	<b>Tennessee Trial Court Vacancy Commission</b> Application for Nomination to Judicial Office	1/17/23
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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.

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## PROFESSIONAL BACKGROUND AND WORK EXPERIENCE

1. State your present employment.

Attorney/Member Batson Nolan PLC

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

I have been licensed to practice law in Tennessee since 2001. My BPR Number is 021382.

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# 021382

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).

In 2001, I began my legal career working for the late Larry D. Wilks at his office in Springfield. During my time there, my practice was focused was on real estate transactions but I also had estate planning, probate, social security disability matters and municipal law clients. While my tenure with Mr. Wilks provided me foundation in law on these matters, it also strengthened my research skills and practical application of client issues to the law. As a young lawyer, these skills were invaluable as I began my practice and to develop my client base. The skills allowed me to broaden my practice area to include representing clients who attempted to obtain disability

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benefits from the Social Security Administration and to begin representing my first municipal client.

On December 22, 2003, I received a phone call from Dan Nolan of the firm Batson, Nolan, Brice, Williamson and Girsky (now Batson Nolan PLC). He advised Batson Nolan was interested in opening an office in Springfield and asked if I was interested in working for the firm in the Springfield Office. On May 3, 2004, I officially began my practice as an associate attorney with Batson Nolan in Springfield. At the time, my practice was primarily focused on real estate, but I quickly expanded my other areas of practice, most especially my estate planning and probate practice. In January of 2013, I became a member of the firm.

As most do, my practice has expanded during my career. I believe it is important for everyone to have access to quality legal counsel and service. It should not matter if that person is froma small town or a larger city, if he is or she is the president of a bank or works on an assembly line in a factory. For the past twenty years, I have grown my practice to include both transaction and litigation matters. My transactional practice includes creating business organizations, estate planning and trust matters, contract negotiations for both entities and individuals, municipal law, commercial and residential real estate transactions, drafting and negotiating contracts, mergers and acquisitions, lease negotiations for both commercial and residential clients, real estate title matters, secured transactions and zoning issues.

My litigation experience includes landlord tenant disputes, breach of contract, quiet title matters, contested probate matters, partition actions, corporate dissolutions, foreclosure, debt collection, zoning violations, municipal code violations, writs of certiorari, condemnation, domestic matters, family law and probate litigation. From 2013 until 2019, I served as outside general counsel for an employee owned corporation headquartered in Montgomery County. The company had locations and customers in six different states. I reviewed all contracts, negotiated leases and litigated their Tennessee collection matters and contract disputes. With the assistance of local counsel, I negotiated repayment plans for sums owed to this company as small as a few thousand dollars to amounts that exceeded one million several jurisdictions. The company was purchased by a publicly traded, multinational corporation with its own legal team in 2019, which ended my representation of the company.

For the last ten years, I have been the City Attorney for the City of Springfield. My duties for the City include representation of the Board of Mayor and Aldermen and prosecution of matters in City Court. I also prosecute those who have violated ordinances associated with licensing issues, such as permits issued by the Beer Board for the City, contract and ordinance review, addressing human resource issues, as well as addressing Constitutional concerns of zoning and other matters. I also represent the City in litigation and condemnation actions for the acquisition of easements and right of ways.

When I began my career in the Springfield Office of Batson Nolan, I was the only attorney in the office on a full time basis. Consequently, I managed the day to day operations of the office. As an associate, if my assistant was out of the office, it was my responsibility to answer the phone, greet those who may have come in to inquire about an appointment, in addition to meeting with my clients, drafting and my other clients. It was imperative to me and I have taken great pride in ensuring the Springfield Office was successful. Unfortunately, law firm management was not a required course in law school. As the daughter of a small business owner,

I was aware of the costs associated with operating an office. To that end, I took it upon myself to grow my practice, manage the day to day operations for the Springfield Office in a cost effective manner, all while effectively managing my time and client expectations. I supervise assistants, paralegals, and associate attorneys. It is my responsibility to train each of them and ensure they complete their assigned tasks and duties both correctly and in a timely manner.

6. Describe the nature of your present law practice, listing the major areas of law in which you practice and the percentage each constitutes of your total practice.

My practice is what I consider a "people practice', in that my focus is on areas of the law that are transactional in nature. These areas include estate planning, probate, conservatorships, business organizations, secured transactions, real estate transactions, real estate litigation, partition actions, real estate disputes, real estate title matters, collections, landlord tenant matters (both commercial and residential), municipal law, contract matters and collections. I also regularly represent corporate and individual agricultural clients throughout Tennessee in legal matters.

At this time, my practice consists of 25% probate and 25% estate planning, 25% real estate transactions, 10% municipal matters and the remaining 10% litigation and dispute resolution and the remaining is currently business organizations, domestic and other miscellaneous matters.

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.

Throughout my career, I have regularly appeared in state and local courts. Over the course of my career, 75% of my court experience in Chancery Court, 10% in Circuit Court, 5% in Federal Administrative Courts and the remainder of my experience has been in other courts and before regulatory boards. A large part of my court practice is a motion practice, which include motions to set, motions to compel, motions to construe and other administrative motions. The past five years of my practice have consisted of sixty percent transactional matters and forty percent spent in litigation matters.

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

I take pride in the fact that my practice is extremely diverse. I might argue a motion in Chancery

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Court in the morning and negotiate a corporate dissolution in the afternoon. The diversity of my practice and client base often presents its challenges, but I work diligently and make every effort to focus my attention on each matter for each client so they have my full attention. The majority of my clients are unfamiliar with rules of law or court procedures. I make it a point to take steps to explain these in a manner clients will understand, so the client has a reasonable expectation of what to expect as we address their legal issues. Several years ago, I learned this practice helped not only my clients, but often benefitted those to whom I was adverse.

Early in my career, I represented a client who owned a business in Springfield, who was the third owner/operator of a business. Said business had been in existence since the mid 1950s, with the same operation today. Approximately 20 years later, a subdivision was built 300 yards from the business. When my client purchased the business, it made improvements to the facilities so as to increase its efficiency, capacity and volume. The increase in volume caused an increase in the production of a specific type of dust, which traveled through the air, to the property of the subdivision. The subdivision residents complained to city officials and several citations for violations to the municipal code were issued by the codes department for the city to my client for allowing the dust to leave its property.

After a few appearances in city court, a special session was set to conduct a hearing to resolve the matter. Several residents, some of whom I had known for many years, attended the hearing. A few testified about damages they suffered from the dust. The hearing resulted in the citations being dismissed and setting a precedent which allowed my client to continue its operation without concern for additional dust citations. It goes without saying my client was pleased with the result and the residents were not. Incidentally, the client made some voluntary modifications to its procedures and facilities to reduce the dust.

The hearing and issue may seem insignificant to some, most especially since it was not before a court of record. It was, however, of great significance to my client and the residents. Much to my surprise, several of the residents thanked me for my presentation of the facts, the law and my application of the same to the issue at the conclusion of the hearing. The response of the residents of the subdivision gave me a new perspective on how I practiced law. I strive to be thorough for my client and respectful to those to whom we were adverse. By adopting this practice for both my litigation and transactional matters, I am typically able to have a positive impact on all parties involved, no matter the outcome of their legal issue.

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

Between my second and third year of law school, I worked in the Office of the Clerk and Master I spent the summer assisting the delinquent tax attorney and the Clerk and Master gather information, searching titles and preparing for delinquent property tax sales.

10. List and describe all prior occasions on which you have submitted an application for any

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state or federal judicial position.

None

## 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.

University of Tennessee at Martin 1994 - 1998

- Bachelor of Arts, magna cum laude

University of Memphis, Cecil C. Humphreys School of Law 1998 - 2001

- Juris Doctorate
- Cali Award of Excellence in Elder Law 2000
- Administrative Editor, Tennessee Journal of Practice and Procedure 2000 2001

## PERSONAL INFORMATION

12. State your date of birth.

1975

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

I have lived in the State of Tennessee for 48 years.

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

I have lived continuously in Robertson County since graduating from law school in 2001.

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

I am registered to vote in Robertson County, Tennessee.

16. Describe your military service, if applicable, including branch of service, dates of active

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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, as I have not served in the military.

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

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.

I have received and responded to one formal complaint filed with the Board of Professional Responsibility. In October of 2014, I received notice from the Board of Professional Responsibility that an individual with whom I had met regarding the administration of an estate had filed a complaint. I responded and said complaint was summarily dismissed with no merit.

20. Has a tax lien or other collection procedure been instituted against you by federal, state, or local authorities or creditors within the last five (5) years? If so, give details.

No.

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

No.

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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.

No.						
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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.

Robertson County Chamber of Commerce 2004 - present

- Board Chair 2018-2019
- Executive Committee Member (Past Chair) 2019-2020

Springfield First United Methodist Church present

- Boy Scout Liaison 2019 – present

Tennessee Cattlemen's Association 2021 – present

Tennessee 4-H Level 3 Volunteer 2021 - present

- Volunteer Leader for Robertson County Livestock Judging Team
- Volunteer Leader for Robertson County Outdoor Meat Cookery Team
- Coordinator for Montgomery County Area Better Beef Show Education Series

American Simmental Association Member 2012 - present

Boy Scout Troop 144, Committee Member 2023 - present

- Chairman and Presenter Law Day Merit Badge 2023

National Cattlemen's Beef Association (NCBA) 2021 - present

- 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.

I was a member of the Xi Zeta Chapter of Chi Omega Women's Fraternity while I attended the University of Tennessee at Martin from (1994 - 1998). While it is exclusive to women, the membership policy of Chi Omega states that "Chi Omega members represent different racial, religious, and ethnic backgrounds."

I am currently a member of the Tennessee Cattlewomen's Association, which is under the umbrella of the Tennessee Cattlemen's Association. Although there are no men of which I am aware who are members of the group, I am not aware of any rule or policy that would deny membership to men. Should I be nominated and selected for this position and membership in the Cattlewomen's Association be deemed discriminatory, I would resign and withdraw from any participation in the organization.

#### <u>ACHIEVEMENTS</u>

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.

Robertson County Bar Association 2001 – presentRobertson County Bar President 2013

Montgomery County Bar Association 2015 – present

Tennessee Bar Association 2001 - present

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

I have not received any honors, prizes, awards or any other form of recognition since graduating from law school that are related to the practice of law.

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.

None.

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## ESSAYS/PERSONAL STATEMENTS

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

At age eight, I decided I wanted to be an attorney. To be candid, I do not remember having any other career goal that did not involve the law. I have used my strong work ethic, problem solving abilities and sense of service to build a successful law practice helping people. While I have a great deal of satisfaction with my practice and have no regrets in my decision to become an attorney, I feel my gifts, skills and knowledge will serve those in 19<sup>th</sup> Judicial District. I believe my years of experience practicing in Chancery Court, along with my work ethic, experiences in both life and the law, ability to learn, temperament and desire to serve have prepared me to serve Montgomery and Robertson County as Chancery Court, Part II Chancellor and it would be an honor and a privilege to do so.

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)* 

The position I am seeking to fill is the newly created Chancery Part II position in the 19<sup>th</sup> Judicial District. I am advised this position will adjudicate traditional chancery matters along with the family law matters currently heard by Circuit Court Part VI. The 19<sup>th</sup> Judicial District encompasses Montgomery and Robertson Counties. I have deep ties to both counties through my family and clients, which also gives me insight as to the diversity in the District. The nature of my practice encompasses the subject matter of Chancery cases. Consequently, I am prepared to hear an assortment of matters that may come before the Court.

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)* 

I will, without hesitation, uphold the law even if I disagree with the substance of the law. During my career, I can recall several instances where I disagreed but upheld the rule of law. A most memorable situation occurred several years ago during the protest of a festival in Springfield presented by the Robertson County Chamber of Commerce. Just outside the festival boundaries, the "preachers" gathered on public sidewalks using amplification devices to harass and yell disparaging remarks at festival goers, vendors and volunteers. Not only was their commentary and rhetoric causing vendors, attendees to leave the festival and children to cry, many of the worst comments were directed at a Chamber Staff Member, who just so happens to be one of my best friends. The Mayor asked me, in my capacity as City Attorney, if police officers could force the protestors to move. Despite my disdain for their actions, I advised her we could not force them to move because any action would violate their First Amendment rights.

### <u>REFERENCES</u>

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.



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E.	William A. "Billy" Vogle, Mayor, Robertson County, Tennessee

## 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] <u>19<sup>th</sup> Judicial District, Chancery, Part II</u> 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: Signature

When completed, return this questionnaire to John Jefferson at the Administrative Office of the Courts, 511 Union Street, Suite 600, Nashville, TN 37219



# TENNESSEE TRIAL COURT VACANCY COMMISSION ADMINISTRATIVE OFFICE OF THE COURTS

511 UNION STREET, SUITE 600 NASHVILLE CITY CENTER NASHVILLE, TN 37219

#### TENNESSEE BOARD OF PROFESSIONAL RESPONSIBILITY TENNESSEE BOARD OF JUDICIAL CONDUCT AND OTHER LICENSING BOARDS

#### WAIVER OF CONFIDENTIALITY

I hereby waive the privilege of confidentiality with respect to any information that concerns me, including public discipline, private discipline, deferred discipline agreements, diversions, dismissed complaints and any complaints erased by law, and is known to, recorded with, on file with the Board of Professional Responsibility of the Supreme Court of Tennessee, the Tennessee Board of Judicial Conduct (previously known as the Court of the Judiciary) and any other licensing board, whether within or outside the State of Tennessee, from which I have been issued a license that is currently active, inactive or other status. I hereby authorize a representative of the Trial Court Vacancy Commission to request and receive any such information and distribute it to the membership of the Commission and to the Office of the Governor.

<u>Christina McKinney Bartee</u> Type or Print Name	Please identify other licensing boards that have issued you a license, including the state issuing the license and the license number.
Signature	Tennessee Department of Commerce and Insurance
AMU 10, 7074 Date	
<u>021382</u> BPR #	

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