

JUSTICE CORNELIA A. CLARK

Recommendation: RETAIN

Commission Vote: 8 FOR RETENTION • 1 FOR REPLACEMENT

Legal Education and Experience

Justice Clark received a law degree from Vanderbilt University School of Law in 1979. She practiced law from 1979 until 1989. Justice Clark served as Circuit Judge from 1989 to 1999. She was director of the Tennessee Administrative Office of the Courts from 1999 to 2005. Justice Clark was appointed to the Supreme Court in September 2005, was elected in 2006, and served as Chief Justice from 2010 to 2012.

Service to the Profession

Justice Clark has previously served on the faculty for Vanderbilt University School of Law, the National Judicial College and the American Academy of Judicial Education, and now teaches for the American Institute for Justice. She was named as one of 21 members of the ABA Commission on the American Jury in 2004. She is a Fellow of the Tennessee, American and Nashville Bar Foundations and a member of the Tennessee John Marshall American Inn of Court. Justice Clark has served on the Board of Directors as well as serving as chair of the Education Committee for the Conference of State Court Administrators. She was a member of the Conference of Chief Justices from 2010 to 2012. Justice Clark chaired the Tennessee Judicial Council for five years and was the first chair of the Judicial Evaluation Commission. She is a frequent lecturer on legal topics. In 2010, Justice Clark was named Appellate Judge of the Year by the American Board of Trial Advocates, and was inducted into the YWCA Academy for Women of Achievement. She was awarded the Liberty Bell Award by the Williamson County Bar Association in May of 2005.

Survey Results and Interview

Justice Clark rated well among other appellate judges

for her judicial temperament and ethical conduct. She circulates opinions in a timely manner. Attorneys gave Justice Clark high marks for being free of impropriety or the appearance of impropriety. Her work with other court personnel showed room for improvement. Justice Clark's interview confirmed the Commission's impression that she has been a consistent asset to the judiciary, and is dedicated to improving its overall quality. She stated that reviewing her performance evaluations was a positive experience for her.

Comments and Recommendation

The Commission was impressed with Justice Clark's professed commitments to judicial restraint and adherence to original intent in construing legislative and constitutional provisions. Justice Clark expressed the view that the court's function of developing 'new law' was narrowly confined to the evolution of the common law, and not a license to substitute the Court's view of social policy in place of the view expressed through legislation. Moreover, Justice Clark professed a jurisprudential philosophy of deference to the co-equal branches of state government when those branches exercise their legislative and executive functions. A minority of the Commission expressed concern over Justice Clark's ability to communicate and work effectively with court personnel.

The Commission recommends Justice Cornelia A. Clark be retained on the Tennessee Supreme Court.

Justice Clark's Response

I appreciate the Commission's recommendation and look forward to continuing my service on the court.

SUPREME COURT