

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

04/15/16

Name: Melissa Moore

Office Address: 105 Commerce Street
(including county)

Sevierville, TN 37862 (Sevier)

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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 word processing 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 word processing 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. Submit by the noon deadline date an original (unbound) completed application (with ink signature) to the Administrative Office of the Courts.** In addition, submit a digital copy with electronic or scanned signature via email to debra.hayes@tncourts.gov, or via another digital

storage device such as flash drive or CD.

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

PROFESSIONAL BACKGROUND AND WORK EXPERIENCE

1. State your present employment.

I currently serve as the Child Support Magistrate for the Fourth Judicial District.

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

I received my license to practice law in the State of Tennessee on October 27, 2000 and my Board of Responsibility Number is 020882.

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.

I have been licensed to practice law in the State of Tennessee since October 27, 2000 (BPR 020882) and my license is 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).

I have never been denied admission to, suspended or placed on active status by the Bar of any State.

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).

Since the completion of my legal education, I have had the following professional and business employment and experience:

I began my licensed legal career in November 2000 as an attorney with Marshall, Delius & Taylor in Sevierville, TN.

I received my Rule 31 certification as a Family Law Mediator January 31, 2005 and continued to mediate until I was appointed to my current position as Child Support Magistrate for the Fourth Judicial District.

I opened my own firm, The Law Office of Melissa Moore in April 2004 and continued in private practice until taking the bench as Child Support Magistrate on February 1, 2014. During my private practice I also served as Sevier County Juvenile Court Truancy Court Magistrate from January 2007 until taking the bench as Child Support Magistrate on February 1, 2014.

I have been Child Support Magistrate for the Fourth Judicial District since February 1, 2014.

In April 2015 I became an Independent Consultant with Rodan+Fields, a skincare company.

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.

Presently, I am the Child Support Magistrate for the Fourth Judicial District. I hear all child support/paternity matters filed by or with involvement of the Department of Human Services under Title IV-D of the Social Security Act for the Circuit, Chancery and Juvenile Courts. The issues presented are establishment of paternity, establishment of child support orders, name changes and enforcement of child support orders from Tennessee and those from other states via UIFSA. This is 100% of my total practice.

I voluntarily assisted the Juvenile Court in Blount County with the Title IV-D child support matters for several months of 2017.

I attended and completed the Tennessee Judicial Academy, August 2014.

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.

Prior to my judicial appointment as Child Support Magistrate, I was in private practice from November 2000-January 2014. During this time 70% of my practice focused on Family Law including, divorce, post-divorce issues, adoption/termination of parental rights, child support, Juvenile Court matters, serving as Guardian Ad Litem. 10% of my practice was general Civil Litigation, 5% Mediation, 5% Wills and Estates and 10% of my practice included criminal defense.

I spent my entire private practice in Circuit, Chancery, Juvenile and General Sessions courts in counties throughout East Tennessee with a concentration in the Fourth Judicial District, where my office was located. I have tried numerous civil and criminal cases from initial filings and through resolution at the trial court level and some at the appellate level in both civil and criminal matters. I have been admitted to practice before the Tennessee Supreme Court and the United States District Court.

During my private practice I was chosen to serve as the Sevier County Juvenile Court Truancy Court Magistrate. My judicial responsibilities included adjudicating and reviewing truancy allegations and the myriad of issues that relate to truancy within the Sevier County School System. I was honored to serve in this capacity from 2007 until my appointment to the bench as Child Support Magistrate.

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

My extensive experience handling a wide variety of civil and criminal matters in both the trial and appellate level, combined with my judicial experience have well prepared me to serve as Circuit Court Judge.

In addition, I performed legal research and assisted in brief writing for several cases, including State of Tennessee v. Brent Tod Perkins, No. E2001-01826-CCA-R9-CD, 2002 WL 1925614, (Tenn. Crim. App., at Knoxville, Aug. 21, 2002)

State of Tennessee v. William George Soller, No. E2003-02970-CCA-R3-CD, 2004 WL 2346024 (Tenn. Crim. App., At Knoxville, October 19, 2004)

State of Tennessee v. Stan Martin, No. E2005-02155-CCA-R3-CD, 2007 WL 2710021, (Tenn. Crim. App., At Knoxville, September 18, 2007)

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

During the summer of 1995, while in college, I began my legal training interning with the U.S. Attorney's Office, Homicide Division in Washington, DC. I had the opportunity to assist Assistant U.S. Attorneys with legal research and trial preparation.

For several months during my second and third years of law school I worked in the District Attorney's office in Raleigh, North Carolina. During that time I regularly practiced in the District and Superior Courts, which in Tennessee correspond to General Sessions and Circuit Courts. I practiced with the same privileges and responsibilities as a fully licensed attorney and tried cases ranging from speeding to DUI.

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

As the judiciary of my District asked me to serve, I did not have to submit an application for my current position as 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.

UNC-Chapel Hill: August 1992-May 1996- B.A. in Political Science

Dean's List: Spring 1996

Campbell University School of Law: August 1997-May 2000-J.D.

Order of the Barristers

International Academy of Trial Lawyers

Recipient: Book Award, Law and Medicine; Uniform Commercial Code

Regional Finalist, ATLA Trial Team, 1999 and 2000

Attorney General of the Honor Court

Case Summary Writer, *Campbell Law Observer*

Client Counseling Competition, Champion

International Academy of Trial Lawyers, 2000 Student Advocacy Award

PERSONAL INFORMATION

12. State your date of birth.

August 25, 1974

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

17 years, 2 months

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

16 years, 7 months

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

Sevier

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.

I have had one formal complaint filed against me with the Board of Professional Responsibility in January of 2009. The complaint was summarily dismissed without hearing with no finding of wrongdoing or any type of discipline in July 2009.

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, I have never filed bankruptcy.

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, I have never been a party in any legal proceedings.

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.

Rotary Club of Pigeon Forge and Rotary International

Leadership Sevier, Class of 2008

Sevier County Republican Party

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.
- If so, list such organizations and describe the basis of the membership limitation.
 - 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.

In college I was a member of Phi Mu Fraternity, which limited its membership to women. I remain part of the alumnae of the Fraternity but do not hold active office or any role within the Fraternity. I am also a member of the Tennessee Lawyers' Association for Women and will resign my membership from the Association if required.

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.

American Bar Association (2001-2013), Tennessee Bar Association (2001-2013, 2017), Tennessee Association of Criminal Defense Lawyers (2011-2013), Tennessee Lawyers' Association for Women (2014-2015, 2017), Phi Alpha Delta (1999-Present), Sevier County Bar Association (2000-Present; Secretary/Treasurer 2006-2007), Legal Aid of East Tennessee (Board member 2009; Member of Finance/Audit Committee and Development Committee)

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.

In 2007, I was asked by the Sevier County Juvenile Court Judges to serve as Sevier County Juvenile Court Truancy Magistrate. I accepted the position without hesitation as this was a great honor and a privilege to serve my community.

Leading up to my appointment as Child Support Magistrate, the judiciary in my district had serious concerns regarding how the former Magistrate was representing the District. I was honored to be unanimously chosen for the appointment and given the opportunity to rebuild the public confidence in this position. I expanded the caseload to provide greater service here and in a neighboring Judicial District.

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.

Magistrate, Sevier County Truancy Court 2007-2013 (Appointive), Child Support Magistrate, Fourth Judicial District February 2014-Present (Appointive)

ESSAYS/PERSONAL STATEMENTS

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

I moved to Tennessee after law school and found a new and wonderful community in which to live and practice law. I am seeking this judgeship because I simply love what I do and this is an opportunity to utilize my background and experience to serve my community as a whole. Because of the nature of the cases I hear on a daily basis, I encounter those that are experiencing highly emotional and more often than not, difficult circumstances. I have demonstrated that I possess the judicial temperament necessary to help de-escalate situations if necessary, appropriately handle those that need help and those that must be reminded of their obligations and responsibilities and find the appropriate solution under the law. I have learned a great deal during my time on the bench and know that I will bring the necessary tools to the position of Circuit Court Judge.

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)*

I am seeking appointment as Circuit Court Judge for the Fourth Judicial District. This judgeship would hear both civil and criminal non-jury and jury cases as well as appeals from the General Sessions and Juvenile Court and the Circuit/Chancery Child Support Magistrate. This position would be one of four Circuit Court Judges for Sevier, Cocke, Jefferson and Grainger Counties. In fiscal year 2015-2016, The Fourth Judicial District had 3,462 new civil filings with 3,875 civil dispositions. In the same fiscal year, the Fourth Judicial District had 8,467 new criminal filings with 7,803 criminal dispositions.

My proven ability to streamline and manage a docket will assist me and the community in affording efficiency to our dockets. I have a great understanding of the judicial role and its challenges. I am in a unique position which will allow my immediate and seamless transition into this position.

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 would absolutely uphold the law even if I disagree with the substance of the law at issue. In my present judicial role, I have already faced this situation on numerous occasions. For example, I have had to order arrears payments in situations that I did not personally feel it should be ordered, however, the statute required it. I have had to order child support in certain situations that I did not personally believe it should be awarded, but the law required it. I have had to order a child support worksheet to be prepared with a certain number of days pursuant to the law when I did not believe it was appropriate based upon the circumstances. The Court's job is not to implement what the Court believes, rather it is to interpret, apply and enforce the law as it is currently written. While this can be difficult in certain situations, it is imperative and I am committed to upholding the law.

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. Rex Henry Ogle

B. Bryan Delius

C. Cynthia Wyrick

D. Craig Wild

E. Charlie Garren

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 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: July 27, 2017.



Signature

When completed, return this questionnaire to Debbie Hayes, 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.

Melissa Moore

Type or Print Name

Melissa Moore

Signature

July 27, 2017

Date

020882

BPR #

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

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Amended Trial Court Vacancy Commission Application for Melissa Moore

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.

I have been a party in the following cases:

1. 2001: Melissa Moore v. Lisa Gibson-Fox (Sev. Co. General Sessions Court-C0038274): Suit for attorney fees-Resolved by judgment in my favor.
2. 2002: Melissa Moore v. Nicki Cushman (Sev. Co. General Sessions Court-C0041221): Suit for attorney fees-Resolved by Order of Compromise in my favor.
3. 2004: Melissa Moore v. Robin Caudill (Sev. Co. General Sessions Court-C0043904): Suit for attorney fees-Resolved by judgment in my favor.
4. 2005: Melissa Moore v. Monica Newman (Sev. Co. General Sessions Court-C0046401-2005): Suit for attorney fees-Resolved by judgment in my favor.
5. 2009: Melissa Moore v. Michael Perryman (Sev. Co. General Sessions Court-C0060412): Suit for attorney fees-Resolved by judgment in my favor.
6. 2011: Melissa Moore v. Gary Gibson, Amsouth and FMLS, Inc (Sev. Co. Chancery Court-11-5-242-2011): Suit for Foreclosure of Judgment Lien for Guardian Ad Litem fees-Resolved by Agreed Order for payment in my favor.