

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

1/17/23

Name: Lu Ann Hatcher Ballew

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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 Microsoft Word 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 Microsoft Word 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. Your complete application, including both the original and digital copies, must be received by the Administrative Office of the Courts on or before the deadline prescribed in the Notice of Vacancy. See section 1(g) of the application instructions for additional information related to hand-delivery of application packages.

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

PROFESSIONAL BACKGROUND AND WORK EXPERIENCE

1. State your present employment.

I am a solo practitioner attorney and have been for the past 7 ½ years plus.

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

1989 BPR #013819

3. List all states in which you have been licensed to practice law and include your bar number or identifying number for each state of admission. Indicate the date of licensure and whether the license is currently active. If not active, explain.

Tennessee BPR #013819. October 18, 1989: Currently active.

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

No

5. List your professional or business employment/experience since the completion of your legal education. Also include here a description of any occupation, business, or profession other than the practice of law in which you have ever been engaged (excluding military service, which is covered by a separate question).

Associate Attorney with Law Office of Carl R. Ogle, Jr., Jefferson City, TN. My practice areas included personal injury, workers' compensation, wills and estates, social security disability claims, and criminal defense. I practiced in Jefferson, Grainger, Cocke, and other East Tennessee Counties. Length of employment: January 1990 - Summer 1992.

Assistant Public Defender, 4th Judicial District of State of Tennessee. I represented indigent criminal defendants primarily in Jefferson and Grainger Counties. Length of employment:

Summer 1992 – Summer 1999.

Associate Attorney with Johnson, Murrell, & Associates, Sevierville, TN. My practice areas included personal injury, property disputes, wills and estates, workers' compensation, and social security disability claims. I practiced primarily in Sevier County. Length of employment: August 2002 – December 2003.

Child Support Magistrate, 4th Judicial District, State of Tennessee. I presided over Title IV-D child support cases in the Circuit and Chancery Courts for Cocke, Grainger, Jefferson, & Sevier Counties. Length of employment: January 2004 through January 2014.

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.

Criminal defense constitutes 100% of my current practice, which has been primarily in Cocke County, TN, and includes cases in Jefferson, Grainger, and Sevier Counties.

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 have had experience as an attorney in bench trials, preliminary hearings, jury trials, SSA disability hearings, and oral arguments in appellate courts. I have had experience as the Child Support Magistrate presiding over bench trials.

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

I represented a person who was charged with a work-related crime, had been terminated from their employment, and could not obtain employment in the same field while the criminal case was pending. With the help of an investigator and the State's agreement, we were able to obtain a dismissal and expungement of record so that my client could return to the same field of employment.

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

attention of the Commission.

I was a presenter at the Continuing Legal Education seminars listed below:

Child Support Referees' Judicial Roundtable. Northeast Tennessee Child Support Seminar, Greeneville, TN. March 24, 2006.

Paternity Issues: A View from the Bench. Tennessee Department of Human Services Voluntary Acknowledgment of Paternity Seminar, Knoxville, TN. August 24, 2011.

Child Support Magistrates' Judicial Roundtable. Northeast Tennessee Child Support Seminar, Greeneville, TN. April 26, 2013.

Child Support. Sevier County Bar Association Lunch & Learn, Sevierville, TN. November 21, 2013.

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

In 2003, I applied for the judicial position of Child Support Referee and was appointed by the Circuit Court Judges and Chancellor of the 4th Judicial District of the State of Tennessee. (The title was later changed by the legislature to Child Support Magistrate.)

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.

Carson-Newman College 1982-1986, B.A. Psychology, Magna Cum Laude. Academic Athlete of the Year 1986.

University of Tennessee Law School, 1986-1989, Doctor of Jurisprudence.

PERSONAL INFORMATION

12. State your date of birth.

██████████

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

All my life

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

Approximately 34 years

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

Jefferson 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.

Not applicable

17. Have you ever pled guilty or been convicted or are now on diversion for violation of any law, regulation or ordinance other than minor traffic offenses? If so, state the approximate date, charge and disposition of the case.

No

18. To your knowledge, are you now under federal, state or local investigation for possible violation of a criminal statute or disciplinary rule? If so, give details.

No

19. Please identify the number of formal complaints you have responded to that were filed against you with any supervisory authority, including but not limited to a court, a board of professional responsibility, or a board of judicial conduct, alleging any breach of ethics or unprofessional conduct by you. Please provide any relevant details on any such complaint if the complaint was not dismissed by the court or board receiving the complaint. You may wish to request a report from the appropriate supervisory authority (or authorities) for a complete history.

Complaint #1: On December 20, 1991, one of my cousins pled guilty to misdemeanor theft before a special judge in Jefferson County, TN General Sessions Court #111768-84-56, State v. Kelly Quarles. Subsequently, Kelly wanted to go into the military and have his record expunged. I was notified by letter from the Tennessee Board of Professional Responsibility dated June 28, 1995, that a complaint had been received concerning my conduct, to which I was required to answer. The Summary of Complaint enclosed with the letter stated that I had prepared a petition for expungement dated November 22, 1993, and an order of expungement on November 23, 1993; and that I, along with Kelly, went ex parte to the private office of the attorney who had served as special judge, apparently on November 23, 1993, for his signature; and that at this time he was not authorized to act as a special judge. It also stated that I admitted I knew Kelly's record could not be expunged. It stated that the State was not given a copy of the petition for expungement nor notice of the appearance before the attorney who had served as special judge. It stated that in March of 1994, the District Attorney General's Office learned from the Circuit Court Clerk's office that an order of expungement had been filed in Kelly's case. It stated that on July 1, 1994, the State filed a motion to restore Kelly's conviction to public record; and on August 31, 1994, the General Sessions Court Judge ordered it restored on the grounds that said attorney did not have the authority to sign the order of expungement. It also stated that expungement was only available when there is a deferred plea, pretrial diversion, when the defendant is acquitted or the prosecution otherwise abandoned, such as a dismissal, and that none of these applied in Kelly's case. I answered the complaint, and the Board, with the concurrence of a Hearing Committee member in my Disciplinary District, found that my actions warranted a private informal admonition, which I accepted.

Complaint #2: I was notified by letter from the Tennessee Board of Judicial Conduct dated August 22, 2013, that an Investigative Panel of the Board had authorized a full investigation of an internal complaint which combined information from several complaints and other sources, and to which I was required to answer. The complaint alleged that on August 8, 2013, while acting in my capacity as Child Support Magistrate in Cocke County, TN, I presided over a hearing that was held, in part, to resolve a conflict between the parents concerning the child's last name. It further alleged that during that hearing I took it upon myself, without any request from the parents of the child, to order that the child's first name be changed from Messiah, which was the birth name of the child, to Martin. (Martin was the mother's last name.) It alleged that I ordered, without the request of either parent, that the birth certificate of the child be amended to reflect this first name of Martin. It also alleged that in a subsequent interview given to WBIR-TV of Knoxville, TN I stated that the reason for my decision to change the child's name was because "the word Messiah is a title and it's a title that has been earned by one person and that one person is Jesus Christ." I answered the complaint, and the Investigative Panel found that there was reasonable cause to believe that I had committed judicial offenses and filed formal

charges against me which are described in Question 22 below of this application.

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.

Maurice J. Hatcher, Decedent; Lu Ann Ballew, Personal Representative; Jefferson County, TN Probate Court No. 2018-14-098. September 7, 2018. I probated my Daddy's estate. Disposition: Closed estate.

Lu Ann Ballew v. Wesley Kent Ballew, Jefferson County, TN Circuit Court No. 24,222. Divorced May 11, 2015.

In Re: The Honorable Lu Ann Ballew, Child Support Magistrate, Fourth Judicial District, Cocke County, TN. In the Tennessee Board of Judicial Conduct, Docket No. M2013-02345-BJC-DIS-FC. File No. B13-5426. Formal charges were filed October 23, 2013, against me. The first charge was that I changed the first name of a child, Messiah Deshawn Martin, the subject of a paternity and support petition, without there being a request to do so. The second charge was that I manifested religious bias by changing the child's name for a reason based on religion. The third charge was that I made a public statement about the case, via a television interview, that might have reasonably been expected to affect the outcome or impair the fairness of a matter pending in the Chancery Court, that being a request for hearing file by both parents dissatisfied with my decision. The Hearing Panel found that my actions had violated the Code of Judicial Conduct and imposed a public censure. I accepted the Hearing Panel's findings and sanction.

In the Matter of the Conservatorship of Maurice J. Hatcher, Respondent; Lu Ann Ballew, Petitioner. Jefferson County, TN Probate Court No. 2013-13-033. December 20, 2013. I was appointed conservator for my Daddy who was physically disabled and had dementia.

Disposition: Conservatorship closed due to Daddy's death.

In the Matter of Agnes Wylene Quarles Hatcher, Deceased; Lu Ann Ballew, Personal Representative. Probate Court of Jefferson County, TN No. 2021-11-227. June 23, 2010. I probated my Mother's estate. Disposition: Estate closed.

Wes & Lu Ann Ballew v. Steve & Audrie Weaver, Jefferson County, TN General Sessions Court No. 45GS1-2004-CV-894. November 1, 2004. We sued the Weavers for back-rent owed. Disposition: Judgment in favor of Ballews for back-rent owed. I have requested a copy of the civil warrant from the court clerk and am awaiting its receipt.

Volunteer Medical Clinic v. Operation Rescue, et al. U.S. District Court, Eastern District, Northern Division, Knoxville, TN No. 3-89-156. March 1, 1989. I was named as a Respondent, along with many other people who participated in Operation Rescue, a pro-life sit-in demonstration where we blocked the door to Volunteer Medical Clinic to prevent ladies from entering to obtain abortions. Volunteer Medical Clinic sued us under the RICO statute, and my case was resolved by settlement with Volunteer Medical Clinic. I have contacted the Federal Records Center for the complaint and settlement but have not received those records yet.

State of Tennessee v. Lu Ann Hatcher, Knox County Sessions Court #52509 CI 115414. I was charged with criminal trespass February 4, 1989, as a result of participating in Operation Rescue, a pro-life demonstration involving a sit-in blocking the door to an abortion clinic (Volunteer Medical Clinic) in Knoxville, TN. Disposition: Dismissed.

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.

Jefferson City Christian Church

Mt. Pleasant Cemetery, Talbott, TN. Trustee for the past 2 years.

Jefferson County Chamber of Commerce

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.

No

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.

Cocke County Bar Association

Jefferson County Bar Association

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.

During my employment with the Public Defender's Office, I was recognized by the Public Defender's Conference with implementing a paper-saving practice in our Circuit Courts. We had been filing discovery motions with the court clerk and serving copies on the State in all our cases (except probation violations), which used a high volume of paper due to our high volume of clients. At my request, and with the approval of the Circuit Court Judges, we began filing and serving one discovery motion per arraignment cycle, labelled a Master Motion, which listed all our clients with their docket numbers and saved a tremendous amount of paper.

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.

Applicant: Child Support Referee, 4th Judicial District, State of Tennessee. I applied and was appointed in 2003 by the 4th Judicial District Circuit Court Judges and Chancellor. I served in that position from January 2004 through January 2014. During that time, the legislature changed the title to Child Support Magistrate.

Candidate: Jefferson County (Tennessee) General Sessions Judge, 2014. This was an elective position, but I was not elected.

Candidate: Circuit Court Judge, 4th Judicial District, State of Tennessee, 2018. This was an elective position, but I was not elected.

ESSAYS/PERSONAL STATEMENTS

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

I want to serve the people of the 4th Judicial District in a judicial capacity. I grew up in Jefferson County, where I have lived most of my life. I've hiked in the mountains of Sevier and Cocke Counties. I've swum, skied, and boated in the waters of Douglas & Cherokee Lakes, situated in Jefferson/Sevier/Cocke/Hamblen and Jefferson/Grainger/Hamblen/Hawkins Counties, respectively. I love my district and the people in it.

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)*

Circuit Court Judge, 4th Judicial District of State of Tennessee, which includes Jefferson, Grainger, Cocke, & Sevier Counties. The vacancy for this judgeship was created, sadly, by the death of Judge O. Duane Slone. There are four Circuit Court Judges, and I would join them as the fifth. This judgeship presides over various civil and criminal matters, as well as the Recovery Court and Tennessee Recovery Oriented Compliance docket. My selection would impact the Court with a familiarity of all four counties and experience from the bench and bar, having served as an advocate in non-jury hearings and jury trials, and in a judicial capacity presiding over bench trials. I'm familiar with the TN-ROCS docket and Recovery Court, having attended TN-ROCS training and having clients who are participating in these programs or have participated. I have perspective from the other side of the bench, having been a party in various legal matters.

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)*

Yes. In a sentencing hearing for a misdemeanor theft case, I argued that my client should not be incarcerated and relied on TCA 40-35-122(a) & (c)(11), which provided, in pertinent part, that the judge sentencing a defendant for a qualifying nonviolent property offense was not authorized to impose continuous confinement but could impose periodic confinement. Although I disagreed with the part of the statute that allowed the judge to sentence my client even to periodic confinement, I advised the judge of that part of the statute, along with the part that prohibited him from imposing continuous confinement. The judge did not sentence my client to any confinement but placed my client on supervised probation and ordered restitution. (That statute is now repealed but was in effect at the time of my client's offense and sentencing.)

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.Dennis Hodge "Rocky" Melton, City Councilman, Jefferson City, TN. [REDACTED] Jefferson City, TN 37760. [REDACTED]
B.Ben W. Hooper III, Attorney, Campbell & Hooper, 335 East Main Street, Newport, TN 37821. [REDACTED]
C.James Harville, Grainger County Sheriff, 270 Justice Center Drive, Rutledge TN 37861. [REDACTED]
D.Charlie R. Johnson, Retired Attorney: Johnson, Murrell, & Associates, 150 Court Avenue, Sevierville, TN 37862. [REDACTED]
E.Britt Farrar, Co-Owner/Manager, Farrar Funeral Home, 411 W, Broadway Blvd., Jefferson City, TN 37725. [REDACTED]

AFFIRMATION CONCERNING APPLICATION

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

I have read the foregoing questions and have answered them in good faith and as completely as my records and recollections permit. I hereby agree to be considered for nomination to the Governor for the office of Judge of the Circuit Court, 4th 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: October 18, 2024.


Signature

When completed, return this questionnaire to John Jefferson at the Administrative Office of the Courts, 511 Union Street, Suite 600, Nashville, TN 37203.



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.

____Lu Ann Hatcher Ballew____
Type or Print Name


Signature

October 18, 2024_____
Date

BPR #013819

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

____Not applicable____

