

**Tennessee Judicial Nominating Commission**  
***Application for Nomination to Judicial Office***

*Rev. 22 December 2011*

Name: Esther Lois Bell

Office Address: 507 S. Gay Street, Suite 910, Knox County, Knoxville, Tennessee 37902  
(including county)

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(including county)

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**INTRODUCTION**

Tennessee Code Annotated section 17-4-101 charges the Judicial Nominating Commission with assisting the Governor and the People of Tennessee in finding and appointing the best qualified candidates for judicial offices in this State. Please consider the Commission's responsibility in answering the questions in this application questionnaire. For example, when a question asks you to "describe" certain things, please provide a description that contains relevant information about the subject of the question, and, especially, that contains detailed information that demonstrates that you are qualified for the judicial office you seek. In order to properly evaluate your application, the Commission needs information about the range of your experience, the depth and breadth of your legal knowledge, and your personal traits such as integrity, fairness, and work habits.

This document is available in word processing format from the Administrative Office of the Courts (telephone 800.448.7970 or 615.741.2687; website <http://www.tncourts.gov>). The Commission requests that applicants obtain the word processing form and respond directly on the form. Please respond in the box provided below each question. (The box will expand as you type in the word processing document.) Please read the separate instruction sheet prior to completing this document. Please submit the completed form to the Administrative Office of the Courts in paper format (with ink signature) *and* electronic format (either as an image or a word processing file and with electronic or scanned signature). Please submit seventeen (17) paper copies to the Administrative Office of the Courts. Please e-mail a digital copy to [debra.hayes@tncourts.gov](mailto:debra.hayes@tncourts.gov).

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

**PROFESSIONAL BACKGROUND AND WORK EXPERIENCE**

1. State your present employment.

Presently, I serve as Chief Executive Officer and intellectual property attorney for Global Intellectual Property Asset Management, PLLC. Formed in 2011, Global IP ([www.globalipam.com](http://www.globalipam.com)) is a full-service intellectual property law firm, providing legal services for patents, trademarks, copyrights, licensing, technology transfer, and related transactional matters, as well as estate and succession planning. Global IP serves clients in Tennessee as well as across the United States and in Europe. My experience as an intellectual property attorney and security counsel for the United States Department of Energy, combined with my private practice experience, has provided a broad range of experience to prepare me for useful service to the people of Tennessee, both immediately and as Tennessee moves ever forward into the digital age and the global technology marketplace.

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

Tennessee: 2001 TN BPR ID: #021666

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.

Oklahoma: 2001 OBA ID: #19205; active.  
Supreme Court of the United States: 2004 SCUS ID: Esther Lois Roberts Bell; active.  
United States Patent and Trademark Office: 2002 USPTO ID: #53172; 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).

Professional or business employment/experience since completion of my legal education:

June, 2001 – April, 2011:

The United States Department of Energy (DOE).

Primary duty station: Oak Ridge, Tennessee, Office of Chief Counsel  
U.S. Department of Energy, P. O. Box 2001, Oak Ridge, TN 37831  
Primary service areas: Oak Ridge National Laboratory, Y-12 Nuclear Weapons Complex, Savannah River National Laboratory, Aiken, South Carolina, also DOE facilities in Portsmouth, Kentucky and Piketon, Ohio.

Duties:

- Intellectual property / patent attorney responsible for prosecuting patents, copyrights, trademarks and related intellectual property matters;
- Licensing / technology transfer of DOE technologies to U.S. companies and foreign corporations; contract review;
- Policy formulation for DOE / NNSA for matters regarding intellectual property;
- Security Counsel for DOE for security matters, classified and unclassified

January - February 2003:

National Nuclear Security Administration, U.S. Department of Energy  
1000 Independence Ave., S.W., Washington, DC 20585  
Temporary Detail Assignment to the Office of the General Counsel.

Duties:

- Litigation Counsel for NNSA regarding certain nuclear matters;
- NNSA General Counsel Attorney Delegate to NNSA air fleet insurance procurement subcommittee;
- Staff Attorney for NNSA regarding transfer of certain nuclear materials.

January 2010 – current:

Adjunct Professor – University of Tennessee College of Law  
1505 W. Cumberland Avenue, Knoxville, TN 37996-1810

Course: Interviewing and Counseling

April – December 2011:

Pitts, Lake & Bell, P.C.  
P. O. Box 51295  
Knoxville, TN 37950

Shareholder.

- Legal Practice Duties: Intellectual property litigation, including patent infringement and related litigation, trademark infringement and related litigation, copyright infringement and related litigation; patent prosecution; trademark and copyright registrations; licensing and technology transfer; oversight of foreign counsel for intellectual property matters outside the United States.
- Shareholder Duties: Policymaking for internal matters such as employee

rights, employment matters, and related matters; oversight of firm advertising and marketing; oversight of firm real property and related matters; management of designated staff.

December 2011 – current:  
Global Intellectual Property Asset Management, PLLC  
507 S. Gay Street, Suite 910  
Knoxville, TN 37902

Chief Executive Officer and Intellectual Property Attorney as described in question 1 above.

Other Professions: Pianist and Piano Instructor

1989-1990: Cadek Conservatory of Music, The University of Tennessee at Chattanooga.  
- Traditional and Suzuki Piano Instructor and Staff Accompanist.

1990-1991:  
Roane State Community College, Harriman, Tennessee.  
- Music Professor and Staff Accompanist. Taught music theory, music appreciation, ear training, class piano and private piano; staff accompanist for the Roane State Singers and various faculty and student musicians.

1991-2000:  
Roberts Piano Studio, Knoxville, Tennessee.  
- Private Piano Instructor; average annual studio size: 45 lessons/week.

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.

The nature of my present law practice encompasses a diverse client base ranging from individuals to international corporations. These clients seek counsel on a broad range of legal matters, thus my present law practice includes

the following major areas of law:

Contract matters: 25%

Estate planning/succession matters: 10%

Intellectual Property matters: 50%

- Copyright matters: 10%

- Licensing and Technology Transfer matters: 10%

- Patent matters: 15%

- Trademark matters: 15%

Litigation matters: 15%

8. Describe generally your experience (over your entire time as a licensed attorney) in trial courts, appellate courts, administrative bodies, legislative or regulatory bodies, other forums, and/or transactional matters. In making your description, include information about the types of matters in which you have represented clients (e.g., information about whether you have handled criminal matters, civil matters, transactional matters, regulatory matters, etc.) and your own personal involvement and activities in the matters where you have been involved. In responding to this question, please be guided by the fact that in order to properly evaluate your application, the Commission needs information about your range of experience, your own personal work and work habits, and your work background, as your legal experience is a very important component of the evaluation required of the Commission. Please provide detailed information that will allow the Commission to evaluate your qualification for the judicial office for which you have applied. The failure to provide detailed information, especially in this question, will hamper the evaluation of your application. Also separately describe any matters of special note in trial courts, appellate courts, and administrative bodies.

Over the course of my career to date, I have served as counsel of record for numerous litigation matters, including U.S. Department of Energy (DOE) security related matters, patent infringement matters, trademark infringement matters, copyright matters, and contract disputes. I have also served as counsel of record for various intellectual property disputes, contract disputes and estate disputes that have been resolved via negotiated settlement prior to any lawsuit being filed.

With respect to DOE security matters, I was DOE counsel for twenty-four (24) administrative hearings regarding security matters, including two classified matters. These administrative hearings are conducted so as to conform as closely as reasonably possible to open court litigation while safeguarding the national security. The hearings include opening and closing statements, sworn testimony including direct and cross-examination, submission of evidence, and authorized transcripts via the presence of a court reporter with the appropriate security clearance; the federal rules of evidence are waived.

The cases covering non-classified matters included use of illegal substances, bankruptcy, falsification, misrepresentation, mental illness, incapacity, alcohol use, alcohol dependence and/or abuse, substance dependence and/or abuse, pornography viewing in the workplace, vehicular homicide and fraud.

The classified matters fell under 10 CFR 710.8(g): “[Failure] to protect classified matter, or safeguard special nuclear material; or violated or disregarded security or

safeguards regulations to a degree which would be inconsistent with the national security; or disclosed classified information to a person unauthorized to receive such information; or violated or disregarded regulations, procedures, or guidelines pertaining to classified or sensitive information technology systems.”

One of the classified matters involved DOE’s Office of General Counsel (OGC). Due to this factor, all OGC staff were conflicted out of the matter and an attorney from the field was required to serve as DOE counsel. Based upon knowledge of my prior performance, the Office of Hearings and Appeals (OHA) requested my assignment to this case. OHA noted particularly in making the request: my integrity with respect to the national security and appropriate handling of classified matters, my insightful yet respectful examination and cross-examination skills, my capacity for producing exemplary work within constricted time and budget parameters, my discretion with regard to political sensitivities, and my overall capabilities as an attorney. DOE prevailed in the case.

In all of the above-referenced cases, DOE Security provided records and evidence sufficient to support prosecution of the relevant case. Upon receipt of these records and evidence, I conducted all additional research, witness interviews, evidence gathering, and related trial preparation, including appropriate correspondence and interaction with opposing counsel, when relevant. I conducted direct and cross-examination, as appropriate, of all persons providing testimony. In the uncommon instance of appeal, I reviewed the case, determined DOE’s position relative to the appeal response, and prepared the appellate response.

My work on the above-referenced matters encompassed the Oak Ridge National Laboratory, the Y-12 Nuclear Weapons Complex, the USEC Gaseous Diffusion Plant in Paducah, Kentucky, the USEC Gaseous Diffusion Plant in Portsmouth, Ohio, and the DOE Headquarters in Washington, D.C.

With respect to non-security matters, my service area included the Oak Ridge National Laboratory, the Y-12 Nuclear Weapons Complex, the Office of Scientific and Technical Information (OSTI), the Savannah River National Laboratory in Aiken, South Carolina, and a short-term detail to the National Nuclear Security Administration Office of General Counsel (NNSA/OGC), Washington, D.C.

While detailed to NNSA/OGC, I negotiated a settlement for a longstanding litigation matter involving a former contractor employee. I also participated on a subcommittee to review NNSA’s air fleet insurance and, if possible, obtain lower-cost insurance. In my role as NNSA/OGC attorney delegate to the subcommittee, I provided legal input with respect to Federal Aviation Administration (FAA) insurance requirements, particularly with respect to the unique air fleet and cargo involved with NNSA. The subcommittee was successful in crafting an FAA-compliant policy that resulted in a \$1.2 million per annum cost savings in insurance premiums. In addition, I provided legal counsel in certain classified matters regarding transport of certain nuclear materials.

With respect to non-security matters, I have been counsel of record in numerous intellectual property matters, including successful prosecution of ten United States patents to date and numerous patent applications currently in process with the United States Patent and Trademark Office (USPTO). Aside from the first two patent applications, in which my DOE supervising attorney reviewed and edited the applications prior to submission to the USPTO, all other patent prosecution work has been my own work.

Patent application preparation is an involved and protracted process, and a successful intellectual property attorney must be able to communicate effectively with inventors of all types, from first-time inventors to consummate experts in the relevant field of inventive art. Patent prosecution demands precise language skills to adequately and accurately describe the inventive concept so as to have a patent issue based solely upon the descriptive language and accompanying drawings.

I have worked extensively in the area of copyrights. This work includes copyright registrations, infringement matters, licensing, royalties, fair use, educational use, and related areas of U.S. copyright law. My scope of experience includes literary works of all media types, sound recordings, two-dimensional and three-dimensional art, entertainment matters, internet matters, and various other matters related to copyrights. My background as a musician provided an excellent foundation in copyright matters; upon becoming a licensed attorney, I have performed all copyright legal work in an unsupervised capacity, both within the federal government and for private sector clients.

I have also worked extensively in the area of trademarks. This work includes trademark registrations, infringement matters, licensing and royalties. My scope of experience includes trademarks of all types, and in numerous and multiple international classes. As an author of two children's books, *Sam the Horse* and *Sam Gets Ready for School*, I created my own trademarks prior to becoming a licensed attorney. While I utilized an intellectual property attorney to have my own marks registered, that process gave me practical knowledge upon which to build with respect to trademark registration, licensing, and enforcement on behalf of my own clients.

My experience with negotiating, drafting, and implementing licenses is also extensive, both within the federal government and for private sector clients. These licenses range from individual trademark licenses between a private party and a small business for a modest monthly royalty, to multi-million dollar patent portfolio licenses between the United States government and foreign-owned businesses. In all licensing negotiations, the process requires diplomacy, delicacy, and extreme sensitivity to the concepts of equity and fairness. With regard to licenses involving the United States, it is outside the permissible scope of such negotiations to work in isolation, thus, I have served as lead intellectual property counsel on a government negotiating team. With regard to licenses not involved the federal government, I have worked independently or in collaboration with additional attorneys, as circumstances required.

My experience with transactional matters such as contracts, cooperative research and development agreements (CRADAs), Work for Others agreements, and related matters is extensive. With respect to CRADAs and Work for Others, as a federal employee, I provided oversight for intellectual property protections within the relevant transactional vehicle. With respect to contracts for private sector clients, my experience includes negotiation, drafting, and/or editing entire documents as required. Further, I have advised clients with respect to contract interpretation and conflict resolution. These transactional matters have covered a broad range of issues, from acquisitions of existing businesses, to business formation, mergers, exit strategies and succession planning.

In response to private sector client input and request, I have also prepared several non-complex wills, trusts, living wills, and durable powers of attorney.

My work habits include the ability to work independently or on a team, as circumstances require. I am generally organized, yet flexible enough to accommodate

real-time changes in fluid situations. While I strive to be efficient, I understand the factors involved in multi-stakeholder settings and I am comfortable working in such an environment. I respond well to constructive criticism, but have little respect for unwarranted aggression. I work well under pressure. I have been called perceptive, intuitive, kind and cheerful. I eschew disrespect, vitriolic sarcasm, or any other means of intentionally causing pain to others; I strongly prefer mutual respect and a collaborative approach to problem solving of any type whenever possible.

As a supervisor, I am guided by the principle of "praise publicly; correct in confidence." Those who have worked under my supervision – including associate attorneys, firm business managers, draftsmen, administrative assistants and others – have praised my clarity of direction, reasonableness of expectations, fairness, respectfulness, and strong support of their continued growth and professional development.

Matters of special note include:

Federal Security Clearance: "Q/SCI" current status: in abeyance.

Litigation matters: 88% success rate.

- I served as U.S. Department of Energy (DOE) Counsel for twenty-four (24) administrative hearings regarding security matters, including two classified matters.
- DOE prevailed in both classified matters; overall, DOE prevailed in twenty-one (21) of twenty-four (24) cases.
- One of the non-classified matters involved a unique security matter within the DOE Office of the General Counsel (OGC) in Washington, D.C. Due to the nature of the matter, the entire OGC was conflicted out, thus a litigator from a DOE field office was required; based upon knowledge of my work, the Chief Administrative Hearing Officer selected me for this assignment; DOE prevailed.

Patent matters: 92% success rate.

- To date, I have achieved a 92% issue rate on United States letters patent.

NNSA Airfleet Insurance: Saved the U.S. Treasury \$1,200,000/year.

- While detailed to the National Nuclear Security Administration (NNSA) Office of General Counsel (NNSA/GC), I served as Attorney Delegate to the NNSA subcommittee tasked with reviewing the insurance policy then in place, as required by the Federal Aviation Administration (FAA), to cover the unique NNSA airfleet and flight missions inherent to NNSA. The subcommittee realized a way to legally meet FAA insurance requirements while saving approximately \$1.2 million per year.

Knox County Commission (KCC): October 2012 meeting.

- The successful bidder of a Knox County contract contacted me three (3) hours prior to the October 2012 Knox County Commissioners' meeting and requested my representation regarding the fervent opposition of an unsuccessful rival bidder. The unsuccessful bidder had exhausted all



appropriate avenues for redress short of litigation, and had asked the KCC to intervene, reverse the award, and re-bid the contract. The successful bidder – a long-established business who has provided outstanding products and services to numerous municipalities across Tennessee – had never faced a bid opposition before and sought legal counsel out of an abundance of caution. With only three hours' preparation time to review the bid requirements, award documents, and related materials, I attended the KCC meeting and presented numerous arguments in support of my client as the successful bidder; these arguments were consonant with the post-award appeals findings of the Knox County Law Director.

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

Matters of special note include:

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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.

Not Applicable.

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

I serve as Vice-Chair and Trustee for Daystar Foundation and Library, LLC.  
[www.daystarfoundation.org](http://www.daystarfoundation.org)

In this volunteer/unpaid position, I and the other Daystar Trustees provide oversight, mission guidance, and fiduciary stewardship to this 501(c)(3) organization.

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

Summer Law Clerk.

The Honorable Hardy Summers, Chief Justice.

The Supreme Court of the State of Oklahoma.

During the summer of 2000, between my 2L and 3L years of law school, I had the honor of serving as summer law clerk to Chief Justice Hardy Summers.

The scope of my work encompassed various research matters for Oklahoma

state and tribal cases.

Guardian ad litem.

I serve periodically as a guardian ad litem for Knox County Juvenile Court, specifically, representing child clients in dependency and neglect matters.

Pro bono legal services.

I have provided pro bono legal service to the following organizations:

Arabian Rescue Mission, [www.arabianrescuemission.org](http://www.arabianrescuemission.org), a 501(c)(3) whose mission is to rescue and rehome purebred and part-bred Arabian horses.

Daystar Foundation and Library, LLC, [www.daystarfoundation.org](http://www.daystarfoundation.org), a 501(c)(3) whose mission is to preserve the history of Christian Science.

Hank for Senate, [www.hankforsenate.com](http://www.hankforsenate.com), a pastiche political campaign to raise awareness and encourage adoption of shelter animals; all proceeds of this campaign go to support animal shelters.

Volunteer for Client Intake.

The Honorable William Swann.

Fourth Circuit Court, Knox County.

Prior to entering law school in the autumn of 1998, I went to Fourth Circuit Court in Knox County with the intent to sit quietly in the gallery, observe, and begin to learn the nuances of being a good attorney. Noting my presence, Judge Swann inquired as to my reason for being in his court. When I told him I would be entering the UT College of Law that autumn, he asked me to assist with client intake for the Order of Protection docket. I volunteered in this capacity for three months during the summer of 1998.

13. List all prior occasions on which you have submitted an application for judgeship to the Judicial Nominating Commission or any predecessor commission or body. Include the specific position applied for, the date of the meeting at which the body considered your application, and whether or not the body submitted your name to the Governor as a nominee.

Not Applicable.

**EDUCATION**

14. List each college, law school, and other graduate school which you have attended, including dates of attendance, degree awarded, major, any form of recognition or other aspects of your education you believe are relevant, and your reason for leaving each school if no degree was awarded.

The University of Tennessee College of Law, Knoxville, TN

Dates of attendance: 1998-2001

Degree awarded: Juris Doctor *cum laude*

Recognition/Awards:

Academic Excellence Award: *Jurisprudence*

Academic Excellence Award: *Law and Literature*

Academic Excellence Award: *Law and Theater*

Summer Law Clerk: The Honorable Chief Justice Hardy Summers, The Supreme Court of the State of Oklahoma

Research Assistant: Williford Gragg Distinguished Professor of Law Joseph Cook

Case Note Publication: *Jordan v. Baptist Three Rivers Hospital*, 67 TENN L. REV. 475 (2000)

Student Materials Editor, *Tennessee Law Review*

Recipient: Judge Louis Kirby Matherne Scholarship

Student Member: American Inns of Court, Hamilton Burnett Chapter

The University of Tennessee, Knoxville, TN

Dates of attendance: 1987-1989

Degree awarded: Master of Music, Piano Pedagogy and Literature *high honors*

Recognition/Awards:

Graduate Teaching Assistant to Patricia Carter-Zagorski

Recipient: Florence Lothman Dorn Scholarship

The University of Tennessee, Knoxville, TN

Dates of attendance: 1983-1986

Degrees concurrently awarded:

Bachelor of Arts, Biology *honors*

Bachelor of Arts, Botany *honors*

Bachelor of Music, Piano Literature and Pedagogy *honors*

Recognition/Awards:

Competition Winner: Sigma Alpha Iota Instrumentalist

Recipient (multiple years): Florence Lothman Dorn Scholarship

Recipient: Colonel H. S. Lockett Scholarship

Roane State Community College, Harriman, TN

Dates of attendance: 1979-1982

Degrees awarded:

1982 Associate of Arts, Piano Performance

1981 Associate of Science, General Sciences

Recognition/Awards:

Recipient (multiple years): Academic Achievement Scholarship

Recipient: Humanities Award

Recipient: Outstanding Sophomore Musician Award

**PERSONAL INFORMATION**

15. State your age and date of birth.

Fifty-one (51). April 17, 1961 (04/17/1961).

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

Other than three months (2000) for a clerkship and two months (2003) on detail, I have lived continuously in the State of Tennessee for fifty-one years.

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

I have lived continuously in Knox County, Tennessee since 1992.

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

I am registered to vote in Knox County.

19. Describe your military Service, if applicable, including branch of service, dates of active duty, rank at separation, and decorations, honors, or achievements. Please also state whether you received an honorable discharge and, if not, describe why not.

Not Applicable.

20. Have you ever pled guilty or been convicted or are you now on diversion for violation of any law, regulation or ordinance? Give date, court, charge and disposition.

Four traffic citations:  
1978: Rockwood City; speeding; paid ticket.  
1997: Knox County; speeding; paid ticket.  
2007: Sevier County; speeding; paid ticket.  
2011: Anderson County; failure to stop; paid ticket.

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. If you have been disciplined or cited for breach of ethics or unprofessional conduct by any court, administrative agency, bar association, disciplinary committee, or other professional group, give details.

No.

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.

Date	Court/Docket Number	Disposition
11.2.87	Knox County /45046	Divorce (06.07.81 marriage) My former husband, James Edward Brunton, filed for divorce. I did not contest the matter.
11.2.88	Knox County /45046	Order modifying Final Decree I chose to return to my birth surname, Esther Lois Hughes.
9.27.94	Knox County /77059	Judgment Satisfaction My car was struck from behind and I received a judgment against the other driver, Mr. Saia, on 1.31.91. He was, however, judgment-proof and the judgment went unpaid. In mid-1994, Mr. Saia contacted me and asked to settle the matter so as to not have an outstanding judgment against him. As I had traded the vehicle by that point in time, I opted to forgive the judgment, and signed appropriate documents to that effect, thus closing the matter on 07.27.1994.
11.13.96	Knox County /1322083	Order of Name Change Having remarried on 12.22.89, my surname was "Broerman" from 12.22.89 until 11.13.96, when I petitioned, and was granted, a surname change to reflect my maternal grandmother's surname, "Roberts." This was done in

anticipation of terminating my second marriage. I did not return to my birth surname, "Hughes," due to long-standing dissatisfaction with my birth father's lifestyle and his abuse of my person when a young child.

10.13.97 Knox County /77082 Divorce (12.22.89 marriage)  
My former husband, Eric Christian Broerman, and I decided to amicably end our marriage. We remain cordial social acquaintances. Mr. Broerman will verify this; he may be reached at 865.386.8759.

26. List all organizations other than professional associations to which you have belonged within the last five (5) years, including civic, charitable, religious, educational, social and fraternal organizations. Give the titles and dates of any offices which you have held in such organizations.

Founding Partner – Tennessee Law Fund  
Life Member – American Indian Horse Registry  
Life Member – The United States Dressage Federation  
Member – Chilhowee Sportsman's Club, LLC  
Member – Crossroads Dressage and Combined Training Society  
Member – Daughters of the American Revolution  
Member – Fifth Church of Christ, Scientist, Oklahoma City, Oklahoma  
Member – Knoxville Music Study Club  
Member – Knoxville Music Teachers Association  
Member – Knoxville Track Club  
Member – Music Teachers National Association  
Member – The First Church of Christ, Scientist, Boston, Massachusetts  
Patron – The Knoxville Symphony Orchestra

27. Have you ever belonged to any organization, association, club or society which limits its membership to those of any particular race, religion, or gender? Do not include in your answer those organizations specifically formed for a religious purpose, such as churches or synagogues.

- 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.

Yes.

- a. Daughters of the American Revolution [www.dar.org](http://www.dar.org) "a non-profit, women's organization for the descendants of individuals who aided in achieving American independence."
- b. If nominated and selected, I am willing to resign from the DAR and

withdraw from any participation in their 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 which you have held in such groups. List memberships and responsibilities on any committee of professional associations which you consider significant.

Tennessee Bar Association: 2001 – present  
Oklahoma Bar Association: 2001 – present  
American Bar Association: 2001 – present  
United States Patent and Trademark Bar: 2002 – present  
Supreme Court of the United States Bar: 2004 – present  
Knoxville Bar Association: 2001 – present  
- current member of the Continuing Legal Education committee  
- responsibilities include: participation in and support of various committee functions such as organizing CLE programs, long-range planning, membership initiatives, and related functions.  
American Inns of Court, Hamilton Burnett Chapter: 2000 – present  
- currently Reporter  
- responsibilities include: obtaining CLE verification from participating members at each monthly CLE meeting; submitting CLE attendance reports to the TBA CLE office.

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

United States Department of Energy Performance Merit Award: For successful negotiation of a license between the United States Department of Energy and Toyota Motor Engineering & Manufacturing *North America*, Inc. (TEMA) for hydrogen storage technology transfer between Savannah River National Laboratory and TEMA.

United States Department of Energy citation to personnel file: For outstanding service to the citizens of the United States with regard to litigation of certain classified security matters.

Article in *teknovation.biz* [Attached].



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

*Jordan v. Baptist Three Rivers Hospital*, 67 TENN L. REV. 475 (2000)

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.

*Intellectual Property; How to Find a Good Lawyer for Your Business*, The University of Tennessee College of Business [Guest Lecturer]  
*Intellectual Property for Non-IP Attorneys*, American Inns of Court Hamilton Burnett Chapter [Pupilage Team Mentor]  
*Interviewing and Counseling*, The University of Tennessee College of Law [Adjunct Professor]  
*Jurisprudence*, The University of Tennessee College of Law [Guest Professor]  
*Nondisclosure Agreements*, The Tennessee Bar Association [Webinar Lecturer]  
*Practical Business Tips for Your Small Firm*, The Knoxville Bar Association Continuing Legal Education Small/Solo Practice CLE Series [Panel Member]

32. List any public office you have held or for which you have been candidate or applicant. Include the date, the position, and whether the position was elective or appointive.

Not Applicable.

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

Not Applicable.

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

*Jordan v. Baptist Three Rivers Hospital*, 67 TENN L. REV. 475 (2000). I am the sole author of this work; my personal efforts contributed 100% of this work. The article received editorial review prior to publication, however, no substantive changes were made.

*Dual Chamber System Providing Simultaneous Etch and Deposition on Opposing Substrate Sides for Growing Low Defect Density Epitaxial Layers* United States Letters Patent # 7,902,047 [Mar. 8, 2011]. I am the primary author of this work; my personal efforts contributed approximately 70% of this work. A U.S. Patent may have up to three attorneys of record, thus, as is standard practice, the Department of Energy Assistant General Counsel for Intellectual Property and Technology Transfer, Mr. John Lucas, is listed as a courtesy; however, Mr. Lucas did not contribute to this work. Inventor Nagraj S. Kulkarni contributed approximately 30% input with respect to technical accuracy and detail.

**ESSAYS/PERSONAL STATEMENTS**

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

My primary reason for seeking this position is my desire to be of service to the people of Tennessee. As a Tennessee native whose family has lived in this region for hundreds of years, I appreciate and respect Tennessee's history. As a Tennessee attorney who works with innovation and new technologies on a daily basis, I also understand the need for our state to be competitive in the global marketplace, support job growth and technology development. My unique combination of legal experience in the federal government and the private sector has equipped me with the skills necessary to offer immediate added value to an already strong appellate judiciary as Tennessee law evolves concurrently with new technologies. Further, I am comfortable working within the parameters of a large, multiple-stakeholder system with potentially diverse objectives, where exceptional critical thinking skills, superior communication skills, and steadfast objectivity, integrity and discretion are mandatory.

36. State any achievements or activities in which you have been involved which demonstrate your commitment to equal justice under the law; include here a discussion of your pro bono service throughout your time as a licensed attorney. *(150 words or less)*

I have provided pro bono legal services to the Arabian Rescue Mission, a 501(c)(3) organization that rescues, rehabilitates and rehomes purebred and part-bred Arabian horses. This work relates to copyright infringement matters, specifically, internet-based copyright infringement.

I have provided pro bono legal assistance to Daystar Foundation and Library, LLC, a 501(c)(3) organization that preserves the history of the Christian Science religion. Much of this work relates to copyright matters, especially fair use and educational use exceptions, appropriate copyright permissions, and other copyright matters.

I have also provided pro bono legal work for a pastiche political campaign, *Hank for Senate*. All "campaign" contributions obtained via this organization are donated to animal shelters. This work relates to filing and obtaining United States copyrights for artistic works that are then

reproduced and sold to raise money for the shelters.

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 respectfully seek to fill the upcoming vacancy on the Tennessee Court of Appeals, Eastern Section; this court is comprised of twelve judges and hears civil matters. My selection would impact the court in a positive way, for several reasons. First, given the robust production of intellectual property within Tennessee, my unique combination of legal skills would bring additional expertise to an already outstanding appellate court. Second, I am well versed in resolving complex issues while balancing the interests of numerous stakeholders with diverse perspectives within a large government entity, all in a timely manner. Third, I work well within a group or independently, as circumstances require. Fourth, my own diverse background as a musician and an attorney illustrates my ability to utilize balanced critical thinking skills, thoughtful perspective, and effective communication when resolving conflicts. I desire to join the court in service to the people of Tennessee.

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)*

My participation in community services or organizations illustrates my desire to be of service to the people of Tennessee, as well as my own diverse group of interests.

- Great Smoky Mountain Institute at Tremont:
  - Homecoming Event Sponsor
  - Volunteer and Guest Lecturer for “Girls In Science” program
- Habitat for Humanity:
  - Volunteer on Knoxville Bar Association House
  - Volunteer on John & Harriet Smartt 60<sup>th</sup> Anniversary House
- Introduction Knoxville:
  - Graduate, Class of Fall 2012
- Knoxville Symphony Orchestra:
  - Patron
- Tennessee’s “READ20” Initiative:
  - Donated 1,000 new books to this initiative in 2012
  - Volunteer
- Donor to the following nonprofit organizations:
  - Arabian Rescue Mission
  - Friends of Retrievers Rescue
  - Horse Haven of Tennessee
  - Project Coyote

If I am appointed to the Court of Appeals, I will review my present community involvement to assure compliance with all relevant statutes, including, but not limited to, the

Code of Judicial Conduct. If any conflict exists, I will modify my community involvement to eliminate the conflict. If no conflict exists, I will continue to be involved within the community, both personally and financially, as time allows and as appropriate opportunities arise.

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

My life to date includes a broad range of experiences and educational opportunities that have formed my character, integrity, and work ethic. I have experienced the trauma of child abuse and the tragedy of a broken home, but through these events my mother taught by example the necessity of respecting oneself and protecting the vulnerable. At age 14, I was given a horse, and took a job to provide for his care, thus I learned responsibility and developed a strong work ethic at a young age. At age 18, I enjoyed the opportunity to travel abroad with a group of outstanding musicians; this experience introduced me to new cultures and helped me hone such skills as adaptation and flexibility. Further, it taught me to keep an open mind and consider all perspectives when determining a course of action, while maintaining my own core values. Inspired by my maternal grandfather's multifaceted career, I chose to triple-major in undergraduate school; this allowed me to discover scientific structure in music and artistic beauty in science. As a Myers-Briggs INFJ, I have an innate desire to serve. Becoming an attorney was a natural progression in my lifelong synthesis of critical thinking skills, creativity and service to others. As a member of the Court of Appeals, I will serve the people of Tennessee well, based upon my integrity, impartiality, indefatigable work ethic, perceptive analytical ability and extraordinary communication skills. I respectfully request the honor of being appointed to the Tennessee Court of Appeals.

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, I will uphold the law even if I disagree with the substance of the law.

In accord with 10 CFR 710.8(l), a person's eligibility for access to classified matter or special nuclear material (*i.e.*, "security clearance") may be withdrawn under certain circumstances, including a pattern of financial irresponsibility. While employed by the Department of Energy (DOE) and serving as DOE counsel for security related matters, a certain case arose that is relevant to this question.

A contractor employee with more than two decades' experience, including valuable specialized expertise, filed for bankruptcy in Kentucky. In the course of a non-marital relationship, the employee had provided access to her personal finances to her beau; the relationship failed and, at that point, the employee became aware that her entire financial portfolio had been emaciated, thus she initiated bankruptcy proceedings.

Upon my review of this case, I determined the risk of successful coercion and/or blackmail of this employee to be minimal. I would have preferred to save the U.S.

government the costs of prosecuting the matter; however, in accord with the relevant statutes, I recommended the matter be elevated to the administrative hearing phase.

At the hearing, the employee presented a substantial record of timely payments on each account covered by the bankruptcy, thus her security clearance was reinstated. While DOE "lost" this case for statistical purposes, from a practical perspective both DOE and the employee prevailed, as DOE was able to continue benefitting from this employee's specialized training, experience and corporate knowledge.

### **REFERENCES**

41. List five (5) persons, and their current positions and contact information, who would recommend you for the judicial position for which you are applying. Please list at least two persons who are not lawyers. Please note that the Commission or someone on its behalf may contact these persons regarding your application.

A. Ann Sweeney Augustyn, Chief, Personnel Security and Appeals Division, The Office of Hearings and Appeals, U.S. Department of Energy, [REDACTED]  
[REDACTED]

B. Richard W. Barnes, Jr. Member, Luedeka Neely Group, P.C., [REDACTED]  
[REDACTED]

C. Judy Cornett, College of Law Distinguished Professor of Law, The University of Tennessee College of Law, [REDACTED]  
[REDACTED]

D. Mrs. Arthur [Doris] Grayson, [REDACTED]  
[REDACTED]

E. Lawrence Sparks, Federal Classification Officer, Oak Ridge Office, U.S. Department of Energy, [REDACTED]

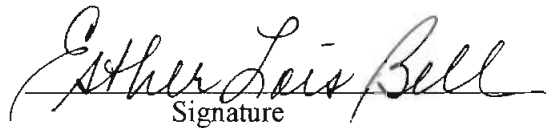
**AFFIRMATION CONCERNING APPLICATION**

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 [Court] Court of Appeals, Eastern Section of Tennessee, and if appointed by the Governor, agree to serve that office. In the event any changes occur between the time this application is filed and the public hearing, I hereby agree to file an amended questionnaire with the Administrative Office of the Courts for distribution to the Commission members.

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

Dated: October 16, 2012.

  
Signature

When completed, return this questionnaire to Debbie Hayes, Administrative Office of the Courts, 511 Union Street, Suite 600, Nashville, TN 37219.



## TENNESSEE JUDICIAL NOMINATING COMMISSION

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

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

#### WAIVER OF CONFIDENTIALITY

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

Esther Lois Bell \_\_\_\_\_  
Type or Printed Name

  
Signature

October 16, 2012  
Date

021666  
BPR #

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

Oklahoma Bar Association; Oklahoma #19205

United States Patent and Trademark Office #52173

The Supreme Court of the United States

ID: Esther Lois Roberts Bell