

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office


9/8/20

Name: Margaret Corrine Lamb Kilgore BPR #015507

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Manchester, TN 37355
Coffee County, TN

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Coffee County, TN

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INTRODUCTION

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

This document is available in Microsoft Word format from the Administrative Office of the Courts (telephone 800.448.7970 or 615.741.2687; website www.tncourts.gov). The Commission requests that applicants obtain the Microsoft Word form and respond directly on the form. Respond in the box provided below each question. (The box will expand as you type in the document.) **Review the separate instruction sheet prior to completing this document. Submit by the noon deadline date an original (unbound) completed application (with ink signature) to the Administrative Office of the Courts.** In addition, submit a digital copy with electronic or scanned signature via email to ceesha.lofton@tncourts.gov, or via another digital storage device such as a flash drive. See section 1(g) of the application instructions for additional information related to hand-delivery of application packages.

THIS APPLICATION IS OPEN TO PUBLIC INSPECTION AFTER YOU SUBMIT IT.
PROFESSIONAL BACKGROUND AND WORK EXPERIENCE

1. State your present employment.

Assistant Public Defender, 14th Judicial District, Coffee County, TN. 1996 – present.

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

Admitted to Tennessee Bar 1992; BPR #015507

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.

Licensed to practice law in Tennessee in 1992. BPR #015507. Active license.

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).

I have been employed as an Assistant Public Defender since I graduated from the University of Alabama School of Law in 1992. My first position as an Assistant Public Defender was in the 1st Judicial District from 1992 – 1996. I have been with the 14th Judicial District as an Assistant Public Defender since May 1996.

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.

I am an Assistant Public Defender. My area of law is criminal defense. This comprises 100% of my total practice.

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.

My experience throughout my legal career of 29 years has been in criminal defense. I have represented clients charged with First Degree murder as well as been lead counsel in First Degree Murder trials. I have represented clients charged with sexual offenses, embezzlement, robberies, drug possession and drug sales, arson, aggravated assaults, DUIs, thefts and public intoxications. I have tried many jury trials, argued various motions, probation hearings, sentencing hearing and engaged in countless plea negotiations. I have written several appellate briefs to the Tennessee Court of Criminal Appeals.

Due to my large caseload as an Assistant Public Defender, I have to balance time, clients, phones and court appearances. I have the ability to sift through the facts of a case and find the issues that are important to the resolution of the case. I have to do this for hundreds of cases each year. Some cases are simple and many are complex. I must find expert witnesses such as forensic psychologist who can evaluate my clients which may lead to a favorable resolution rather than engaging in a jury trial. I interview witnesses, prioritize motion filings, see incarcerated clients at the jail weekly and appear in court usually 2-3 days a week. I have worked many nights and weekends to try and stay current with my caseload. It can be overwhelming but also rewarding when I am able to help a client find a drug/alcohol treatment facility or get a client released from jail who was unfairly arrested.

I began to experience burnout in the early 2000s. I was frustrated with the "same size fits all" sentencing many of my clients received despite the uniqueness of their case. I heard about Drug Courts and found out the State of Tennessee was having a training session about starting them and signed myself up to attend. I reached out to General Sessions Judge Timothy Brock and worked with him to form our first Coffee County Drug Court, now known as Coffee County Recovery Courts. I attended trainings around the country and learned about addictions and how to help my clients and other defendants in ways that could hopefully prevent them from reoffending. It energized me to work for my clients in obtaining entry to our Recovery Courts who would otherwise be sentenced to prison. They now have the opportunity to participate in our Recovery Courts and work towards recovery in their addiction and become positively engaged again in their community. We have had over 100 graduates during our 15 years in operation. There have been many successes as well as failures but I am grateful there is an alternative sentence option for those who would likely not be committing crimes but for their addictions. The work I do for the Coffee County Recovery Courts is in addition to my regular

duties and responsibilities as an Assistant Public Defender. I serve as defense counsel on the Recovery Court Team and we evaluate applications of potential participants, discuss progress of current participants as well as any sanctions of participants for infractions of the rules. We meet every other week and after a Recovery Court session, I am uplifted by the success of the participants in their recoveries. I am proud of my work as an Assistant Public Defender and a member of the Coffee County Recovery Courts program.

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

I have tried several jury trials ranging from First Degree Murder to DUIs. I have filed several briefs to the Tennessee Court of Criminal Appeals.

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

As a State of Tennessee employee, I am limited to only working as an Assistant Public Defender. I expanded my role with my work as defense counsel for the Coffee County Recovery Court Program representing the Public Defender's office. Please see my response in #8.

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

I submitted an application for the appointment for the 14th Judicial District Public Defender position in December 2014 after the death of District Public Defender B. Campbell Smoot in November 2014. I was not chosen. The current 14th Judicial District Public Defender, John Nicoll, was chosen and I have worked with him since his appointment in 2015.

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.

Birmingham-Southern College, Birmingham, Alabama – Bachelor of Arts (1989) Magna Cum Laude. Major: Political Science/Management. Honors Program Graduate. Member of the Honor Council.

University of Alabama School of Law, Tuscaloosa, Alabama – Juris Doctor (1992). Member of the Honor council.

PERSONAL INFORMATION

12. State your date of birth.

54 year of age.

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

29 years.

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

25 years.

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

Coffee 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.

None.

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. You may wish to request a report from the appropriate supervisory authority (or authorities) for a complete history.

I am not aware of any formal complaints filed against me but I have requested a Letter of Good Standing with a Disciplinary History Report from the Tennessee Board of Professional Responsibility and will submit the information once I receive it. I have responded to letters from the Board of Professional Responsibility, Consumer Assistance Program through the years which were mainly complaints regarding client communications.

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.

No.

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.

Member of the Coffee County Bar Association, President (2000-2001).

Member of Highland Hills Church of Christ, Tullahoma, TN, 1996 to present.

Board member of Highland Hills Stepping Stones Preschool Board, Tullahoma, TN, since 2007. President of Board since 2011.

Founding member of the Coffee County Drug Court, Manchester, TN, 2005 until present. President of the Coffee County Drug Court Foundation, 2009 until present.

Member of the Board of The Literacy Council of Coffee County, TN, January 2021.

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

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.

Coffee County Bar Association, President (2000-2001).

Member of Tennessee Association of Criminal Defense Lawyers (TACDL) 1998 to present.

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.

None.

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.

None.

ESSAYS/PERSONAL STATEMENTS

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

I strongly believe that a judicial candidate should have many years of legal experience in any area of law. My 29 years as an Assistant Public Defender have given me humility, wisdom and clarity. I do not have civil experience but due to my years as a trial attorney, I can quickly learn statutes, rules and pleadings in the civil area. I want to continue to serve Coffee County citizens as a public servant in the new role of judge. My legal and life experiences enable me to be patient, to listen, admonish when necessary and make tough rulings that affect lives. I have learned to separate emotions from facts in cases. I believe you must be humble to be a good judge as well as have command of the facts and law in each case.

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)*

I am seeking the position of Judge of the Circuit Court, Part I, 14th Judicial District, Coffee County, TN. Our judicial district is comprised of one county with four judgeships (two General Sessions and two Circuit Court) for approximately 56,000 people. It is my understanding that two judges are planning on retiring when their terms expire in 2022. Including this vacancy that I am applying for, there will potentially be three new judges in 2022 and a serving General Sessions Judge with two years of judicial experience. I believe it is extremely important to have a judge with many years of legal experience. My legal experience of 29 years includes jury trials as well as wisdom gained from serving the most vulnerable of our society and would have a positive impact on the community.

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)*

I will uphold the law even though I disagree with the substance of some of the Tennessee statutes. There are criminal statutes regarding convictions of drug possession with intent for sell/delivery for certain drugs (i.e. heroin) that require a mandatory prison sentence. I strongly

disagree with the mandatory requirement of prison because many of these statutes were written before there was the current understanding of addiction as an illness. I have represented many clients who sold drugs to support their underlying addiction and not to get rich being a drug dealer. Many of the sales were to other addicts working as informants for law enforcement agencies. If a client sold heroin, then a prison sentence is mandatory despite another client who is convicted of selling methamphetamine being allowed a chance at recovery in the Recovery Court program. There is no doubt of the horrible impact of drug addiction on our communities but mandatory prison sentences are not the solution. However, since the sentencing law is mandatory prison for selling heroin, even a small amount, I would not have a choice but to uphold or impose a prison sentence.

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. Colonel Lance Baxter and Mrs. Carrie Baxter, United States Air Force	[REDACTED]
B. Mike Lewis – Executive Director, Coffee County Recovery Court	[REDACTED]
C. John Nicoll – 14 th Judicial District Public Defender	[REDACTED]
D. Heather Hinds Duncan – Former Coffee County Circuit Court Clerk	[REDACTED]
E. Jason Ponder – Assistant District Attorney, 14 th Judicial District	[REDACTED]

AFFIRMATION CONCERNING APPLICATION

Read, and if you agree to the provisions, sign the following:

I have read the foregoing questions and have answered them in good faith and as completely as my records and recollections permit. I hereby agree to be considered for nomination to the Governor for the office of Judge of the [Court] Circuit Court – Part I, 14th Judicial District, Coffee 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: April 13, 2021.


Signature

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



**TENNESSEE TRIAL COURT VACANCY COMMISSION
ADMINISTRATIVE OFFICE OF THE COURTS**

511 UNION STREET, SUITE 600
NASHVILLE CITY CENTER
NASHVILLE, TN 37219

**TENNESSEE BOARD OF PROFESSIONAL RESPONSIBILITY
TENNESSEE BOARD OF JUDICIAL CONDUCT
AND OTHER LICENSING BOARDS**

WAIVER OF CONFIDENTIALITY

I hereby waive the privilege of confidentiality with respect to any information that concerns me, including public discipline, private discipline, deferred discipline agreements, diversions, dismissed complaints and any complaints erased by law, and is known to, recorded with, on file with the Board of Professional Responsibility of the Supreme Court of Tennessee, the Tennessee Board of Judicial Conduct (previously known as the Court of the Judiciary) and any other licensing board, whether within or outside the State of Tennessee, from which I have been issued a license that is currently active, inactive or other status. I hereby authorize a representative of the Trial Court Vacancy Commission to request and receive any such information and distribute it to the membership of the Commission and to the Office of the Governor.

Margaret C. Lamb Kilgore

Type or Print Name



Signature

April 13, 2021

Date

015507

BPR #

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

