the previous adoption of the child shall be the only necessary parties to the new termination or adoption proceedings and only their surrenders or parental consent, or the termination of their rights, shall be necessary.

(c)(1) With respect to a child sought to be readopted under the laws of this state who has been previously adopted pursuant to the laws of a foreign country, the circuit and chancery courts are specifically authorized to enter new orders of adoption as they may be required for purposes of compliance with any requirements of the government of the United States for children who were adopted in foreign countries. In such instances, if an adoption was conducted in accordance with the laws of the foreign jurisdiction, no further termination of parental rights of the child's parents or guardians need be made, no home study need be conducted, no court report need be made and no time period for which an adoption petition must be on file before a final adoption order is entered shall be required. Further, no consultation of the putative father registry maintained by the department shall be required, and the affidavits otherwise required by § 36-1-120(b)(1) and (2) need not be filed, if the attorney, social worker, or child-placing agency, as the case may be, that provided professional services in the underlying foreign adoption, does not maintain an office in the United States.

(2)(A) When a Tennessee resident adopts a child in a foreign country in accordance with the laws of the foreign country and such adoption is recognized as full and final by the United States government, such resident may file, with a petition, a copy of the decree, order or certificate of adoption that evidences finalization of the adoption in the foreign country, together with a certified translation of the decree, order or certificate of adoption, if it is not in English, and proof of full and final adoption from the United States government, with the clerk of the chancery or circuit court of any county in this state

having jurisdiction over the person or persons filing such documents.

(B) The court shall assign a docket number and file and enter the documents referenced in subdivision (c)(2)(A) with an order recognizing such foreign adoption without the necessity of a hearing. Such order, along with the final decree, order or certificate from the foreign country, shall have the same force and effect as if a final order of readoption were granted in accordance with the provisions of this part.

(C) When the order referenced in subdivision (c)(2)(B) is filed and entered, the adoptive parents may request a report of foreign birth pursuant to § 68- 3-310 by submitting an application for report of foreign birth.

(D) Individuals obtaining a report of foreign birth under the provisions of subdivision (c)(2)(C) are exempt from the disclosure of fees requirements of § 36-1-116(b)(16).

B. **A single person should be permitted to adopt a minor child, because: (1) Tennessee's adoption statute specifically states that "any person" may adopt, (2) that a "single person" may adopt, and (3) that there is no statutory or case law to the contrary specifically exempting such persons from adopting.**

Under Tennessee Code Annotated, section 36-1-107(b), "[a] single person may file a petition for the adoption of a child." TENN. CODE ANN. § 36-1-107(b)(2004)(emphasis added). Tennessee law further provides that "[a]ny person over eighteen (18) years of age may petition the chancery or circuit court to adopt a person and may request that the adopted person's name be changed." TENN. CODE ANN. § 36-1-115(a)(2004)(emphasis added). T.C.A. § 36-1-115 further requires that the Petitioners have physical custody at the time the petition for adoption is filed, if the spouse of a Petitioner is living then said person must consent to said Petition or

have rights terminated, and the Petitioners must have lived in the jurisdiction for termination greater than six (6) months. TENN. CODE ANN. § 36-1-115(a-f)(2004).

Other courts across the United States have applied the same language similarly. In the District of Columbia, the District of Columbia Court of Appeals held in applying D.C. Code, section 16-302 that its statute reading, “any person” may adopt, much like Tennessee Code Annotated, section 36-1-115(a), should not be construed to limit “any person” to mean “any heterosexual person” or some other such limiting constraint. In re M.M.D & B.H.M., 662 A.2d 837, 842 (D.C. Ct.App. June 30, 1995). In fact, the D.C. Court cited a United States Supreme Court opinion wherein the Court held that while strict construction of statutes is preferred, “it is not an inexorable command to override common sense and evident statutory purpose.” Id. (citing United States v. Brown, 333 U.S. 18, 25-26 (1948)). The Tennessee statute with regard to adoption should be applied in the same fashion. Any person over eighteen should be permitted to adopt under Tennessee law, because the U.S. Supreme Court and other courts liberally construe statutes to mean what they say. Washington, D.C. Courts from 1991 forward have approved adoptions to [REDACTED] on many occasions based upon a liberal construction of the D.C. Code, and a finding by the trial court that each adoption was in the child’s best interests. Id. at 854.

- C. Under Tennessee law, a same-sex couple’s adoption of a minor child is subject to the trial court’s discretion as to whether said adoption is in the best interests of the child and whether the parties are fit parties to adopt, because the biological parent has a right under Tennessee law to choose whomever he or she wishes to adopt his or her child, subject to said constraints.

The Tennessee Court of Appeals specifically considered the issue of whether a same-sex couple could be “fit” persons for the purposes of adopting a minor child. In re Adoption of M.J.S., 44 S.W.3d 41, 50 (Tenn.Ct.App. 2000)(*cert. denied* Feb. 20, 2001). In doing so, the M.J.S. Court analyzed the Tennessee Adoption Statutes, specifically T.C.A.. § 36-1-101 *et seq.*, and held first that “the statutes allow a biological parent to surrender a child directly to a prospective adoptive parent chosen by the biological parent.” Id. (emphasis added)(citing T.C.A. § 36-1-111 (2004).

The M.J.S. court opined that the right of a biological parent to choose the prospective adoptive parents of his or her child is not absolute. Id. The Court held that “the biological parent's choice of an adoptive parent is always subject to the trial court's determination that the proposed adoption is in the child's best interests.” Id. The Court of Appeals reasoned that the Trial Court's discretion was paramount in the decision as to what arrangement is in the best interests of the child.

The Court of Appeals analyzed the decision of Chancellor Walter Evans of the Shelby County Chancery Court. Chancellor Evans took into account the adoptive parent's homosexual lifestyle and determined that the adoption was in the best interests of the child. Id. at 57. The M.J.S. Court declined to disturb the Chancellor's finding, holding that while a parent's lifestyle is a factor for the trial court to consider in making a custody decision, it should also be considered in determining whether a proposed adoption is in the child's best interests. Id. (citing In re Parsons, 914, S.W.2d 889, 894 (Tenn.Ct.App. 1995), Hale v. Brewer, No. 03A01-9301-CV-00054, 1993 WL 328061, at *2 (Tenn.Ct.App. Aug. 18, 1993)). The Court further held that while lifestyle should be taken into account, “[b]y itself, however, this factor

does not control the outcome of custody or adoption decisions, particularly absent evidence of its effects on the child. Id. (citing Parsons, 914 S.W.2d at 894).

In a concurring opinion, Justice Highers of the Tennessee Court of Appeals wrote that individual states' legislatures have written laws with regard to whether a homosexual may adopt in each state. While some states, such as Florida, have specifically forbidden the adoption of children by homosexual parents, see FLA. STAT. ANN 63.042(3)(2004), Tennessee has not enacted any such ordinance. Id. at 62. In his concurrence, Justice Highers reasoned that while Florida has enacted a *per se* rule as to whether a person is a fit person to adopt, Tennessee and many other jurisdictions must use a *nexus* test to determine if a person is fit. Id. While the *per se* rule takes all discretion from a trial court judge to determine what is in the best interests of a child:

. . .in the *nexus* test the court considers fitness, character, and conduct, including sexual behavior, on the part of the prospective parent and examines whether any of these factors will have an adverse effect on the child. Under this analysis, proof is required to establish the various elements that relate to best interests.

Id.

- D. **The rights of the biological parent in a Tennessee same-sex adoption should not be terminated or “cut off”, because the Tennessee adoption statutes should be read liberally to allow same-sex couples in committed relationships to qualify for the stepparent exemption allowed under Tennessee law.**

Tennessee Code Annotated, section 36-1-121 (a) states that the signing of a final order of adoption terminates any existing guardianship orders and establishes from that date the relationship of parent and child between the adoptive parents and the adoptive child as if the adopted child had been born to the adoptive parents. Exceptions are allowed for stepparent adoptions, where the biological parent has remarried and intends to have his or her new spouse adopt the child. In such cases, the biological parent joins in the Petition merely for the purpose of consenting to the adoption, and his or her rights to said child are unaffected.

The D.C. Court in In re M.M.D & B.H.M., 662 A.2d 837, 842 (D.C. Ct.App. June 30, 1995) held that the rights of the biological parent in a same-sex committed relationship would not be “cut off” by the adoptive parent’s adoption of the minor child, because it applied the law much as a step-parent adoption, rather than a two-party adoption. Vermont’s Supreme Court further applied its adoption statute to conclude that the step-parent exception should be read broadly to include adoption by same-sex partners. In re B.L.V.B. and E.L.V.B., 628 A.2d 1271, 1272 (Vt. 1993). The Petitioners in the above-styled cause would argue that Tennessee’s adoption code is similar and should be applied similarly.

Above all, Tennessee Courts consistently apply that in adoption and custody cases, “[t]he supreme rule to which all others should yield is the welfare and best interest of the child.” Price v. Price, No. 02A01-9609-CH-00228, 1997 WL 338588, at *6 (Tenn.Ct.App. June 20, 1997).

E. Financial support of the children

An additional factor to consider for the welfare of this child is that upon the adoption of [REDACTED], there will be two (2) parents who are financially responsible for their welfare. In the event something was to happen to one of their parents there would be a second parent legally available to step in and fulfill that role for girls legally without problems arising immediately to disrupt the children. Tennessee Child Support statutes support the notion that it is better to have two (2) parents fiscally responsible for a child than one.

F. Is there any prohibition in Tennessee against allowing same sex couples in the state of Tennessee to adopt a minor child.

The office of the Tennessee Attorney General recently released an opinion on whether pursuant to the Tennessee statutes relating to adoptions and the Tennessee Constitution, whether it was legal to permit an adoption by a same sex couple. The opinion of the Tennessee Attorney General was that "Assuming the adoption is found to be in the best interest of the child, there is no prohibition in the Tennessee adoption statutes against adoption by a same sex couple." Adoptions by Same Sex Couples 07-140 Op. TN Att'y Gen. (2007). (Attached as Exhibit A).

III. APPLICATION OF THE FACTS TO THE LAW

In the case at bar, the adoption and readoption of the minor children should be approved, because all parties are properly before the court, the adoptive parent of the children has consented to the adoption, and the person seeking to adopt is a fit and proper person to

adopt the minor child under Tennessee law. [REDACTED] has been present in [REDACTED] and [REDACTED] life since they were adopted by [REDACTED] [REDACTED] was a part of helping [REDACTED] to adopt from Guatemala. The children's adoptive Father, [REDACTED] consents to [REDACTED] becoming the children's second parent.

TCA 36-1-106 allows for the readoption of children adopted by Tennessee citizens in foreign countries. The statute requires that the original adoption take place according to the laws of the country in which the children are adopted and that said adoption be recognized by the United States. In the case at bar [REDACTED] adopted the children in the Republic of Guatemala and received an order of adoption from said government. Subsequently the adoption by the Father was recognized by the United States government by allowing him claim exemptions for the minor children on his 2006 federal taxes. as such the Court should grant the readoption of the minor children by the Father, [REDACTED] and issue a Tennessee birth certificate.

The law of Tennessee specifically allows any person over eighteen to adopt, if he or she is a fit parent, if the adoption is in the best interests of the child, and if all other biological parents either consent to the adoption or their rights are terminated. There is absolutely no reason under the law of Tennessee why a homosexual parent should not be considered "any person" under the law. There is no prohibition under the law that would pre-empt such an adoption from occurring, so long as the adoption is in the best interests of the child and the adoptive parent is a fit person to adopt. Courts in Tennessee have recognized that while a

homosexual lifestyle may be taken into account in determining whether the adoption is in the best interests of the child and whether said parent is a fit person, Courts have also held that such adoptions are permissible, so long as the trial court finds the two above-referenced tests are met.

Further, the biological parent has the right under Tennessee law and the Tennessee adoption statutes to choose whomever he or she deems fit to adopt his or her child. *See supra In re Adoption of M.J. S.* In the case at bar, the adoptive Father has chosen [REDACTED] as a fit and proper person to have custody and parental rights over his adoptive children. [REDACTED] is a fit and proper person, by choice of the adoptive parent and as such should be held so by this Honorable Court. The Court will find that [REDACTED] is gainfully employed, upright and otherwise a fit person. He is financially able to provide for the children. He is a proper care giver and will have a nourishing, positive impact on the life of the children. There is absolutely no evidence to suggest otherwise, as this Petition for Adoption is unopposed.

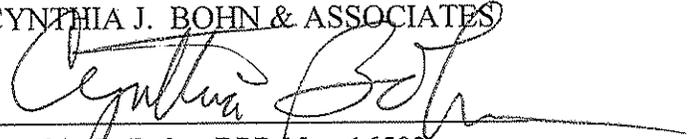
IV. CONCLUSION

Under Tennessee law, the adoption of the minor child in this cause by the Petitioners is appropriate and should be granted.

WHEREFORE, PREMISES CONSIDERED, the Petitioners respectfully request that the Petition for Readoption and Adoption be granted and that [REDACTED] be awarded all the legal rights of a parent.

Respectfully submitted,

CYNTHIA J. BOHN & ASSOCIATES

A handwritten signature in cursive script, appearing to read "Cynthia Bohn", written over a horizontal line.

Cynthia J. Bohn, BPR No. 16592

Attorney for Petitioners

545 Mainstream Drive, Suite 320

Nashville, Tennessee 37228

(615) 252-8866

Writing Sample #2
Response to Question 34

CYNTHIA J. BOHN & ASSOCIATES

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TIMOTHY T. ISHII, OF COUNSEL
SUSAN LYELL YOUNG, OF COUNSEL
*FORMER GENERAL SESSIONS/JUVENILE COURT JUDGE

October 26, 2010

[REDACTED]
[REDACTED]
[REDACTED]

Franklin, Tennessee 37065-1608

Re: [REDACTED]
[REDACTED]

Dear [REDACTED]:

I believe we are very close to settlement of this matter. My client has a few revisions to your proposed agreement. These revisions should not prevent this case from settling.

1. There is no language in the MDA regarding a divorce on irreconcilable differences. This will need to be added.
2. Real Property, paragraph 2.: This paragraph should be modified to read as follows:

“The Husband owns a home that is the marital residence located at 4458 S. Carothers Road, Franklin, Tennessee. This Property shall be sold either through private sale or by listing with a realtor as soon as possible. If the parties cannot agree to a list price or contract price, then either may file a Motion with the Court to approve the listing or sales price. The Husband has paid a total of \$4,006.00 to date in property repairs and clean up expenses, The Husband shall be entitled to a reimbursement of those expenses prior to settlement with the Wife. The Husband shall be responsible for executing any repairs to the home to prepare the same for sale as recommended by the realtor and agreed upon by the parties. In the event property taxes and insurance are due before the sale of the residence, then the Husband shall pay those expenses and be reimbursed for the same at the closing of the property along with any maintenance and repair expenses he has incurred. All proceeds remaining after payment of closing costs, realtor commissions, expenses to prepare for sale, insurance and taxes shall be awarded to the Wife. The parties represent that there is no mortgage or lien on said property.”

“The Husband owns [REDACTED] which owns a building located” . . .”Husband shall hold the Wife harmless for any indebtedness associated with the business [REDACTED].”

3. Paragraph 6. Debts. The first sentence shall be struck in its entirety. The Husband has paid the Wife \$5000 pending this divorce to pay on her credit cards that did not affect the balances as alleged in this document. The last sentence of this paragraph should read, “Wife shall be responsible for her dental bills including any dental work to Dr. Wells.

4. Paragraph 7. IDSAX Cash IRA does not exist and should be deleted. The paragraph regarding the fortis account should stop after the dollar amount. The remaining amount should be deleted.
5. Paragraph 9, Insurance and Alimony.

Wife is now receiving Medicare medical benefits Part A and Part D and agrees to have a medical supplemental policy part C in place by November 30, 2010. Husband agrees to maintain current health insurance coverage of Wife through November 20, 2010. As of December 1, 2010 Husband shall not be responsible for the Wife's health insurance coverage. Effective immediately, the Husband shall no longer be responsible for Wife's non covered health expenses.

Alimony: The Husband shall pay to the Wife pending the sale of the marital residence, transitional alimony in the amount of \$3000 per month and pay the utilities on the marital residence. Upon the sale of the marital residence on the 5th day of the month following the sale, the Husband shall pay to the Wife \$3500 per month in transitional alimony for a period of 36 months. After 36 months the Husband shall pay the Wife \$3000 per month as transitional alimony for a period not to exceed 10 years for the total alimony obligation. Said alimony obligation begins December 1, 2010 and shall continue for a period of 10 years (120 months total) for all alimony obligations. Said alimony obligation shall terminate upon the death of either party or the remarriage of the Wife. Said alimony is taxable to the Wife and deductible to the Husband.

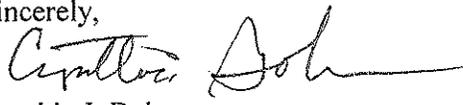
The Husband shall maintain his current life insurance policy or another of equal value in the amount of \$200,000 with the Wife as the beneficiary to secure alimony payment. The Husband shall provide the Wife with proof of said policy each year by 1/15.

6. The full second paragraph under number 12 should be deleted.
7. Paragraph 13 should address that the Husband agrees to pay all court costs.

In the event your client does not agree to these changes, remember, at a trial of this matter we will argue that DAP is my client's separate asset and that the only marital money is the \$110,000 down payment to purchase the building owned by [REDACTED]. We will also ask that the marital residence be awarded to the Wife without any help from the Husband. We will also argue that alimony remain at \$3,000 for 10 years.

Look forward to hearing from you soon. My client is also interested in settling this matter amicably.

Sincerely,


Cynthia J. Bohn

CJB/mtf

cc: [REDACTED]