

**Tennessee Trial Court Vacancy Commission**  
***Application for Nomination to Judicial Office***

04/15/16

Name: Rachel M. (Sobrero) Stephens

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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](http://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](mailto: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.

Stephens Law, PLC. Managing Member and Attorney.

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

I received my Tennessee license in 2003. My Board of Professional Responsibility number is 022572.

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 only been licensed in Tennessee. My Board of Professional Responsibility Number is 022572. I was licensed in May, 2003, and my license remains current.

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).

Legal Experience:

4/2017 – Present: Stephens Law, PLC. Managing Member and Attorney.

10/2014 – 3/2017: Tennessee District Attorneys General Conference. Statewide *Pro Tem* Prosecutor.

10/2003 – 9/2014: Office of the District Attorney General, 20<sup>th</sup> Judicial District, Davidson County, Tennessee. Assistant District Attorney.



3/2003 – 10/2003: Bullock, Fly & Hornsby, Murfreesboro, Tennessee. Associate Attorney.

Other employment:

9/2015 – Present: Belmont University College of Law, Nashville, Tennessee. Adjunct Professor, Basic Trial Advocacy.

10/2006 – 3/2015: 20<sup>th</sup> Judicial District Drug Task Force, Nashville, Tennessee. Supervisor of civilian monitors.

11/1998 – 6/2006: Bunganut Pig, Murfreesboro, Tennessee. Server, bartender, periodic manager.

11/1998 – 10/2000: Bulloch, Fly & Hornsby, Murfreesboro, Tennessee. Runner, legal assistant.

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.

Currently, my practice focuses on family law, criminal defense, small business representation and work in the Probate Court. My husband and law partner practices almost exclusively criminal defense. I would estimate that, though variable from month to month, currently 60% of my cases are family law-related, 25% is criminal defense or defense-related, including representation in Title IX matters at the University or College level, 10% is small business representation and 5% is in the Probate Court in the capacity of Guardian Ad Litem work. For those criminal cases in which I am not the primary attorney, I am very involved in strategy and determining the course of action in representation.

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.

After spending ten months at the DA's office in the General Sessions courts, I advanced to a criminal court team where I practiced for ten years. While assigned to criminal court, I had the opportunity to gain extensive jury trial experience and handle the post-conviction cases in our court. I spent nearly every work day in the court room, negotiating cases, handling pre-trial motions, probation violations and suspended sentence motions, conducting bench trials and various other matters that appeared on the criminal court dockets. Additionally, I assisted training newer attorneys assigned to our court, which included all aspects of criminal litigation at the trial court level. While at the DA's office, I served as interim Team Leader during a colleague's extended medical leave, at which time I assumed the supervisory role and responsibilities for our team. I was later appointed Team Leader of a different criminal court team.

In my position as a *Pro Tem* prosecutor, I had the opportunity to handle cases in twenty-four of the state's thirty-one judicial districts. The majority of my cases were pending in criminal or circuit courts. As *Pro Tem* prosecutor, I collaborated with law enforcement on pre-charge investigations, made determinations about whether to present matters to grand juries for indictment, negotiated plea agreements, handled post-conviction hearings, probation violations, pre-trial motions, and conducted jury trials, including four murder trials, one being a capital case.

During my time in private practice, I have represented clients in Chancery, Circuit, Criminal, General Sessions Civil, General Sessions Criminal and Probate courts. Additionally, I have been involved in defending allegations under a major university's Title IX policy.

My experience with numerous courts across the State has given me the opportunity to observe and understand the qualities and attributes a judge should possess, such as treating every person in the courtroom with respect, being knowledgeable of the law, being prepared to provide spontaneous analysis and rulings and the ability to manage and run dockets efficiently.

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

During my career as a prosecutor, I tried sixty-nine cases before a jury as lead or co-counsel. Twenty-one of those were first degree murder cases, including one capital case. Preparing dozens of cases for jury trial, I developed an affinity for presenting to juries complex scientific and technical evidence such as DNA, fingerprint evidence, forensic computer analysis, firearms analysis and medical examiner's evidence and testimony.

Several cases over the years garnered intense media attention and coverage, including the two cold case homicide trials of Jerome Barrett. In each of his trials, the cases were more than thirty years old at the time of trial. I presented serology and DNA testing results which required the ability to communicate to the juries the evolution of the scientific testing capabilities and the advancement of forensic testing over three decades, culminating in modern DNA analysis techniques and results which provided critical evidence of the defendant's guilt.

Bruce Mendenhall was an interstate truck driver arrested in Nashville for murder. At the time of his arrest, his truck contained substantial physical evidence linking him to the murder of a prostitute in Indiana from the previous evening, and DNA evidence from several other prostitutes, missing and presumed dead, from other jurisdictions. While being held in the Davidson County jail pending trial for murder, Mr. Mendenhall solicited a fellow inmate to kill several witnesses against him. Our case relied heavily on recorded phone calls, letters written by Mr. Mendenhall, testimony of a cooperating inmate, who agreed to wear a wire to capture the conversations between Mr. Mendenhall and him on video. I served as lead counsel in his Solicitation to Commit First Degree Murder trial, which resulted in convictions for several counts of Solicitation to Commit First Degree Murder.

I was also one of the prosecutors in his murder case, during which I presented, among other



evidence, the DNA evidence linking him to the local crime while having to avoid reference of significant DNA evidence related to the other suspected homicides.

In 2013, another ADA and I were appointed *Pro Tem* prosecutors in the matter of State v. Michael Dale Rimmer in Shelby County, a capital case. Prior to our involvement, a court granted relief to the defendant after an extensive post-conviction hearing, ordering a new trial. We were selected to handle the re-trial of a 1998 domestic-related homicide in a matter where the victim's body was never recovered. After our independent review of the case, we again pursued it as a capital case. Over the next two years, we handled the extensive pre-trial litigation and trial preparation. Over a two- week period in 2015, we tried the case, resulting in a conviction for first degree murder and the imposition of a death sentence.

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

I developed an interest in teaching and presenting fairly early in my career. After attending courses presented by the National District Attorneys Association at the National Advocacy Center ("NAC"), I began teaching trial advocacy at the NAC. Several years later, I was selected to be on the Trial Advocacy Committee of the District Attorneys Conference. This committee developed and implemented an intensive trial training program for prosecutors in Tennessee. Students dedicated one week to the training, during which they receive instruction in the form of lectures, working discussion groups and following performances in all areas of basic trial skills. My work with the committee led to my recurring position as a faculty member at the Trial Advocacy Course. In these teaching roles, I lectured on topics in trial advocacy and taught small groups in which students applied the lessons from lectures, interacted with one another in discussion groups and performed elements of a jury trial subject to the advice and critiques of faculty members.

I had the honor of presenting at the national Combined DNA Index System ("CODIS") conference in Washington, D.C. in 2009 as a result of my role presenting decades of scientific and DNA evidence in a cold case homicide.

I began teaching both in-house Continuing Legal Education seminars at the District Attorney's Office and presenting at the annual Tennessee District Attorneys General Conferences. My teaching experiences led to my role as an Adjunct Professor at Belmont University College of Law, where I continue to participate in teaching Basic Trial Advocacy.

Below is a list of my involvement at trial schools along with my lectures and legal education presentations.

9/15 - present	<b>Adjunct Professor in Basic Trial Advocacy, Belmont University College of Law.</b>
3/6/17 - 3/10/17	<b>Faculty, Trial Advocacy Course, Tennessee District Attorneys General Conference, Memphis, TN.</b>
10/13/16	<b>Presenter: Evidence (2 sessions), Tennessee District Attorneys General Conference Annual Fall Conference, Pigeon Forge, TN.</b>

3/7/16 - 3/11/16 **Faculty, Trial Advocacy Course, Tennessee District Attorneys General Conference, Memphis, TN.**

10/22/15 **Presenter: Evidence 101, Tennessee District Attorneys General Conference Annual Fall Conference, Chattanooga, TN.**

10/22/15 **Presenter: Advanced Evidence, Tennessee District Attorneys General Conference Annual Fall Conference, Chattanooga, TN.**

3/9/15 - 3/13/15 **Faculty, Trial Advocacy Course, Tennessee District Attorneys General Conference, Memphis, TN.**

3/10/14 - 3/14/14 **Faculty, Trial Advocacy Course, Tennessee District Attorneys General Conference, Memphis, TN.**

3/11/13 - 3/15/13 **Faculty, Trial Advocacy Course, Tennessee District Attorneys General Conference, Memphis, TN.**

3/14/11- 3/17/11 **Faculty, Cross Examination, National College of District Attorneys, National Advocacy Center, Columbia, SC.**

8/9/10 - 8/13/10 **Faculty, Prosecutor's Boot Camp, National College of District Attorneys, National Advocacy Center, Columbia, SC.**

11/2/09 **Presenter, CODIS Success- Keynote #1, 15<sup>th</sup> Annual National CODIS Conference, Reston, VA.**

9/28/09 - 10/2/09 **Faculty, Trial Advocacy I, National College of District Attorneys, National Advocacy Center, Columbia, SC.**

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

Not applicable.

### 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 Denver College of Law: August, 2000-December, 2002. *Order of Saint Ives. Award for Scholastic Excellence: Advanced Trial Practice, Award for Scholastic Excellence: Appellate Writing and Oral Argument, Award for Scholastic Excellence: Trial Practice. Jonathan L. Olam Trial Advocacy Fund Scholarship Recipient. University of Denver Water Law Review Editorial Board, Articles Editor. American Bar Association Trial Team regional quarter-finalist, National Moot Court Appellate Team regional competitor.*

Colorado College: September, 1994 - December, 1995; September, 1996 - May, 1998. Bachelor of Arts, Geology. *Dean's List, Blue Key Honor Society, Association of Women Geologists Outstanding Senior Award.*

Fort Lewis College: January - April, 1996. No degree awarded. I left to return to Colorado College.



**PERSONAL INFORMATION**

12. State your date of birth.

1976.

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

I have been in Tennessee continuously since December, 2002. I also lived in Tennessee from November, 1998 through August, 2000.

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

I have lived in Davidson County since September, 2007.

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

I am registered to vote in Davidson County.

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

Not applicable.

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

No.

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

No.

19. Please identify the number of formal complaints you have responded to that were filed against you with any supervisory authority, including but not limited to a court, a board of professional responsibility, or a board of judicial conduct, alleging any breach of ethics or unprofessional conduct by you. Please provide any relevant details on any such complaint if the complaint was not dismissed by the court or board receiving the complaint.

Not Applicable.

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

No.

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

No.

22. Have you ever been a party in any legal proceedings (including divorces, domestic proceedings, and other types of proceedings)? If so, give details including the date, court and docket number and disposition. Provide a brief description of the case. This question does not seek, and you may exclude from your response, any matter where you were involved only as a nominal party, such as if you were the trustee under a deed of trust in a foreclosure proceeding.

In 2011, a defendant named Jerome Teats whom I was prosecuting for Aggravated Robbery and Especially Aggravated Kidnapping filed a federal lawsuit against a number of individuals in the District Attorney's Office, the court system and the Department of Correction. Mr. Teats alleged civil rights violations related to a 2000 conviction and twelve- year sentence, due to pre-trial sentence credits not being awarded properly. I was named in the lawsuit in my capacity as an Assistant District Attorney. The suit, case number 3-11-0753, was filed in the United States District Court for the Middle District of Tennessee, Nashville Division. A Motion to Dismiss was granted in that matter, and the claims against me were dismissed by Order dated September 26, 2012.

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.



Women In Numbers, Board Member, 2017 to 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.

No.

#### ACHIEVEMENTS

25. List all bar associations and professional societies of which you have been a member within the last ten years, including dates. Give the titles and dates of any offices which you have held in such groups. List memberships and responsibilities on any committee of professional associations which you consider significant.

Tennessee Bar Association, 2016 to present.

Tennessee District Attorneys General Conference Trial Advocacy Committee, 2012-2017. This committee developed and implemented an intensive trial training program for prosecutors in Tennessee. Students dedicated one week to the training, during which they receive instruction in the form of lectures, working discussion groups and following performances in all areas of basic trial skills.

Tennessee District Attorneys General Conference Pro Tem Working Committee, 2015-2017.

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 2013, I was a recipient of the President's Award, given by the Tennessee District Attorneys General Conference. The award is given in recognition of "Exceptional Service to the Criminal Justice System of Tennessee, the Tennessee District Attorneys General Conference and the citizens of Tennessee." I received the award for my participation in and work with the Trial Advocacy Committee in developing and implementing the Trial Advocacy Course presented

yearly by the Tennessee District Attorneys General Conference.

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.

In the August of 2017, the General Sessions Courts of Davidson County had an opening for the referee position for the Environmental Court, appointed by the General Sessions Court judges. I applied and interviewed for the position.

**ESSAYS/PERSONAL STATEMENTS**

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

I had the opportunity to serve the community as an advocate for victims and for the State for more than thirteen years. I have reached a point in my career where I believe my experience has prepared me to serve in the role of judge, which will allow me to continue to serve the community as a whole, while allowing me the opportunity to positively impact those involved in every case. I have always navigated my cases with the goal of obtaining the best outcome, but also with the intent to do the right thing. I am seeking this position because I would have the opportunity to use my experience and my work ethic to contribute to the community and to guide the administration of justice for each person charged with a crime and each person victimized by crime.

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 judgeship I am seeking is one of six criminal courts for Davidson County. It handles all types of felony offenses and misdemeanors unresolved in General Sessions.

I bring the experience of a longtime criminal trial lawyer who has a firm grasp on the process, procedure and applicable law. I have a strong work ethic and the desire to be fully prepared for every case. My common sense, logic and the desire for a just outcome under the law in every case would contribute to my effectiveness as a judge. Further, my desire for efficiency would assist me in the management of dockets and operation of the courtroom. I would respect the time and circumstances of each victim, witness, defendant, juror and attorney in my court.

I have the temperament necessary to serve as a judge, and I will treat every person in the courtroom with respect, dignity and impartiality.



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. It is not the role of a judge to decide what laws to impose or disregard. I will apply and uphold all laws without hesitation.

As one who respects and appreciates the rule of law, it is difficult to think of a law with which I disagree. While I agree with the purpose of Rule 404(b), I have experienced situations where application of it resulted in frustration at the proof the jury was allowed to hear. Application of 404(b) can result in exclusion or sanitization of evidence, preventing a jury from learning the full circumstances of a crime, which can be frustrating when advocating for the State. Witnesses are sworn to tell the whole truth, then told they may not tell the whole truth to a jury.

I tried an aggravated robbery case in which a hotel clerk was robbed by the same defendant who robbed her several years prior, leading to her immediate recognition and identification of him. Application of 404(b) resulted in the victim only being able to tell the jury she previously had a "memorable interaction" with the defendant, leaving a void as to the context of the victim's statement and how she was affected. My concern was that her seemingly evasive answer might result in a jury discrediting her testimony.

Despite having been frustrated at times by the application of 404(b), I recognize the importance of the rule. The protections it affords the accused are paramount to the objectives of the criminal justice system.

#### 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. Victor S. (Torry) Johnson, III, Professor, Belmont University College of Law. Retired District Attorney General, 20<sup>th</sup> Judicial District.

B. Don Cochran, United States Attorney for the Middle District of Tennessee.

C. Steve R. Dozier, Judge, Davidson County Criminal Court Division I.

D. Mary Tom Hudgens, Retired Director of Education, Tennessee District Attorneys General Conference.

E. Patrick Postiglione, Retired Sergeant, Cold Case Unit, Metropolitan Nashville Police Department.

**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 Criminal Court of Davidson County, Tennessee, Division IV, 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 23, 2018.

Rachel M Stephens  
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.

\_\_\_\_\_  
Rachel M. Stephens  
Type or Print Name

\_\_\_\_\_  
*Rachel M. Stephens*  
Signature

\_\_\_\_\_  
*July 23, 2018*  
Date

\_\_\_\_\_  
022572  
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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