

The Governor's Council for Judicial Appointments

State of Tennessee

Application for Nomination to Judicial Office

Name: Carma Dennis McGee

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Address:

Home Address:
(including county) Savannah (Hardin County), Tennessee 38372

Home Phone: Cellular Phone:

INTRODUCTION

The State of Tennessee Executive Order No. 54 hereby charges the Governor's Council for Judicial Appointments with assisting the Governor and the people of Tennessee in finding and appointing the best and most qualified candidates for judicial offices in this State. Please consider the Council's responsibility in answering the questions in this application. 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 Council 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 Council 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 document.) Please read the separate instruction sheet prior to completing this document. Please submit your original, hard copy (unbound), completed application (*with ink signature*) and any attachments to the Administrative Office of the Courts. In addition, submit a digital copy with your electronic or scanned signature. The digital copy may be submitted on a storage device such as a flash drive that is included with your hard-copy application, or the digital copy may be submitted via email to ceesha.lofton@tncourts.gov.

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

PROFESSIONAL BACKGROUND AND WORK EXPERIENCE

1. State your present employment.

Chancellor, 24th Judicial District of the State of Tennessee

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

Licensed to practice in Tennessee in 1999; BPR #019829

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 in Tennessee only

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).

1998 – 2000: Law Office of J. Gilbert Parrish, Jr.
60 Brazelton Street, Unit 9
Savannah, Tennessee 38372

2000 – 2001: Law Office of Carma Dennis McGee
65 Court Street, Suite 3
Savannah, Tennessee 38372

2001 – 2014: McGee & Dennis, Attorneys at Law
55 Court Street, Suite B
Savannah, Tennessee 38372

2014 – Present: Chancellor, 24th Judicial District
State of Tennessee
P. O. Box 1598
Savannah, Tennessee 38372

Profession prior to completion of legal education:

1993 – 1996: Teacher, Hardin County Board of Education
155 Guinn Street
Savannah, Tennessee 38372

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.

I am currently the Chancellor of the 24th Judicial District, which is comprised of Benton, Carroll, Decatur, Hardin and Henry Counties. While on the bench, my docket has consisted of cases which are classified as approximately 53% domestic cases and 47% general civil cases.

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 Council 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 Council. Please provide detailed information that will allow the Council 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.

Since taking the bench almost five years ago, I have been the only **Chancellor** in a five-county district. During that time, I have disposed of an average of 1,300 cases per year.

Slightly more than one-half of my docket is comprised of domestic and family law cases, including divorce, post-divorce modifications, contempt, child support, parental relocation, parentage, surrenders, adoption, and termination of parental rights cases. The remainder of my docket consists of general civil litigation, including probate cases, will contests, conservatorships, guardianships, contract disputes and cases involving real property.

While on the bench, I have had approximately twelve appellate decisions rendered after appeal of my ruling. Of those, I have been affirmed on seven. Two were affirmed in substance and reversed as to the award of attorney fees only. One case was vacated, one dismissed, and one was reversed.

As Chancellor, I have also attempted to improve the efficiency of the operation of the Chancery Court for my district. I have issued new Chamber Rules for the Chancery Court of the 24th Judicial District to promote judicial economy. I have also spoken at various continuing legal education seminars for attorneys in regard to best practice standards.

As an attorney, I practiced in the General Sessions, Juvenile, Chancery, Probate, and Circuit Courts of the State of Tennessee. On the appellate level, I practiced before the Tennessee Court of Appeals. During my legal career, I also handled transactional matters for individuals, corporations, limited liability companies, and financial institutions.

In **General Sessions Court**, I represented both plaintiffs and defendants in collection matters, forcible entry and detainer warrants, warrants to recover personal property, and breaches of contracts and leases with damages falling within the jurisdictional limits of the Court. I also represented plaintiffs in personal injury cases with damages falling within the jurisdictional limits of said Court. During the first three years of my career, I represented various defendants on criminal charges in the General Sessions Court, both by appointment and as an attorney hired by the defendant. In the General Sessions Courts which also exercise domestic jurisdiction, I have represented both plaintiffs and defendants in orders of protection, divorce cases, and post-divorce cases involving child custody or contempt issues.

In **Juvenile Court**, I represented both plaintiffs and defendants in parentage and custody proceedings. I also represented parents and custodians and served as the court-appointed guardian ad litem representing the child in dependency and neglect cases. On several occasions, I also represented custodians and prospective adoptive parents in termination of parental rights cases.

In **Chancery Court**, I represented clients in a wide variety of cases. I represented both plaintiffs and defendants in cases involving real property issues, such as boundary line disputes, existence of easements, partition suits, and petitions to stay trespass. I represented plaintiffs in cases to enforce restrictive covenants, quiet title, and approve the sale of real property owned either by a minor or complex divisions of heirs and unknown heirs. I also represented financial institutions in suits to set aside fraudulent conveyances and reform deeds of trust and collection suits involving the same.

Additionally, I represented plaintiffs in Chancery Court in adoptions, custody cases, conservatorships, approval of minor's settlement funds and receipt of the same by the court, name changes, grandparent visitation cases, actions to remove the disability of a minor, filing of foreign judgments, requests to disburse portions of a minor's funds, declaratory judgment petitions, requests for appointment of successor trustees, and guardianships. I represented both

plaintiffs and defendants in divorces, suits involving breach of contracts and leases, claims under the Tennessee Consumer Protection Act, and defendants in regard to the wrongful sale of secured collateral. I also represented birth parents in a voluntary surrender and adoption. In numerous instances, I was appointed as guardian ad litem in proposed conservatorship cases and on behalf of minors who own property and unknown heirs. Additionally, I served as a court-appointed guardian ad litem in adoption cases.

In the **Probate Division of the Chancery Court**, I represented personal representatives of estates, heirs, and beneficiaries in the probate and administration process. I represented personal representatives of small estates and insolvent estates. I also represented executors of estates in will construction suits. I represented various persons in probates instituted for limited purposes, such as litigation or muniment of title. I represented both plaintiffs and defendants in will contest cases, actions to remove administrators, and the filing of claims against an estate and exceptions to the same. On occasion, I also served as the court-appointed administrator of estates when conflicts among heirs existed.

In **Circuit Court**, I represented plaintiffs in breach of contract and lease cases, and personal injury cases. I also had the privilege of serving as “second chair” on a case involving spousal support against an incompetent adult, and serving as one of a group of five attorneys on personal injury cases, one products liability case, and one medical malpractice case.

I represented clients in two appeals to the **Tennessee Court of Appeals**, Western Division. In both instances, the ruling of the Juvenile Court in a termination of parental rights was appealed by the parent as a matter of right. I represented prospective adoptive parents of the minor child in both cases, who were the appellees in the action.

While practicing law, I handled many **transactional issues** involving real property. I performed hundreds of title searches for lenders. I served as attorney for purchasers, sellers, and lenders in real estate transactions and handled disbursement of funds for the same. I drafted various documents in regard to the title to real property, including deeds, deeds of trust, promissory notes, sales contracts, leases, and land sale contracts. I also represented lenders and individual secured parties in foreclosure proceedings.

I represented clients in forming corporations and limited liability companies and drafted all necessary documents for the same, including operating agreements, bylaws, initial member actions, articles of conversion, and resolutions. I also drafted stock purchase agreements, employment agreements, partnership agreements, buy-sell agreements, and contracts. I assisted various churches with the procedures for incorporation.

I also assisted clients with **estate planning** throughout my career. I have drafted wills, power of attorneys, and trust agreements.

Unless otherwise stated above, I served as the only attorney representing my client in all listed cases and transactions. I was solely responsible for all research, drafting of pleadings and other documents, and all court appearances. In the cases in which I worked with other attorneys, I conducted a large part of the research and drafting of pleadings, discovery, and other documents.

While practicing law, I never worked in a firm with more than two attorneys, including myself. Practicing in a small town generally requires knowledge in diverse aspects of the law, and I have had exposure to a wide variety of cases. I was fortunate enough to gain valuable

experience in a variety of cases early in my career while working for an attorney who was engaged in civil and transactional practice. I was a sole practitioner for approximately one year and then formed the partnership in which I practiced for thirteen years. After formation of the partnership, my partner and I focused on different areas of law and he took over all of the criminal work. Our firm never employed any attorney other than the two partners. For approximately the last four years of my practice, my partner was in the office on only a limited basis. Therefore, I was responsible for all of the firm's day-to-day operations and supervision of the firm's two legal secretaries.

Throughout my career as both an attorney and judge, I have taken my work very seriously and strived to maintain the highest standards of professionalism.

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

None.

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 served as a Rule 31 Licensed Family Mediator from 2004 - 2014. During that time, I mediated approximately 270 divorce, custody, parentage, and probate cases in the Chancery, Juvenile, and General Sessions Courts of my area.

I have served as Chancellor for the 24th Judicial District since March, 2014. I was appointed to that position by Governor Haslam. I was subsequently elected to the position in August, 2014, for an eight-year term. Although none of the cases that I ruled on would have either statewide or nationwide implications, all cases are significant to the participants. I am always acutely aware of the impact that my decisions have on the lives of every person involved.

11. Describe generally any experience you have serving in a fiduciary capacity, such as guardian ad litem, conservator, or trustee other than as a lawyer representing clients.

While practicing law, I served as the court-appointed administrator of estates when conflicts existed between the heirs. In doing so, I was responsible for the administration

procedures of the estate, including the payment of claims and distribution of assets to the heirs. I also served as court-appointed guardian ad litem in conservatorship cases and in cases involving unknown heirs or beneficiaries of property. In all other instances in which I have served as guardian ad litem, I performed my duties as the attorney for my minor client.

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

2004 – 2005: City Judge, City of Savannah, Tennessee
2006 – 2014: Trainer in the area of Juvenile Law and Practice
Tennessee Supreme Court, Administrative Office of the Court
2007 – 2009: Court Improvement Program Work Group
Tennessee Supreme Court, Administrative Office of the Court
2013: National Institute of Trial Advocacy (NITA)
Completed Tennessee Court Improvement Trial Advocacy Program

13. List all prior occasions on which you have submitted an application for judgeship to the Governor’s Council for Judicial Appointments or any predecessor or similar 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.

2014: Application for Chancellor of the 24th Judicial District
Interviews were conducted by the Judicial Nominating Commission on January 23, 2014. My name was submitted to Governor Haslam as a nominee by the Commission, and I was subsequently appointed to that position.

EDUCATION

14. List each college, law school, and other graduate school that 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.

1989 – 1993: **UNION UNIVERSITY** Jackson, Tennessee
Bachelor of Arts, *Magna Cum Laude*, May, 1993
Major: Social Studies; Minor: Secondary Education
Alpha Chi Honor Society

1995: **UNION UNIVERSITY** Jackson, Tennessee
(I was pursuing a master's degree in educational administration while I was teaching. I stopped taking those classes when I decided to attend law school.)

1996 – 1998: **THE UNIVERSITY OF MEMPHIS** Memphis, Tennessee
Cecil C. Humphreys School of Law
Juris Doctor, *Cum Laude*, December, 1998

PERSONAL INFORMATION

15. State your age and date of birth.

Age 48; date of birth: [REDACTED] 1971

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

48 years

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

48 years

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

Hardin

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 placed 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.

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.

No.

22. 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.

One complaint was filed with the Consumer Assistance Program of the Board of Professional Responsibility in 2007 by a former client who was dissatisfied with the result of her trial. After I responded to the board's inquiry, said matter was closed.

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.

No.

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

No.

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.

No.

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 that you have held in such organizations.

Mt. Hermon Baptist Church, Savannah, Tennessee

Rotary Club of Savannah, Tennessee: President 2005-2006, Secretary 2003-2004

Shiloh Golf and Country Club

27. Have you ever belonged to any organization, association, club or society that 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.

1989 – 1993: Kappa Delta Sorority

- a. Membership is limited to females
- b. Membership is on a lifetime-basis. However, I do not currently participate in any alumnae activities.

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 that you have held in such groups. List memberships and responsibilities on any committee of professional associations that you consider significant.

1. Tennessee Judicial Conference, 2014 – Present

I have served on the TJC Weighted Caseload Committee since its creation in 2016, when I was one of nine trial judges appointed by the chair of the conference. This committee oversees and makes recommendations for the improvement of accuracy in the reporting of cases filed in the trial courts of each district. The accuracy in the compilation of this data is critical to ensuring that each district has the judicial resources necessary for the citizens to have prompt resolution of their disputes. I was one of three trial judges appointed to represent West Tennessee on said committee. As a member of the committee, I have spoken at both the meeting of the Tennessee Judicial Conference and the State Court Clerk's Conferences to raise awareness of the importance of accuracy in reporting cases to the Administrative Office of the Courts.

I have also been a member of the TJC Legislative Committee, which reviews proposed legislation and offers comment as to how those proposals may affect the judicial process.

2. Tennessee Trial Judges Association, 2014 – Present

I have been a member of the TTJA Executive Committee since 2015. This committee is responsible for reviewing any potential issues affecting the trial bench, and apprising the members of those issues. Additionally, the committee is the governing body for the association, and makes recommendations to the body in regard to any actions which the committee believes prudent to advance the goals of the association and thereby improve the judiciary's service to the citizens.

I have also served as one of three trial judges appointed to represent West Tennessee on the TTJA Judicial Resource Study Committee since 2017. This committee, comprised of nine trial judges (three from each grand division), reviewed and made recommendations for the allocation for judicial resources for the trial courts of the state. The goal of this committee was to improve the efficiency of the judicial system in serving the citizens of the state. The Committee issued a written report of its analysis and findings.

3. Tennessee Bar Foundation Fellow, 2015 – Present

I served on the TBF Fellows Selection Committee for the Western Grand Division in 2018. The Committee was responsible for reviewing the nominees for the class of fellows from West Tennessee for 2019.

4. Howell Edmunds Jackson American Inn of Court, 2018 - Present

5. Anne Schneider Chapter of Lawyers' Association for Women, 2000 - Present

6. Hardin County Bar Association, 1999 – Present

7. Tennessee Bar Association, 1999-Present

29. List honors, prizes, awards or other forms of recognition which you have received since your graduation from law school that are directly related to professional accomplishments.

2019: Hardin County Chamber of Commerce Woman of the Year

2015: Union University Department of History Alumni Distinguished Achievement Award. This award was presented for a "career of excellence in the practice of law."

2015: West Tennessee Woman of Distinction Award

2015: West Tennessee Sterling Award. This award is presented annually to the “most influential women of West Tennessee.”

2014: West Tennessee Legal Services Law Day Award for Commitment and Dedication to the Pro Bono Project

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

None.

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.

December 4, 2015: West Tennessee Legal Services Family Law Seminar, Jackson, Tennessee
Topic: Updates in Family Law in 2015

December 9, 2016: Hardin County Bar CLE Seminar, Parsons, Tennessee
Topic: Family Law Caselaw Update

December 3, 2017: Hardin County Bar CLE Seminar, Parsons, Tennessee
Topic: Family Law Caselaw Update

December 8, 2017: West Tennessee Legal Services Family Law Seminar, Jackson, Tennessee
Topic: Updates in Family Law in 2017

November 2, 2018: Hardin County Bar CLE Seminar, Parsons, Tennessee
Topic: Family Law Caselaw Update

December 8, 2018: Chancellor James F. Butler Family Law Seminar, Jackson, Tennessee
Topic: Family Law Caselaw Update 2017

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.

1. 2014 – Present: Chancellor of the 24th Judicial District of the State of Tennessee
I was appointed on March 11, 2014, to fill the vacancy created by the death of former Chancellor Ron Harmon. I was elected to the position on August 7, 2014, for an eight-year term.

2. 2005-2006: City Judge
City of Savannah, Tennessee
Appointed by the Savannah City Commission

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

No.

34. Attach to this application at least two examples of legal articles, books, briefs, or other legal writings that reflect your personal work. Indicate the degree to which each example reflects your own personal effort.

See attached "Exhibit A" and "Exhibit B." Both of the attached documents are entirely written by me.

ESSAYS/PERSONAL STATEMENTS

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

I have the knowledge, experience, and integrity required to fulfill this position. During my legal career, I have been privileged to handle a wide variety of domestic and civil cases from both the bar and the bench, which have given me a diverse background in the law and a unique perspective. Trial judges bring unique skills to the appellate court, who is tasked in many cases with critiquing the work of the trial bench. I relish the opportunities for study and discourse provided by the exploration of complex or obscure areas of the law, and attention to detail.

A fair and impartial judicial system is vital. Throughout my career, I have strived to maintain the highest standards of ethics and professionalism. I have served capably as a trial court judge. I believe that my skills are well-suited for serving as a Judge for the Court of Appeals.

36. State any achievements or activities in which you have been involved that 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)*

While practicing law, I accepted appointments for both criminal cases and child dependency and neglect cases. Additionally, throughout my career, I participated with West Tennessee Legal Services (WTLS) and accepted cases which were referred to me by the organization on a pro-bono basis. I was honored to be recognized and presented an award by WTLS on Law Day in 2014 for my work with their pro-bono project. As common with many attorneys, I also represented clients who were not referred, but who had financial need, on either

a pro-bono basis or at a greatly reduced rate.

Access to our judicial system and legal representation should not be only for the privileged. Tragedy and conflict know no socio-economic bounds. Every person should be allowed to avail himself or herself of the benefits of a functioning and respected legal system.

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 am seeking appointment as Judge of the Court of Appeals, Western Section, which handles appeals of civil cases. There is currently one vacancy for the Western Grand Division, which is normally served by four judges. I have extensive experience in the majority of the cases heard by the Court: practicing for fifteen years as a litigator and serving for five years as a trial court judge. My background in family law further equips me to adjudicate many of the issues upon which appeals are often based. The appointment of a fourth judge to serve the Western Grand Division will alleviate the current burden on the three remaining judges in the district and allow the senior judges who are currently being utilized to focus on other judicial needs.

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 am a member and past president of the Rotary Club of Savannah, Tennessee. I believe that the work done by this organization is important to the community and intend to remain a member. If appointed, I will continue to participate in club projects to the extent that my schedule and the rules of judicial conduct allow. I believe that it is of great importance for members of the judiciary to be visible members of the community. Through speaking to civic clubs and school groups, there are many opportunities for judges to educate the public on the function and importance of the judicial system. To the extent that my docket allows, it is my intent to continue to take every opportunity to speak to those groups.

39. Describe life experiences, personal involvements, or talents that you have that you feel will be of assistance to the Council in evaluating and understanding your candidacy for this judicial position. *(250 words or less)*

Throughout my life, I have gained experience with people in various walks of life. Before attending law school, I taught in a public high school for three years. Being a young teacher at that level, I rapidly realized that maturity, patience, and professionalism are vital in any career. When I began my legal career, service to others was important to me. Those who have been afforded opportunities have a responsibility to serve others. Almost immediately, I joined service organizations. I also began serving as a court-appointed attorney representing the

interest of those who could not protect themselves: children and the incapacitated. These areas of practice gave me an intense awareness of the plight of people who are not able to speak for themselves.

Years of family mediation have given me insight into the complexity of domestic law and the trauma that people endure as a result of divorce and custody issues, which impacts others beyond the parties. I have seen the stress that the litigation process can produce for not only the parties, but their children, extended family, and friends. My time on the bench has shown me the importance of persons feeling as if their voice has been heard. The outcome of a case is more palatable for both parties if they each feel that their respective positions have truly been heard by a fair and impartial judge.

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)*

Yes. The role of a judge is to uphold the law regardless of personal feelings about the law. I have done so on many occasions. To many persons, there are instances in which application of the law can produce a seemingly harsh result. It is the role of the judiciary to apply and uphold the law without being influenced by that perception.

My most significant example of having fulfilled this responsibility involves a private adoption case in which I represented the adoptive parents. My representation began months prior to the child's birth. Immediately upon birth, physical custody of the child was placed with my clients and all normal surrender procedures were followed. After one week, I was notified that the biological parents wished to revoke their consent.

I did not believe that return to the natural parents was in the child's best interest. I knew that the living conditions to which the child would return were not optimal. However, I had no legal basis for my clients to file for emergency custody of the child. I immediately contacted the Chancellor's office and scheduled the revocation of surrender hearing. My obligation as an officer of the Court required that I abide by state law in regard to the revocation. No laws existed to allow my clients to retain physical or legal custody of the child. Therefore, within hours of being notified of the desire to revoke the consent, I supervised the return of the child to the biological parents.

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 Council or someone on its behalf may contact these persons regarding your application.

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A. Attorney/Mediator Michael Russell
Russell Dispute Resolution, PLLC
P. O. Box 41314
Nashville, Tennessee 37204
[REDACTED]

B. Attorney J. Gilbert Parrish, Jr.
[REDACTED]
Savannah, Tennessee 38372
[REDACTED]

(Mr. Parrish occasionally practices in my Court. Due to ethical concerns, I have not asked Mr. Parrish to act as a reference for me. However, I am listing him as a reference and authorizing any Council member to contact him regarding this application without my knowledge.)

C. Mr. David Long
[REDACTED]
Savannah, Tennessee 38372
[REDACTED]

D. Mr. Barrett Rich
[REDACTED]
Paris, Tennessee 38363
[REDACTED]

E. Attorney Anthony L. Clark
Clark & Cox
104 N. Brewer Street
Paris, Tennessee 38242
[REDACTED]

(Mr. Clark occasionally practices in my Court. Due to ethical concerns, I have not asked Mr. Clark to act as a reference for me. However, I am listing him as a reference and authorizing any Council member to contact him regarding this application without my knowledge.)


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 Appeals – Western Section of Tennessee, and if appointed by the Governor and confirmed, if applicable, under Article VI, Section 3 of the Tennessee Constitution, 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 application with the Administrative Office of the Courts for distribution to the Council members.

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

Dated: February 12, 2019.


Signature

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



**THE GOVERNOR'S COUNCIL FOR JUDICIAL APPOINTMENTS
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 Governor's Council for Judicial Appointments to request and receive any such information and distribute it to the membership of the Governor's Council for Judicial Appointments and to the Office of the Governor.

Carma Dennis McGee

Type or Print Name

Signature

February 12, 2019

Date

BPR #019829

BPR #

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

Exhibit A

IN THE CHANCERY COURT OF HENRY COUNTY, TENNESSEE

KATHERINE MAE PRUITT,

Plaintiff,

v.

DOCKET NO: 23626

TRAVIS PRUITT;

Defendant.

ORDER

This cause came to be heard before Chancellor Carma Dennis McGee, Chancellor for the Chancery Court of Henry County, Tennessee, on August 7, 2017 upon Defendant's (Husband's) Motion for 60.02 Relief filed on February 15, 2017; testimony of the parties; statements and post-trial briefs of counsel; and the entire record.

From which, the Court finds as follows:

1. The parties were divorced by Final Decree entered February 16, 2016, in the Chancery Court of Madison County, Tennessee. Said Final Decree approved and incorporated the terms of the parties' Agreed Marital Dissolution Agreement (MDA) and Permanent Parenting Plan (PPP).
2. The MDA states that it constitutes a general appearance before the Chancery Court of Madison County for the purposes of obtaining a divorce on the grounds of irreconcilable differences. Although the MDA states that the divorce will be obtained by default judgment, the Court finds that this provision is not significant because the parties did ultimately obtain a divorce on the grounds of irreconcilable differences.

3. The PPP approved by the Court states that it is for one minor child: Michael Richard Pruitt, date of birth December 29, 2013. This child was further represented by Plaintiff to be the child of the parties in the Complaint for Divorce which was filed on November 13, 2015, and represented by both parties to be their child in the MDA and PPP.

4. Husband met with Wife's mother at the local UPS store and reviewed the MDA and PPP for approximately two hours before signing it. He chose not to obtain legal advice because, as he testified, he was "trying to make everyone happy and move on." However, Husband knew that he could get legal advice before signing the documents.

5. It is undisputed that the parties met after Michael was conceived. It is further undisputed that the Defendant is not the biological father of the child.

6. It is undisputed that, after the child's birth, the parties signed a document at a UPS Store that was mailed to Nashville and resulted in Defendant being placed on Michael's birth certificate as the father and the child's last name being changed to "Pruitt." The Court finds that this was a Voluntary Acknowledgement of Paternity completed pursuant to T.C.A. §68-3-203, §68-3-305, and §36-5-101, and is binding as such.

7. During the parties' marriage, the parties held child out to be Husband's child and claimed him as such on income taxes. The child knew Husband as his father and Husband testified that Michael was his son as far as he was concerned.

8. Husband testified that Wife never misled him as to the paternity of the child or issue of child support, but that he filed this Motion because he "doesn't want to pay child support anymore" and he can't see the child because of his work schedule.

9. At all times beginning with the filing of the divorce complaint in 2015 and continuing until the filing of this Motion on February 15, 2017, the parties held this child out before

the Court as a child of the marriage. They have represented to the Court under penalty of perjury in the documents that they have signed that this is their child.

Tennessee Rule of Civil Procedure 60.02, in relevant part, states:

On motion and upon such terms as are just, the court may relieve a party or the party's legal representative from a final judgment, order or proceeding for the following reasons: (1) mistake, inadvertence, surprise or excusable neglect; (2) fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party; (3) the judgment is void; . . .

Tenn. R. Civ. P. 60.02

The Court has analyzed the facts of this case and will address the applicability of each enumerated reason for relief in said Rule separately.

(1) mistake, inadvertence, surprise or excusable neglect;

The Court finds that none of these grounds exist. Both parties were aware of the true facts and circumstances regarding the conception and paternity of this child from the time of the child's conception through the time that the divorce was granted. The parties voluntarily placed Husband's name on the birth certificate with full knowledge of the child's conception. The Court finds that neither party was operating under any type of mistake, that there was no surprise on any party, and that there was no excusable neglect. Therefore, Defendant is not entitled to relief based upon these grounds.

(2) fraud; (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party;

The Court again finds that everyone involved in this case, other than the Court, was aware of all of the circumstances and facts surrounding the case. Wife has not committed any fraud or misrepresented any facts to Husband in regard to the child.

Therefore, the Court finds that the Defendant is not entitled to any relief based upon these grounds. In hindsight, the parties may have exercised poor judgment in dealing with this situation. However, that is not a reason to disregard their voluntary actions which have occurred over the past three to four years and set their agreements aside.

(3) the judgment is void; . . .

The MDA contained a provision that it constituted a general appearance before the Court for the purposes of obtaining an irreconcilable differences divorce. Therefore, Defendant's argument that the Judgment should be void due to lack of venue is without merit.

The Court further finds that the Defendant's assertion that the Final Decree of Divorce should be void because it does not comply with the statutory requirements for an order of parentage is also without merit. This was not a parentage action; it was an action for divorce. Although the Court in parentage orders, and in final decrees of divorce that address parentage, may require that the information required by T.C.A. §36-2-311 must be included, the Court cannot find that the failure to include these provisions in the subject Final Decree of Divorce made the Final Decree and accompanying PPP void.

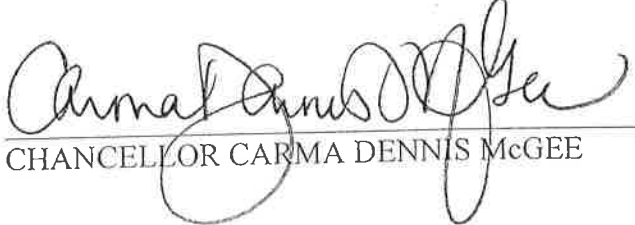
Further, pursuant to T.C.A. §36-2-304(a)(3), Husband is rebuttably presumed to be the father of the child because he and the mother have married after the birth of the child and he has consented in writing to being named as the child's father on the birth certificate and obligated himself to support the child under a Court Order. He has also received the child into his home and held the child out as his own child pursuant to T.C.A. §36-2-304(a)(4).

The Court further finds that the failure to put any punitive or potential biological fathers (who have not been identified in this proceeding) on notice as part of the divorce does not render the judgment void.

Based upon the foregoing, said Motion for 60.02 Relief is not well-taken and is denied.

ALL OF WHICH IS SO ORDERED, ADJUDGED, AND DECREED.

This 8th day of September, 2017.


CHANCELLOR CARMA DENNIS MCGEE

CERTIFICATE OF SERVICE

I, Mary Burns, Clerk and Master of the Chancery Court of Henry County, Tennessee, hereby certify that I have served a copy of this Order on the persons listed below by First Class U. S. Mail, postage prepaid, on this the _____ day of September, 2017.

Ms. Teresa Marshall
Attorney for Plaintiff
220 N. Poplar Street
Paris, TN 38242

Mr. J. Neil Thompson
Attorney for Defendant
P. O. Box 667
Huntingdon, TN 38344

MARY BURNS, CLERK AND MASTER

Exhibit B

IN THE CHANCERY COURT OF CARROLL COUNTY, TENNESSEE

IN RE: _____, a Minor Child

Date of Birth: May 27, 2014

and wife,

Petitioners,

v.

No. 2015-AA-

and

TENNESSEE DEPARTMENT OF CHILDREN'S SERVICES,
Respondents.

ORDER

This cause came to be heard over the course of five days, the final of which was May 4, 2016, before the Honorable Carma Dennis McGee, Chancellor of the Chancery Court of Carroll County, Tennessee, upon the petition and amended petition of _____ and wife, _____, to terminate the parental rights of the Respondents, _____ and _____, answers thereto, testimony of witnesses in open court, statements of counsel, and the entire record.

I. Statutory Grounds for Termination of Parental Rights

A. Severe Abuse

Tennessee Code Annotated §36-1-113 (g) states, in pertinent part, that termination of parental rights may be based upon the parent having been found to have

committed severe child abuse as defined in § 37-1-102, under any prior order of a court... against the child who is the subject of the petition.

It is undisputed that the Respondents, _____ and _____

have been found to have committed severe abuse against the subject child by Order of the Juvenile Court of Henry County, Tennessee. The Court finds by clear and convincing evidence in regard to Respondents _____ and _____ that grounds exist for the termination of their parental rights to the subject child pursuant to T.C.A. §36-1-113 (g)(4).

B. Persistence of Conditions

Tennessee Code Annotated §36-1-113 (g) further states, in pertinent part, that termination of parental rights may be based upon the child having been removed from the home of the parent or guardian by order of a court for a period of six (6) months and:

(A) The conditions that led to the child's removal or other conditions that in all reasonable probability would cause the child to be subjected to further abuse or neglect and that, therefore, prevent the child's safe return to the care of the parent or parents or the guardian or guardians, still persist;

(B) There is little likelihood that these conditions will be remedied at an early date so that the child can be safely returned to the parent or parents or the guardian or guardians in the near future; and

(C) The continuation of the parent or guardian and child relationship greatly diminishes the child's chances of early integration into a safe, stable and permanent home;

Tenn. Code Ann. § 36-1-113 (g)(3)

As to the ground of persistence of conditions, the Court makes the following findings by clear and convincing evidence:

The child has been removed from the home of the Respondents _____ and _____ by Court Order since his birth, which is a period of more than six (6) months.

The child was removed due to the parents' use of illegal drugs and the child testing positive for drugs at birth. There is no proof that the parents continue to abuse illegal drugs. They are both currently on suboxone, for which they have prescriptions and receive regular monitoring. There is no proof that there are any other factors or conditions which prevent the child's safe return to the Respondents. All case workers called as witnesses testified that the Respondents' home was safe and appropriate and that there were no barriers or safety concerns in returning the child to Respondents' care.

In regard to _____ and _____, the biological parents to the subject minor child, the Court cannot find by clear and convincing evidence that their parental rights should be terminated due to persistence of conditions as defined in T.C.A. §36-1-113 (g)(3).

II. Best Interest of the Child

Having found that grounds exist for termination of the parental rights of the Respondents pursuant to Tenn. Code Ann. §36-1-113 (g)(4), the Court must conduct

the analysis required by Tenn. Code Ann. §36-1-113 (i), in search of the child's best interest.

The Court, in addressing each factor in said statute separately, makes the following findings of fact in regard to the best interest of the child:

(1) Whether the parent or guardian has made such an adjustment of circumstance, conduct, or conditions as to make it safe and in the child's best interest to be in the home of the parent or guardian;

Respondents _____ and _____ have been in drug treatment for approximately the past three years. There is no proof that they are abusing illegal drugs. They have a home. There has been no proof that the home unsafe or inappropriate for the child. Petitioners have raised concerns with the heat in the home, but all witnesses who have been inside the home attest to its safe condition. This factor weighs against termination of the Respondents' parental rights.

(2) Whether the parent or guardian has failed to effect a lasting adjustment after reasonable efforts by available social services agencies for such duration of time that lasting adjustment does not reasonably appear possible;

The Respondents have been compliant with their drug treatment programs, although the Court is concerned that they are continuing to use suboxone. Respondents have completed alcohol and drug assessments, parenting classes, narcotics anonymous classes, and counseling. Neither Respondent has been shown to be taking illegal drugs. Representatives from social service agencies and their treating clinic have attested to the Respondents' compliance. Respondents have a home and

are both employed. This factor weighs against termination of the Respondents' parental rights.

(3) Whether the parent or guardian has maintained regular visitation or other contact with the child;

Respondents have had visitation with the subject minor child every weekend, for the entire weekend, for approximately the last one and one-half years. Prior to that, they were regular in the visitation they were granted. This factor weighs against termination of the Respondents' parental rights.

(4) Whether a meaningful relationship has otherwise been established between the parent or guardian and the child;

Dr. Steinberg testified that, from his observation, the child was bonded with Respondent [redacted]. Respondent [redacted] has participated in the child's physical therapy, at least by being present. This factor weighs against termination of Respondents' parental rights.

(5) The effect a change of caretakers and physical environment is likely to have on the child's emotional, psychological and medical condition;

[redacted] is now three years old. By the evidence presented, he is bonded with both the Petitioners and the Respondents. There is no doubt that they Petitioners are completely devoted to his care. However, this is not a comparative fitness test between the two homes. This is also not a test of who loves him the most or whose home he is more likely to thrive in. [redacted] is accustomed to spending weekends with the Respondents. By the evidence presented, he is comfortable in their home. A change of

environment will impact , but there is no evidence that it cannot be overcome. The Petitioners have been more involved in 's medical care and therapy, but the Respondents have also participated. Respondent has participated to a greater extent than Respondent . The Respondents do not believe that has as many physical problems as the Petitioners do, but there is no proof that they have neglected his medical care. There is no proof that returning to the care of the Respondents will have a negative impact on 's overall medical condition. This factor weighs against termination of Respondents' parental rights.

(6) Whether the parent or guardian, or other person residing with the parent or guardian, has shown brutality, physical, sexual, emotional or psychological abuse, or neglect toward the child, or another child or adult in the family or household;

Both Respondents were found to have committed severe abuse against the child based upon him being born addicted to drugs. This is something that the Court cannot overlook because it is the primary reason this case is before the Court, has had a profound impact on the child, and may have a permanent impact on his health and well-being. There is no further proof of any abuse or neglect toward the child or any other person. This factor weighs in favor of termination of the Respondents' parental rights.

(7) Whether the physical environment of the parent's or guardian's home is healthy and safe, whether there is criminal activity in the home, or whether there is such use of alcohol, controlled substances or controlled substance analogues as may render the parent or guardian consistently unable to care for the child in a safe and stable manner;

There is no proof that the Respondents' home is unsafe for the child. There is no proof of criminal activity in Respondents' home. There is no proof of excessive alcohol use in Respondents' home. There is no proof of use of any drugs in Respondents' home, other than suboxone, for which they have a valid prescription. Although the Court is very concerned about the Respondents' lengthy continued use of suboxone, there is no proof that the use of suboxone prevents them from being able to care for the child. They have been taking suboxone during their unsupervised weekend visits, and there have been no problems proven with caring for the child. This factor weighs against termination of Respondents' parental rights.

(8) Whether the parent's or guardian's mental and/or emotional status would be detrimental to the child or prevent the parent or guardian from effectively providing safe and stable care and supervision for the child; or

Dr. Steinberg testified that Respondent _____ suffered from dysfunctional thinking and anti-social behavior. He also found that Respondent _____ had simplistic thinking and difficulty in thinking logically. There is no proof that these conditions have been detrimental to the child or prevent them from caring for the child. Both of the Respondents are opioid dependent, but are in sustained remission. They do not appear to appreciate the severity of their addiction. Dr. Steinberg opined that they are both likely to relapse. However, the Court cannot base this decision on factors which may occur in the future. The Court must analyze the case based upon existing facts. There is no proof that Respondents suffer from any mental or emotional problems which

prevent them from providing care for the child. This factor weighs against termination of the Respondents' parental rights.

(9) Whether the parent or guardian has paid child support consistent with the child support guidelines promulgated by the department pursuant to Tenn. Code Ann. § 36-5-101.

Both Respondents have paid child support during the child's life. This factor weighs against termination of the Respondents' parental rights.

The standard of proof in this matter is a heightened one: clear and convincing evidence. The "clear and convincing evidence" standard defies precise definition. While it is more exacting than the preponderance of the evidence standard, it does not require such certainty as the beyond a reasonable doubt standard. Clear and convincing evidence eliminates any serious or substantial doubt concerning the correctness of the conclusions to be drawn from the evidence. It should produce in the fact-finder's mind a firm belief or conviction with regard to the truth of the allegations sought to be established.

Based upon the required statutory analysis set forth, the Court cannot find by clear and convincing evidence that the termination of the parental rights of the Respondents _____ and _____ is in the best interest of the minor child.

Guardian ad Litem's Motion for Fees

The Guardian ad Litem has filed a Motion for Fees, requesting a fee of \$18,392.82 for 122.6 hours expended.

The Guardian ad Litem was appointed by Order of this Court entered on October 20, 2015. Said Order provided that her appointment was subject to the limitation of fees as set out in Tennessee Supreme Court Rule 13, Section 2 (d)(5)(C)(ii). Therefore, her compensation must fall within that provided for in said Rule.

The Court finds that the hours expended by the Guardian ad Litem were reasonable and necessary. Therefore, the Guardian ad Litem will be paid by the Indigent Defense Fund, due to the fact that her appointment was made in the course of a termination of parental rights proceeding, where at least one parent qualified for appointed counsel.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that:

1. The Petition and Amended Petition to terminate the parental rights of Respondents _____ and _____ are hereby dismissed.
2. The Motion for Rule 11 Sanctions filed by Respondent _____ is denied in its entirety.
3. The Petitioners' Motion to Compel is denied.
4. The Guardian ad Litem shall submit a request for payment from the indigent defense fund, and submit to the Court a separate proposed Order declaring the case "complex and extended."
5. This is a final Order of this Court as to Respondents _____ and _____. The Court specifically orders that there is no just reason for delay of the

entry of a final judgment against Respondents

and

and this Order shall constitute a final entry of judgment as to said Respondents.

6. All motions on claims for relief not addressed in this Opinion or any prior Orders of the Court are hereby denied.

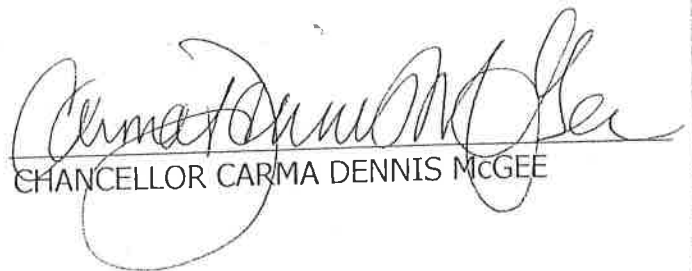
7. The Temporary Restraining Order previously in place in this matter pending the entry of the subject Order is dissolved.

8. Jurisdiction of the dependency and neglect proceeding in regard to the subject minor child, that being *State of Tennessee Department of Children's Services v.*

and ; #40JC1-2014-DN- , is transferred back to the

Juvenile Court of Henry County, Tennessee for all further proceedings, including ratification of any Permanency Plans.

Enter this 2nd day of June, 2017.


CHANCELLOR CARMA DENNIS MCGEE

CERTIFICATE OF SERVICE

I, Kenneth Todd, Clerk and Master of the Chancery Court of Carroll County, Tennessee, hereby certify that I have served a certified copy of this Order on the persons listed below, via First Class U. S. Mail, postage prepaid, on this the _____ day of June, 2017:

Ms. Laura Keeton
P. O. Box 647
Huntingdon, TN 38344
Attorney for Petitioners

Ms. Jasmine McMackins
104 N. Market Street
Paris, TN 38242
Guardian ad Litem

Mr. Chad Cox
104 N. Brewer Street
Paris, TN 38242
Attorney for Respondent Mother

Mr. Robert Hawley
308 W. Washington Street
Paris, TN 38242
Attorney for Respondent Father

Ms. Kelly Keylon
8600 Highway 22
Dresden, TN 38225
Attorney for DCS

KENNETH TODD, CLERK AND MASTER