

Tennessee Judicial Nominating Commission
Application for Nomination to Judicial Office

Rev. 26 November 2012

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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 fourteen (14) 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.

Attorney, Ridenour & Ridenour Law Firm

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

1996 - BPR No. 018082

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.

1994 - Florida - Bar No. 0016306 - Inactive - I requested my license be inactive because my practice is exclusive to Tennessee

1995 - District of Columbia - Bar No. 447502 - Inactive - I requested my membership be inactive because my practice is exclusive to Tennessee

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).

Not applicable

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).

Attorney, Ridenour & Ridenour, Clinton, Tennessee — 2008 to Present: Full spectrum criminal law defense in the General Sessions Courts, Criminal Courts and Juvenile Courts of East Tennessee as well as Federal criminal law matters before the United States District Court for the Eastern District of Tennessee. Additional practice areas include Seizure hearings before the Tennessee Department of Safety, Indication hearings before the Tennessee Department of Children's Services, and personal injury, workers compensation and domestic relations civil litigation.

Assistant District Attorney, Knox County, Knoxville, Tennessee — 2006 to 2008: Represented the State of Tennessee in matters before the Knox County Criminal Court Division I, the Grand Jury, and Felony General Sessions Court.

Assistant District Attorney, Anderson County, Clinton, Tennessee — 1999 to 2006: Represented the State of Tennessee in misdemeanor and felony matters before the Anderson County Criminal Court, Juvenile Court, and General Sessions Courts.

Attorney, Joyce, Meredith, Flitcroft & Normand, Oak Ridge, Tennessee — 1996 to 1999: Represented the State of Tennessee in Child Support matters in Anderson and Knox Counties and provided complex civil litigation support.

Law Clerk, United States Department of Energy, Washington, District of Columbia — 1994 to 1996: Provided litigation and legal research support to the Assistant General Counsel for Environment.

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.

Not applicable

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.

Associate Attorney handling criminal matters for a well established law firm with offices in Clinton, Anderson County, Tennessee and Kingston, Roane County, Tennessee. I have represented criminal defendants in Anderson, Blount, Campbell, Claiborne, Fentress, Grainger, Hamilton, Knox, Loudon, Monroe, Morgan, Roane, Scott, Sevier, Union and White Counties. Additionally, I am a Criminal Justice Act panel attorney accepting appointments from the United States District Court for the Eastern District of Tennessee to represent criminal defendants charged with federal crimes. Percentage of total practice: criminal defense 90%, juvenile matters 4%, family law 4%, and worker compensation and personal injury 2%.

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. Also separately describe any matters of special note in trial courts, appellate courts, and administrative bodies.

As Associate Attorney at Joyce, Meredith, Flitcroft & Normand, I began as a child support attorney litigating establishment of support, paternity and contempt matters in the Anderson Chancery and Juvenile Courts. I later became Lead Child Support Attorney in Knox County and prepared and tried contested matters in the Fourth Circuit and Juvenile Courts. I was then promoted to Associate assigned to the Managing Partner and provided complex plaintiff's civil litigation support. I supervised discovery, legal research and trial preparation for a case in the United States District Court for the Eastern District of Tennessee against a major commercial insurance company. Preparation for this case spanned one year and we tried the case before a jury with the defendant's offering significant settlement prior to the trial concluding.

As Assistant District Attorney for the Anderson County, I was assigned to the Criminal, Juvenile, and General Sessions Courts. On Monday and Wednesday, I litigated all juvenile delinquency charges arising out of Anderson County before the Juvenile Court. I litigated delinquents crimes ranging from underage consumption to rape and litigated all matters from detention to final disposition. On Tuesday and Thursday, I litigated all misdemeanor and felony matters arising out of Oak Ridge, Oliver Springs and Lake City before the General Sessions Court Division II. I litigated criminal charges ranging from public intoxication to homicide and litigated all matters from bail to violations of probation. On Friday, I appeared in Criminal Court to handle cases ranging from driver license charges to double homicide. In the Criminal Court, I tried numerous cases to a jury.

As Assistant District Attorney for Knox County, I was assigned to Criminal Court Division I, the Grand Jury, and Felony General Sessions Court. While assigned to Criminal Court, although most cases were resolved by plea agreement, I regularly prepared several different cases for jury trial each week. Additionally, I litigated numerous suppression issues, assisted in search warrant preparation and conducted interface with law enforcement. In Felony Sessions Court, I litigated only felonious criminal charges and any related matters such as bail, extradition, and pleas by information. While assigned to the Grand Jury, I presented felony cases bound over from Felony Sessions Court. I also coordinated law enforcement scheduling and appearances before the Grand Jury.

Currently, I am with a law firm with a 50 year history. The firm has deep ties to the community and our client base is primarily private referrals from long-standing clients that believe in the work ethic and expertise of the firm. My practice focus is full spectrum criminal law defense representation in the Criminal Courts, Juvenile Courts, and General Sessions Courts of East Tennessee and before the United States District Court for the Eastern District of Tennessee. In the past five years I have handled and concluded approximately 435 criminal defense cases ranging from simple misdemeanors to Class A Felonies. I conduct the legal research, motion practice, law enforcement interface and trial preparation for each case. My experiences as a prosecutor allow me to provide my clients with multi-perspective representation. I am sensitive to the concerns and objectives of the victims, law enforcement, prosecutors, witnesses, and the defendants.

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

While Assistant District Attorney in Anderson County, I was second chair prosecutor in a case where the Defendant was indicted for two counts of first degree murder and two counts of felony murder. My primary assignment was to refute and exclude the Defendant's contention that there was a biological impairment of his ability to premeditate the crime. Through extensive legal research and collaboration with expert witnesses, we successfully attacked the trustworthiness and reliability of the defendant's expert witness' report. The Defendant was convicted after jury trial and the trial court merged the felony murder convictions into the two convictions for premeditated first degree murder and imposed concurrent life sentences. After the denial of a motion for new trial, Defendant appealed several issues including, but not limited to, whether the trial court erred by prohibiting expert testimony about the effect of Appellant's genetic predisposition to stress on his ability to premeditate. The Court of Criminal Appeals determined the trial court properly excluded unreliable scientific evidence and affirmed the trial court. *See, State v. Seals*, No. E2007-02332-CCA-R3-CD, WL 55914 (Tenn.Crim.App. 2009).

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.

I have sat as special Judge in the Juvenile Court for Anderson County at the request of the Judge. I did this during the Holiday season and on occasions where the Judge had scheduling conflicts. I presided over detention hearings and conducted the regular business of the Court during a delinquency docket. I enjoyed the opportunity to serve and strived to represent the Court in a simple, understandable and approachable manner.

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.

I hold general power of attorney and power of attorney for health care for my 82 year old mother. Mother had a catastrophic stroke 22 months ago and cannot live independently. Mother is a retired physician and prior to her stroke lived a full and independent life. Handling Mother's finances has been relatively simple. However, developing a mental health and physical care plan in the midst of competing desires of family members is emotional, complex, and arduous. To determine a prudent course of action, I have sought the counsel of professionals, listened to and discussed each family member's concerns and objectives, and carefully studied how Mother herself historically handled such matters.

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

Operating a private criminal defense practice has taught me that effective lawyering is relational. Although I miss prosecution, representing criminal defendants has taught me how to serve others when life for them is turmoil. I have learned to be more compassionate and open minded. I have become a better listener and communicator. I strive to simplify rather than complicate and I respect each individual's situation and circumstances.

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.

Not applicable

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.

8/1994 - 1/1996 The George Washington University, Washington, District of Columbia — LLM
8/1991 - 6/1994 Nova Southeastern University, Fort Lauderdale, Florida — JD
1/1985 - 12/1989 The University of Tennessee, Knoxville, Tennessee — BA
8/1984 - 12/1984 Canisius College, Buffalo, New York (transfer to UTK)

PERSONAL INFORMATION

15. State your age and date of birth.

47 years old, born February 13, 1966

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

28 years

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

24 years

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

Knox

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.

Not applicable

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 applicable

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.

Not applicable

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.

Not applicable

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

Not applicable

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.

Not applicable

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.

Two Rivers Church, Lenoir City, Tennessee

Farragut Church of Christ, Farragut, Tennessee - Member Finance Committee, 2009-2010

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.

Not applicable

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.

Anderson County Bar Association, 2003 to present

Knox County Bar Association, 2006 to present

Roane County Bar Association, 2008 to present

Tennessee Association of Criminal Defense Lawyers, 2008 to present

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.

Congressman's Award - December 14, 1997 - for exemplary service and outstanding effort and dedication to the Korean American Association - given by U.S. Congressman John Duncan
Certificate of Appreciation - December 17, 2006 - in recognition of loyal and unselfish support and effort which contributed to growth and harmony of the Korean Association of Tennessee - given by President of the Federation of Korean Associations Eugene Yu

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

Not applicable

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.

Trial Practice - University of Tennessee College of Law

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.

Not applicable

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

Not applicable

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.

Attached are two Memoranda of Law. I composed both memorandums and had the assistance of a law clerk and various templates.

ESSAYS/PERSONAL STATEMENTS

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

The matters appealed to the Court of Criminal Appeals are forged after extensive investigation, exhaustive legal research, motions and trial. These issues represent real life scenarios where parties attempt to blend the law and facts to advance their positions. I have tried cases as a prosecutor and defense attorney. I have had countless interactions with victims, law enforcement officials, witnesses, and defendants. I have tried cases in metropolitan and rural communities, and I understand the idiosyncrasies of different jurisdictions. I want to use my experiences and bring a multi-disciplined practical understanding of what transpires in the trial courts to make the analysis that occurs on appeal more effective. I am blessed with a wonderful family life and in my prime. It is the optimum time to take my expertise and work ethic and administer justice.

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)*

Although 90% of my practice involves being retained to represent criminal defendants, I accept appointed cases in Anderson, Roane and Loudon counties. Additionally, I accept federal appointments for indigent defendants before the United States District Court for the Eastern District of Tennessee. I have taken many pro bono cases referred by professional contacts, friends, and church members. I take pride in listening and trying to understand the questions of any person with legal problems. In private practice I have learned to develop and maintain business, however, I continue to offer free consultations and always respond to telephonic inquiries. I find great reward in getting the people I counsel to genuinely feel that I understand the facts and circumstances of their case and that I can improve their situation.

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)*

I seek to be Judge of the Court of Criminal Appeals for the Eastern Section. My experiences and integrity will bring depth and breadth to the fabric of the court. As a lawyer I have prepared and tried cases from the prosecution and defense perspective. As an individual, I am a Korean American who was born and raised in Western New York but will always call East Tennessee home. I completed my undergraduate studies in Knoxville and my graduate studies in Florida and the District of Columbia. East Tennessee is a burgeoning confluence of diverse culture where I seek the opportunity to work hard, efficiently and effectively to hear and understand those that I encounter. I will approach each case in a manner that strives to give every participant a sense of justice.

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)*

I recently began teaching as an adjunct professor at UT. Teaching is rewarding and a great way to learn. I believe that preparing young lawyers well is key to growing a professional and compassionate legal community. My community involvement activities are tied directly to family life. You will find me at my children's school functions, on the tennis courts with them or at church with them. My children are A students and tournament tennis players and most of my weekends are spent interacting with the local tennis community. We are family of faith and we attend many church functions including small group meetings and personal growth groups. If appointed Judge I intend to maintain and strengthen all our current activities and embrace appropriately suited opportunities to teach and serve others.

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)**

When I was 20 my father died. I finished undergraduate studies at UT but was without focus. I entered the restaurant business but thankfully my mother pressed me to enter graduate school. I chose Law school because I recognized that the law is the foundation of our society. I, however, was not passionate for the law until second year when I realized that a legal career would give my life purpose. I became focused and matriculated to George Washington Law School where I received my Master of Laws degree. My legal career has opened doors to opportunity and to relationships. Practicing law has allowed me to realize that serving others and helping people when they are at a low point is a privilege. This realization in conjunction with support from my family and church men's group further fuel my desire to serve others. Two years ago my mother suffered a devastating stroke and is no longer able to live independently. Mother's situation gives my desire to serve urgency. I want to serve now while I am able to do so passionately and without disruption.

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)**

I will absolutely uphold the law even if I disagree with the substance of the law. In cases with especially vulnerable victims, it is difficult to defend criminal defendants when you know factually they have committed a crime. I am still a prosecutor at heart and one of the greatest challenges transitioning from the prosecutor mindset to defense lawyer is looking beyond guilt and innocence. Our Constitutions guarantee criminal defendants the presumption of innocence and places the burden of proof on the government. Often times however, the facts, as articulated by my client, satisfy the elements of the crime and therefore my client is "guilty". Although this scenario sometimes seems unjust, legally, the burden lies with the State, so I look beyond guilt or innocence and focus on requiring the State to satisfy its legal burden.

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. Ron Ridenour, retired attorney, [REDACTED]	Knoxville, TN 37922 [REDACTED]
B. John Gill, Special Assistant, Knox County District Attorney General's Office, 400 W. Main Ave., Ste. 168, Knoxville, TN 37901-1468 (865) 215-2515	
C. Hon. Ronald N. Murch, General Sessions Court Judge, Division II, 101 Bus Terminal Road, Oak Ridge, TN 37831 (865) 425-0370	
D. Gus Simmerly, retired, [REDACTED]	Knoxville, TN 37934 [REDACTED]
E. Dr. Ceecy Yang, physician, 9314 Parkwest Boulevard, Medical Arts Building, Suite 400, Knoxville, TN 37923 (865) 540-1650	

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 of Criminal Appeals Eastern Section 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: June 11, 2013.

IS Samuel K. Lee

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 TENNESSEE BOARD OF JUDICIAL CONDUCT AND OTHER LICENSING BOARDS

WAIVER OF CONFIDENTIALITY

I hereby waive the privilege of confidentiality with respect to any information which 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 Tennessee Judicial Nominating Commission to request and receive any such information and distribute it to the membership of the Judicial Nominating Commission and to the office of the Governor.

Samuel K. Lee

/s/ Samuel K. Lee

Signature

June 11, 2013

Date

018082

BPR #