

Memorial Resolution

Jerry Lynn Smith

1953-2021

June 2022

Judge Jerry Lynn Smith died on February 12, 2021, leaving behind family, friends, and colleagues who miss his wit and his humanity. He also left behind a legacy of lawyers trained by him in criminal law as well as decisions and opinions that added to the development of the law in this State.

Judge Smith was born in 1953 in Etowah, Tennessee, a place he loved for its people and its history. A retired teacher recognized Jerry's potential and encouraged him in his love of books and learning. At McMinn Central High School, he was class president, excelling in academics, particularly history. An outstanding thespian, he starred as the prosecutor in a gripping courtroom drama, a foretaste of things to come.

He graduated with honors from the University of Tennessee in Knoxville, and then attended the University of Tennessee College of Law, graduating in 1978.

After law school, Jerry returned to his small-town roots, opening a practice in Linden, Tennessee, where he handled everything from boundary disputes to dog bite cases and, of course, criminal law. But Jerry needed a larger stage for his manifest abilities than a small town could provide.

In 1982, he joined the Office of the Tennessee Attorney General in Nashville as an Assistant Attorney General. By 1985, he had risen to Deputy Attorney General of the Criminal Justice Division, where he served the State of Tennessee for the next ten years, developing a deep knowledge of the criminal justice system.

As Deputy, he oversaw and managed the attorneys handling criminal appeals for the State. He became the state expert on extradition law and served as President of the National Association of Extradition Officials. He was also a member of the Sixth Circuit Task Force on Capital cases.

Jerry was an active member of the Tennessee Sentencing Commission, which rewrote and updated Tennessee sentencing laws. In that role, he earned the respect

of the legislative and executive branch members with his knowledge and common sense understanding of criminal law and procedure.

A high point in his career as a practicing attorney was his appearance before the United States Supreme Court in 1988, arguing for the State in Houston v. Lack. The State lost in a narrow 5-4 decision.

At the Attorney General's Office, Jerry was recognized for his insight and knowledge of the law and of course, his quick wit. He was a great colleague who treasured his time encouraging and coaching younger attorneys.

A zealous advocate as the State's lawyer, Jerry nevertheless recognized that prosecutors have a duty to seek justice and to fairly treat all persons coming before the courts. He was liked and respected by members of the defense bar, who knew he would treat them and their clients fairly and honestly.

In 1995, Jerry was appointed to the Tennessee Court of Criminal Appeals by Governor Don Sundquist, and he continued his service to the people of Tennessee in that role for the next 19 years. He retired in 2014.

On the court, he continued his commitment to fairmindedness and his dedication to the rule of law. He authored hundreds of opinions reflecting his thorough understanding of the criminal justice system and its role in society. Other Court members appreciated his collegial approach and his intellectual curiosity. They also appreciated his ability to provide entertaining stories at lunch, conferences, and other gatherings. Jerry was the force behind the Nashville Supreme Court building annual Chili Cookoff, which raised funds that benefited several local charities in the middle Tennessee area.

While serving on the bench, Judge Smith taught Criminal Law at the Nashville School of Law for fourteen years. His love of teaching inspired him to organize the first Court of Criminal Appeals session to be held at the Nashville School of Law. He was a member of both the Harry Phillips Inn of Court and the Belmont Inn of Court, enabling him to further mentor aspiring lawyers.

These professional accomplishments in no way define the whole of Jerry Lynn Smith. He was known for his humor, which he shared freely. His facile wit was a product of his nimble intellect and his innate understanding and love of people. The mention of his name often produced wide smiles or chuckles from people with happy memories of a time with him.

Jerry never met a stranger and was a friend to many. His friendship was to be valued. He was the kind of true friend who would tell you what you needed to hear,

even if it was not what you wanted to hear. His advice and counsel will be missed by those who were fortunate enough to benefit from it.

He was a leader who showed respect to everyone he encountered, especially his staff. Over the years he had several clerks come through his chambers and he was always willing to take the time to teach and help them understand the law. He was a dedicated friend and mentor to Ronda Mayo, his executive assistant of 20 years.

Jerry had many loves. First and foremost was his wife Elizabeth Owen. She was truly his partner, and they shared adventures, travel, spirited political discussions, and many happy times with friends. He knew that Elizabeth enriched his life and appreciated all she brought to it.

Those of us who knew Jerry well will miss the light he brought to our lives, his generous spirit, and the common sense of a small-town Tennessee boy he never lost.

THEREFORE, BE IT RESOLVED that we honor the life, work, and legacy of our dearly departed colleague, Jerry L. Smith.

BE IT FURTHER RESOLVED, by the Tennessee Judicial Conference that this Memorial Resolution be entered on the minutes of this conference, that a copy be furnished to West Publishing Company for publication in *Tennessee Decisions*, and

BE IT FURTHER RESOLVED that a copy of this tribute and resolution be furnished to his family.

Respectfully submitted this 15th day of June, 2022.

Submitted by:

Timothy Lee Easter

Judge of the Tennessee Court of Criminal Appeals

Patricia J. Cottrell

Judge of the Tennessee Court of Appeals (Ret.)