

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

04/15/16

Name: Lee Edward Brooks

Office Address: Marshall County Courthouse, Room 407, Lewisburg, TN 37091 (Marshall County)
(including county)

Office Phone: (931) 270-2225 Facsimile: (931) 270-2227

Email Address: [REDACTED]

Home Address: [REDACTED] Columbia, TN 38401 (Maury County)
(including county)

Home Phone: Not applicable Cellular Phone: [REDACTED]

INTRODUCTION

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

This document is available in word processing format from the Administrative Office of the Courts (telephone 800.448.7970 or 615.741.2687; website www.tncourts.gov). The Commission requests that applicants obtain the word processing form and respond directly on the form. Respond in the box provided below each question. (The box will expand as you type in the document.) **Review the separate instruction sheet prior to completing this document. Submit by the noon deadline date an original (unbound) completed application (with ink signature) to the Administrative Office of the Courts.** In addition, submit a digital copy with electronic or scanned signature via email to debra.hayes@tncourts.gov, or via another digital storage device such as flash drive or CD.

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

PROFESSIONAL BACKGROUND AND WORK EXPERIENCE

1. State your present employment.

State of Tennessee. I am an Assistant District Attorney with the 17th Judicial District. I am assigned primarily to Marshall County but I also prosecute in Lincoln and Bedford Counties as well.

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

2012 – BPR 031044.

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 – Bar # 031044 – November 21, 2012 – Active

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

No.

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).

In 1985, while in high school, I obtained my first employment experience at Red Foods, in Columbia, Tennessee, as a courtesy clerk. Also in 1985 I worked at Pizza Hut in Columbia, as a cook/busboy. After graduation from high school in 1986, I enlisted in the United States Marine Corps.

In 1990 I returned to Columbia after completing my military service. From 1990 through 1991 I worked part time for Goody's Family Clothing as a sales clerk and Newspaper Printing Corporation as a deliverer of the Nashville Banner and Tennessean. From 1991 to 1993 I worked as a police officer for the Columbia Police Department where I served on the Honor Guard in addition to regular patrol duties.

From 1993 to 1994 I worked as a security officer for Williamson Medical Center in Franklin, Tennessee. Also in 1994 I worked at the Williamson County Sheriff's Department as a

corrections officer and I also worked at Foodmax Grocery as an Assistant Produce Manager.

From 1995 to 2001 I worked at the Spring Hill Police Department as a police officer, patrol sergeant, traffic crash reconstructionist, and detective. In 2001-2002 I worked as a state trooper for the Florida Highway Patrol. In 2003 I returned to Tennessee and worked as a police officer for Vanderbilt University Police Department. Also in 2003 I returned to the Spring Hill Police Department where I remained until 2005. I held the positions of police officer, patrol sergeant, training officer, firearms instructor and was ultimately promoted to assistant chief of police.

From 2005 through 2013 I was employed as a full time teacher at Zion Christian Academy. I taught middle and high school math and science classes. I was also the varsity baseball coach and assistant coach for the middle and high school football teams. In addition, I was the student council sponsor for the high school. In 2015 to 2016 I officiated middle and high school baseball games as a TSSAA umpire. From 2016 to present I have officiated middle and high school football games as a TSSAA official.

In 2013 I opened my own law practice, Brooks Law & Mediation, in Spring Hill, Tennessee. I represented clients in criminal, civil, family, and wills/estate matters. I became listed as a Rule 31 listed mediator in civil and family matters and was specially trained in domestic violence issues. I provided mediation services to retained parties as well as to the Mediation Center in Columbia, a non-profit organization. From 2012 through 2014 I was an adjunct instructor for Bethel University in the Master of Arts in Conflict Resolution program. In 2016 I entered into a partnership with another attorney, as a managing partner, to form Miller & Brooks, PLLC., in Columbia, Tennessee. Our firm provided the same services to clients as I provided in my solo practice. I was admitted to the United States District Court for the Middle District of Tennessee in 2016 where I represented clients in federal court. In 2017 I returned to my own firm of Brooks Law & Mediation continuing to offer similar services to clients. In 2017 I joined the 22nd Judicial District Public Defender's office as an Assistant District Public Defender. In 2018 I joined the District Attorney's office of the 17th Judicial District as an Assistant District Attorney General where I am currently employed.

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.

My present law practice is 100% criminal prosecution.

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.

During my experience with the public defender's office and the district attorney's office, my practice has been comprised entirely of criminal matters. During my private practice experience, I represented clients in criminal, civil, family, wills/estates, and mediation services in city, state, and federal courts. I have represented clients in all four counties of the 22nd judicial district as well as Davidson, Hickman, Marshall, Rutherford, and Williamson Counties. I have also represented clients in the city courts of Lewisburg and Fairview.

I have represented indigent clients by appointment in over 650 criminal matters in state court ranging from class C misdemeanors to class A felonies. I have also represented clients by appointment in juvenile court in matters related to parental rights, juvenile delinquency, guardian ad litem, and one case before the court for transfer to adult court. I have represented clients, both privately retained and by appointment, in six jury trials as the lead defense attorney and I have represented the State of Tennessee in two jury trials as a prosecutor. I have represented clients in bench trials in both civil and criminal matters.

I have also represented clients on appellate matters before the Tennessee Court of Criminal Appeals (by both pleadings and oral argument) and the Tennessee Supreme Court.

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

I have represented many clients at the Tennessee Court of Criminal Appeals and one client on a matter that was before the Tennessee Supreme Court (on application for permission to appeal only). In that matter, I represented a client, by appointment, on a matter that began in the General Sessions Court in Mount Pleasant (*State v. Thomas Braden*). After indictment, I filed a motion to suppress based on a deficient search warrant. The trial court granted the motion to suppress and dismissed the matter. The State appealed to the Tennessee Court of Criminal Appeals where the trial court was affirmed. The State filed for permission to appeal to the Tennessee Supreme Court where it was held pending until the decision in *State v. Tuttle* was released. After the *Tuttle* decision was released, the matter was remanded to the Court of Criminal Appeals for analysis under *Tuttle*. The Court of Criminal Appeals affirmed the trial court a second time. The State's application to appeal to the Supreme Court a second time was denied.

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

I have experience in the court system from every perspective except as a judge or clerk. I have prosecuted criminal matters in both jury and bench trials as an Assistant District Attorney. I have defended criminal matters in both jury and bench trials as a private attorney and as an Assistant Public Defender. I have represented plaintiffs in civil matters and parties in family law and estate matters. I have appeared as a witness in both civil and criminal matters that were being tried in front of juries.

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

I have not previously applied for any state or federal judicial position.

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.

Columbia State Community College: January 1991 – May 1996, Associate of Science Degree, General Studies

Middle Tennessee State University: June 1996 – August 2005, Bachelor of Science Degree, Science (emphasis in Chemistry and Physics)

Nashville School of Law: August 2007 – August 2011, Doctorate of Jurisprudence

Cumberland School of Law (Samford University): August 2016 – August 2018, Master of Science Degree, Health Law and Policy

PERSONAL INFORMATION

12. State your date of birth.

██████████ 1968.

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

I have currently lived continuously in Tennessee for 15 years. I have been a lifelong resident of Tennessee other than the 4 years of military service and the 2 years I lived in Florida.

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

I have currently lived continuously in Maury County for 15 years. I have been a lifelong resident of Maury County except for the 4 years of military service, 2 years I lived in Giles County, and 2 years I lived in Florida.

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

Maury 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.

I served on active duty in the United States Marine Corps from 1986 to 1990. During my service, I was promoted three times. I received an Honorable Discharge in 1990 as a Corporal (E4). I received a good conduct medal and a sea service deployment ribbon with one star. I was a sixth award rifle expert and a fifth award pistol expert. My primary military occupation specialty (MOS) was Amphibian Assault Vehicle Repair (2141). I had a secondary assignment as a marksmanship coach where I was responsible for teaching both enlisted and commissioned personnel basic marksmanship skills.

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.

I have had three Consumer Assistance Program inquiries made against me. One client filed two of the inquiries. The first was for not "doing enough" to get offers from the State on his matter and the second was for "trying to force" the client into accepting a plea agreement. The third inquiry was for not getting "better" offers from the State. All of the inquiries were appropriately responded to and ultimately closed.

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.

Maury Chancery Court No. 92-029: Lee Edward Brooks v. Alicia Gail Brooks. I was the plaintiff in a divorce action. The final decree of divorce was entered on March 20, 1992.

Maury Circuit Court No. 5715: Lockridge & Lockridge v. Getner, City of Columbia, Columbia Police Department, Lee Edward Brooks. I was sued for damages arising out of a automobile crash that I was involved in while on duty with the Columbia Police Department. Judgment was entered in favor of the defendants on October 30, 1996.

Maury Circuit Court No. 9242: Bernard Oden v. George, City of Spring Hill, Lee Brooks. I was sued for damages incurred when Bernard Oden, Sr. was held in the Maury County Jail for 17 days in error. The Maury County Grand Jury issued an indictment for "Bernard Oden" and Bernard Oden, Sr., was arrested on the indictment. The indictment should have been issued for Bernard Oden, Jr. I was dismissed from the suit. The entire suit was voluntarily dismissed on December 15, 2000.

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.

None.

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.

I belonged to the Cub Scouts and Boy Scouts during elementary and middle school. At that time, these organizations' membership was limited to males.

ACHIEVEMENTS

25. List all bar associations and professional societies of which you have been a member within the last ten years, including dates. Give the titles and dates of any offices which you have held in such groups. List memberships and responsibilities on any committee of professional associations which you consider significant.

Tennessee Bar Association: 2012 – 2018

Maury County Bar Association: 2012 – present

American Inns of Court, Williamson County: 2014

Tennessee Association of Criminal Defense Attorneys: 2014 – 2017

Central Tennessee Football Officials Association: 2015 – present

Tennessee Association of Professional Mediators: 2017

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.

While not since I graduated from law school, I received the Executive Director's Award for graduating first in my class at the Florida Highway Patrol Academy with the highest grade average in the history of the academy.

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.

I have never been a candidate or applicant for public office.

ESSAYS/PERSONAL STATEMENTS

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

I am seeking this appointment to be a circuit court judge for the 22nd Judicial District because it is an opportunity to continue service to my community. I have spent virtually all of my adult life in service to my country and community from my military service, law enforcement, teaching, and sports officiating. Even during my years of private law practice, I made myself readily available for appointments for indigent representation throughout the 22nd Judicial District representing clients in over 650 criminal matters as well as juvenile court matters. I participated in Wills for Heroes in Maury and Wilson Counties. I also provided mediation services at greatly reduced rates at the Mediation Center, a local non-profit organization.

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 appointment as a circuit court judge for the 22nd Judicial District covering Giles, Lawrence, Maury, and Wayne Counties. As such, I would be one of four circuit judges in this district. The circuit court judges in this district preside over criminal, civil, and chancery matters. My appointment to this position will positively impact the district due to my dedication to working hard, even through adversity, to accomplish the tasks at hand. An example of my proven track record is the fact that I worked full-time and had the responsibility for providing for my family while earning each one of my degrees. Other candidates may have a more attractive pedigree but I will not be outworked.

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 would uphold the law even if I disagreed with the substance of the law. I represented an indigent client by appointment on a class A felony for which she was originally held on over \$1 million bond. During my representation of my client, she learned after her incarceration that she was expecting a child. My client informed me that she wanted to terminate her pregnancy. However, after multiple attempts to either reduce her bond to an amount she would be able to post or obtain the cooperation of the sheriff to transport her for the appropriate medical procedure failed, the statutory date eliminating the possibility of terminating the pregnancy passed while she was still incarcerated pre-trial. She was ultimately released after a plea agreement for a much lower charge.

I filed a lawsuit in federal court on behalf of my client against the sheriff and county for failing to provide essential medical services to inmates in pre-trial incarceration. I filed the suit on a contingency agreement absorbing all of the costs associated with the suit. Ultimately, the suit was dismissed for violating the statute of limitations after argument before the court regarding the appropriate date to toll the statute of limitations. I am personally pro-life but despite my personal beliefs, I agreed to represent my client in this matter because under current

law abortions are legal and my client's rights were being deprived.

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. General Sessions Judge Lee Bailey; 115 N. Main Street, Mt. Pleasant, TN 38474. [REDACTED]

B. District Attorney General Robert J. Carter; 311 East Market Street, Fayetteville, TN 37334. [REDACTED]

C. Dr. Vance Hendrickson, DDS, retired; [REDACTED] Mt. Pleasant, TN 38474. [REDACTED]

D. Dr. Jordan Shaw, County Commissioner for Maury County, District 6, and IT Director for the City of Franklin; [REDACTED] Columbia, TN 38401. [REDACTED]

E. Mr. Rob Lindsey, Senior Manager Software Engineering, Quest Diagnostics; [REDACTED] Columbia, TN 38401. [REDACTED]

AFFIRMATION CONCERNING APPLICATION

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

I have read the foregoing questions and have answered them in good faith and as completely as my records and recollections permit. I hereby agree to be considered for nomination to the Governor for the office of Judge of the Circuit Court of the 22nd Judicial District of Tennessee, and if appointed by the Governor, agree to serve that office. In the event any changes occur between the time this application is filed and the public hearing, I hereby agree to file an amended questionnaire with the Administrative Office of the Courts for distribution to the Commission members.

I understand that the information provided in this questionnaire shall be open to public inspection upon filing with the Administrative Office of the Courts and that the Commission may publicize the names of persons who apply for nomination and the names of those persons the Commission nominates to the Governor for the judicial vacancy in question.

Dated: August 28, 2018.



Signature

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



TENNESSEE TRIAL COURT VACANCY COMMISSION
ADMINISTRATIVE OFFICE OF THE COURTS
511 UNION STREET, SUITE 600
NASHVILLE CITY CENTER
NASHVILLE, TN 37219

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

WAIVER OF CONFIDENTIALITY

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

Lee E. Brooks

Type or Print Name



Signature

August 28, 2016

Date

031044

BPR #

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

ACSI (Association of Christian Schools

International): license number unknown