

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

04/15/16

Name: _____ R. Michelle Blaylock-Howser _____

Office Address: _____ 6 North Public Square, Murfreesboro, Tennessee 37130
_____ Rutherford County _____

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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 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.

Partner

WILSON, HOWSER & OLIVER, PLLC

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

Licensed: May 2007

TBR #00257891

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.

I have been continuously licensed in the State of Tennessee since May of 2007. My license to practice law remains active and my Tennessee Board of Professional Responsibility Bar number is 00257891.

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).

I have never been suspended or placed on inactive status by any Bar in any state.

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).

Wilson, Howser, & Oliver PLLC (2013-Present) Attorney/Partner

Middle Tennessee State University (2015 – Present) Adjunct Professor Family Law Course

Reed & Associates and Reed & Howser (2007 – 2013) Attorney

Tennessee Judiciary/Circuit Court Judge J. Mark Rogers (2004 -2007) Judicial Assistant/Law Clerk

Tennessee Judiciary/Circuit Court Judge Don R. Ash (1999-2004) Judicial Assistant

Wilson & Bradley (1998-1999) Paralegal to Howard W. Wilson and Susan K. Bradley

Homemaker (1997-1999) Birth of only child, Hannah Elizabeth on 11/25/1996

Corporate Catering, Etc. (1993-1997), CEO/President

Agee, Allen, Godwin, Morris & Laurenzi (1991-1993) Receptionist/Typist/Secretary/Paralegal

M. Lee Smith Publishers & Printers (1990-1991) Researcher

Ren Corporation (1989 – 1990) Medical Secretary/Phlebotomist

Alvin C. York Veterans Hospital (1988-1989) Laboratory Services Typist (Temporary Position)

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 practice involves primarily domestic relations cases. I would delineate the percentages as follows: Divorce (50%), Post-Divorce Modifications (30%), Paternity (10%), Dependency and Neglect Cases (2%), Termination/Adoptions (5%), Child Support (2%), Other (1%).

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.

I began my legal career at Reed & Associates. Like many new lawyers, I took judicial appointments from the criminal dockets, juvenile dockets, and probate dockets before I found my niche. During this time, I served criminal defendants in the Juvenile, General Sessions and Circuit Courts. I also served as a parent attorney in cases involving dependency and neglect, and termination cases. I also enjoyed serving as guardian ad litem in conservatorships. Early in my career, I also assisted a seasoned attorney in workplace discrimination cases. As my practice became more established, I began to focus on divorce, post-divorce modifications, enforcements, child support, and juvenile cases. I have represented litigants in the Tennessee

Court of Appeals, including representing an indigent person in a termination of parental rights case. I have tried many bench trials throughout the mid-state region including: Bedford, Cannon, Coffee, Davidson, Dekalb, Lincoln, Marion, Maury, Rutherford, Warren, Williamson, and Wilson counties. I have served as a substitute teacher for Judge Don R. Ash at the Nashville School of Law, teaching Civil Procedure. I am also an adjunct professor at Middle Tennessee State University teaching Family Law for the Political Science Department.

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

Prior to the Obergefell v. Hodges opinion, I represented a woman who was involved in a same sex relationship. The woman was the only person to adopt a child under law and her partner sued her for custody/parentage over the child. I represented the biological mother from the trial court level through the Tennessee Court of Appeals. In that case, the Court held that my client, the adopting partner, was the only person entitled to custody/visitation. In re: Hayden C. G-J, M2012-02701-COA-R3-CV.

Since Obergefell, the case law is evolving and unclear. I am currently involved in litigation with regard to a father's rights in a parentage action where two spouses agreed to undergo artificial insemination using a friend as a donor. However, the birthing spouse also was intimately involved with the donor without her spouse's knowledge. We are litigating as to who is the legal parent to the child, the natural father or the spouse. In re: B.D.A (d/o/b 9/4/2009) Rutherford County Chancery # 5CV-1351.

Recently, I and my firm filed an ouster suit against our local sheriff. We were successful in his temporary removal and upon his plea of guilty in the federal courts, the case became moot before the final trial. State of Tennessee upon relation James Robert Gann, III et. al v. Robert F Arnold, Rutherford County Chancery #16CV-1500.

I am also admitted to the United States District Court for the Middle District of Tennessee (April 2009), and the United States Supreme Court (January 2011).

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

I have served as a Rule 31 mediator to numerous domestic cases since receiving my certification in February 2014. While each one was noteworthy and significant to the parties, none were of specific legal significance. Most of the cases involved identification and division of assets, development of parenting plans, and setting child support.

I have also had the pleasure to serve on the board for HELP Nicaragua, a 501c3 organization

that serves youth in Nicaragua. In that role, I have had the privilege of becoming acquainted with the legal system in Nicaragua and assisting the board with legal issues here in the States. This experience has given me an even greater respect for our system of justice in the United States. I also enjoy teaching at Middle Tennessee State University and, on rare occasions, Nashville School of Law.

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

This is my first application to serve in any public office.

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.

Nashville School of Law, Nashville, Tennessee (2002-2006) Juris Doctorate

Middle Tennessee State University (1989-1992) Bachelor of Science in Pre-Law; Minor in Criminal Justice and English

Liberty University, Lynchburg, Virginia (1986-1988) I left Liberty before I was able to graduate due to the untimely illness and subsequent death of my Father.

PERSONAL INFORMATION

12. State your date of birth.

August 6, 1968

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?

I have lived in Rutherford County for the last 19 years (1998 – Present)

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

Rutherford 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 have not had the privilege to serve in the military.

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.

I have never pled guilty to, nor been convicted of, any crime other than traffic offenses many years ago.

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.

To my knowledge, I am not under investigation by any agency for any unlawful or unethical conduct.

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 been required to respond to one complaint with the Tennessee Board of Professional Responsibility. A complaint was made by an opposing pro-se litigant in a child custody matter. The pro-se litigant complained because I had represented her current boyfriend in his divorce years prior, and she believed I had a conflict of interest representing both her prior boyfriend and father of her child. The Board dismissed the complaint without merit.

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.

(February 2002) Renee Michelle Blaylock v. William Stanley Blaylock Rutherford County Circuit # 46132. Uncontested Divorce with Children.

(2005) John C. Kersey, Sr. v. John W. Bratcher, et. al, Rutherford County Chancery Court #05-1491MI. John Kersey, a disbarred attorney, came to the Rutherford County Clerk and Master's office seeking a file for review. The clerk explained the file was in the office of Judge J. Mark Rogers for review and recusal. The Plaintiff insisted on seeing the file and I agreed to allow him to come to the Judge's office to review the file. Upon his entry with two deputies, I handed him the file and directed him that he could sit on the office couch to review the file. Instead he insisted in standing over me in my personal space. I again explained he could sit on the couch to review the file wherein he became belligerent and loud. The Judge was on the bench at that time and the plaintiff's belligerence could be heard in the courtroom. The deputies escorted him out of the office. He filed a complaint stating the Clerk's office and I had violated the public records act. His complaint was dismissed by Summary Judgment. The plaintiff appealed to the Court of Appeals and the judgment of the trial court was affirmed. (M2006-01319-COA-R3-CV September 2007)

(1996) Corporate Catering, Inc. v. Corporate Catering, Etc. Davidson County Circuit Court #96C-903. The owner of a company named Corporate Catering, Inc. filed a common law copyright case against my company Corporate Catering, Etc., LLC. My company had purchased many assets of the previous company through a bankruptcy auction, including the telephone number. The plaintiff claimed that he had a common law copyright on sandwiches we produced and the name we used. After a jury trial, the trial judge, acting as the 13th juror, dismissed the complaint stating Tennessee did not recognize common law copyright and that his complaint stated claims upon which he could not find relief. The plaintiff filed an appeal with the Tennessee Court of Appeals M1997-00230-COA-R3-CV, wherein the Court of Appeals affirmed the judgment of the trial court.

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.

HELP for Nicaragua (2008 – Present) Secretary
First Presbyterian Church of Murfreesboro (2006 – 2014) Ruling Elder
First Presbyterian Church, Murfreesboro, Tennessee (2010-2014) Chairman of Youth Ministries Committee
Rutherford County Chamber of Commerce (2012-2015) Member

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.

Approximately, twenty years ago, I briefly belonged to the Rutherford County Junior League which, based upon my belief, was restricted to female membership.

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.

Member, Tennessee Bar Association (2007 – Present)
Member, Rutherford/Cannon County Bar Association (2007 – Present)
Member, Andrew Jackson Inn of Court (2008 – Present)
Member, Barristers Lions Club (2015 – Present)
Chair of Programs Committee, Middle Tennessee Lawyer's Association for Women (2017 –

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.

2008 Rutherford/Cannon County Bar Association Richard LaRoche Pro Bono Attorney of the Year.

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 had the privilege to serve in any public office nor have I previously been a candidate for any public office.

ESSAYS/PERSONAL STATEMENTS

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

I am seeking this position because I have a desire for public service and a strong sense of justice. I believe my personality, temperament, legal experience and life experiences make me best equipped to be a judge at this time in my life. I was taught about how to be a jurist by some of the best on the bench. They taught me about jury trials, how to be an effective public servant, to show grace and mercy while being able to administer justice. My legal career has expounded on those lessons and has allowed me to utilize the skills of so many who invested in me. I have experience in several areas of the law, and have significant experience in domestic and family law matters. I also have the life experiences of being divorced, being part of a blended family, and learning to thrive in the roles of step-parent, parent, and wife. All of my experiences have prepared me for this important and meaningful opportunity.

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)*

As our laws and society progress, there seem to be fewer jury trials in our county. A majority of the cases being heard in Rutherford County are domestic cases. Rutherford County currently has five trial judge positions and there is a possibility of adding a sixth position due to our growing population. Although each jurist has their own way of approaching their docket, the perspective that a female jurist would bring is diversity to the bench in our county, offer a new perspective, and serve as a role model to young citizens. I believe Rutherford and Cannon Counties need a female perspective in order to properly reflect the demographics of our judicial district.

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)

It is absolutely crucial that a judge uphold the law despite his/her personal feelings. The rule of law gives people expectations and allows them to trust the independent judiciary. I sometimes hear my clients complain that a judge was not fair. However, I explain to them that often it has nothing to do with the judge and everything to do with the law. Laws are not fair to all people all the time. I can think of numerous incidences where the law was not fair to someone but it was crucial that it be followed.

For example, I was involved in a parenting plan modification case wherein the parties were never married and their first parenting plan was entered by the Rutherford County Juvenile Court. The mother moved to Williamson County and the father continued to live in Rutherford County. Because the father continued live here, Rutherford County maintained jurisdiction in the modification petition. Father went through several attorneys, continually delaying the trial. A month before the final hearing was scheduled, father moved to Williamson County. One week before the trial was set to commence, his counsel filed a Motion to Transfer the case to Williamson County, which would again delay the trial. The case had been set by agreement of the father, but his deliberate move to Williamson County required the Court to transfer the case and delayed trial. I had to acknowledge that despite the child needing permanence, I could not argue that the law disfavored his position. It was not fair to the child, nor to my client who needed closure, and she was devastated. However, instead of getting angry at the situation, I got to work and drafted an amendment to that statute and worked with my local legislator to get the statute changed.

Similarly, I had a case involving a same-sex relationship wherein my client, during the course of the relationship, adopted a child. My client's significant other helped raise the child and, upon splitting, the significant other sued her for custody/visitation of the child. I had researched the law extensively and assured my client that the law was in her favor. Her significant other did not have a legal relationship to the child and therefore was not entitled to visitation or custody of the child. I immediately filed a Motion to Dismiss for failure to state a claim for which relief could be granted. It was denied. I filed a Motion for Summary Judgment. It was denied. I filed an interlocutory appeal. It was denied. I began to doubt myself a bit. However, I knew I was right. My client spent thousands of dollars for me to advocate for her position all the way through a trial. After two days of trial, the judge ruled that the significant other did not have a legal relationship to the child, and therefore was not entitled to visitation or custody. My client was very frustrated that the judge did not grant her motion in the first place. Although I felt that the system I believed in let this person down, I explained to my client that novel legal situations deserve research and inspection, and that the trial judge in this case needed time to come to the correct legal conclusion.

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. Mary Katharine White
B. Lisa Taylor
C. John G. Pearson
D. John Hinkle, Jr.
E. Renee Adams

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 16th 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 21, 2017.

R. C. C. C. C.
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.

R. Michelle Blaylock-Howser

Type or Print Name

R Michelle Blaylock-Howser

Signature

August 21, 2017

Date

00257891

BPR #

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