

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

1/31/19

Name: Bonita Jo Atwood

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(including county) Murfreesboro, TN 37129  
Rutherford County

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Rutherford County

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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 [ceesha.lofton@tncourts.gov](mailto:ceesha.lofton@tncourts.gov), or via another digital storage device such as a flash drive.

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

**PROFESSIONAL BACKGROUND AND WORK EXPERIENCE**

1. State your present employment.

Attorney in private practice with Atwood & Moore

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

Licensed 1986 BPR#011981

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.

Licensed in Tennessee October 11, 1986, BPR#011981

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).

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).

I began my practice at Henry, Kious & Hall in 1986 - 1988. In 1988, I became a sole practitioner, B. Jo Atwood law firm. In 1995, I brought in Mark S. Moore as a partner, and the firm became known as Atwood & Moore. All of these have been in Rutherford County.

May 1985 to October 1986, I was a law clerk at Henry, Kious & Hall

May 1979 - 1985, I was a Commercial Loan Officer and Compliance Officer, L & D Supervisor at First Tennessee Bank.

1977 – 1979, I was an employment counselor Tennessee Department of Labor and Workforce

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

My practice focuses on several areas of law with the major areas as follows: Litigation (Contract, Estates, Personal Injury) – 20%; Probate/Estate – 20%; Business Formations and Transactions – 20%; Wills/Trusts/Estate Planning – 20%; Family Law – 15%; Elder Law – 5%.

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.

Over my 33 year career, I have been fortunate enough to represent over 7,000 clients concerning domestic issues, contractual disputes, personal injury, mergers and acquisitions, probate, contested estates, formations of LLC's, C corporations, Sub S corporations, adoptions, conservatorships, preparation of wills, trusts, administrators, executors, fiduciaries, estate planning, elder law, medical malpractice and construction law. These cases include representation in Chancery, Circuit, Juvenile, General Sessions and Probate courts in numerous counties. The nature of my practice allows me to represent individuals, families and small businesses in all facets of their personal and business lives from transactional matters to litigious matters. It is a general practice that harkens back to my days growing up in a rural area where neighbors help neighbors and family takes care of family.

One of my most memorable cases involved a Vietnam veteran I was representing in a personal injury case. During the war, he suffered life threatening injuries, and two years prior to his accident, he was diagnosed with Post Traumatic Stress Disorder. The accident exacerbated his PTSD, yet the insurance company refused to acknowledge this. With only \$3,000.00 in medicals, the settlement offer was unacceptable. In mediation, I was able to obtain my client the sum of \$85,000.00 in damages. No amount of money could compensate my client for the injuries he suffered for our country, but at least this amount provided a fair compensation for the injuries suffered from the accident.

During my years at First Tennessee Bank, I worked with customers who are still my clients to this day. One client called me because he and his wife were concerned about an elderly friend. She was a childless 80-year old widow, whose niece was evidently taking advantage of her. An investigation revealed that the niece, as her agent through power of attorney, had placed the widow in a nursing home. At the time of our first meeting, I noticed the widow's feet were severely ulcerated and bleeding. The investigation revealed her niece, had stolen, converted and misappropriated more than \$100,000.00 of her aunt's assets, leaving with her with only \$5.00 in her checking account. An action was brought against the niece. Unfortunately, she filed bankruptcy during the pendency of the suit. The widow had no one to assist her; my office and I worked to obtain her part-time care in her condo, and continued to assist her by buying groceries, taking her to her doctor's appointments, obtaining her prescriptions, cleaning her condo, and performing other needs she had. She had no one, and I could not abandon her simply because

she did not have the ability to pay an attorney.

When I first began the practice of law, there were very few female attorneys. I faced many challenges in the early years of my practice as one of the few female attorneys in this area. I was often the only female attorney in the courtroom, but that did not diminish my desire to practice law and help people in need. I have tried to display the best comportment in the courtroom, as well as in life, to be a positive role model for young up-and-coming female attorneys.

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

My client had an investigation opened by the Department of Children Services. He allegedly had thrown and struck his 15-year old daughter in the face with a soda can. DCS referred the matter to the District Attorney and my client was charged with child abuse. In an interview, the minor child recanted her story, and advised she had told her DCS counselor 3 months after the charges of child abuse that she had fabricated her story. After conversations with the DCS attorney, it became apparent the DCS counselor had withheld information about the daughter's fabrication of the story. The minor child had fabricated the story in order to reside in the same home as her boyfriend. Based upon my investigation, the DCS attorney agreed to dismiss the complaint. Further, the criminal charges were also dismissed as a result of the information I had obtained, as to the fabrication of the story. This case is of special note because it shows an attorney should always zealously represent their clients. If this complaint had been allowed to proceed, then my client would have lost his teaching position and face the possibility of incarceration.

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

During my 33 years of practicing law, I have tried a plethora of cases and represented a diversity of clients; yet, I possess an avidity for cases that continue to help those in need, and in turn, provide opportunities to "pay it forward." A good friend, client, and fellow church member received \$2,500,000.00 from her father and will inherit another \$2,500,000.00 upon his death. She chose to give all the money to charity. I represented her in the formation of a non-profit foundation which will solely benefit children and their educational pursuits. After the approval as a 501(c)(3) by the IRS, I have continued to represent the board as their attorney. The practice of law allows me to help a client in the best of times and the worst of times.

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

None

**EDUCATION**

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

Tennessee Tech University – Bachelor of Science- cum laude	1973-1976
Middle Tennessee State University – Graduate Studies	1981-1982 (Left to attend law school)
Nashville School of Law – Doctorate of Jurisprudence	1982-1986

**PERSONAL INFORMATION**

12. State your date of birth.

64 ██████████, 1955
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13. How long have you lived continuously in the State of Tennessee?

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

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

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

approximate date, charge and disposition of the case.

No

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

No

19. Please identify the number of formal complaints you have responded to that were filed against you with any supervisory authority, including but not limited to a court, a board of professional responsibility, or a board of judicial conduct, alleging any breach of ethics or unprofessional conduct by you. Please provide any relevant details on any such complaint if the complaint was not dismissed by the court or board receiving the complaint. You may wish to request a report from the appropriate supervisory authority (or authorities) for a complete history.

I responded to a complaint in 2014 and 2019. The 2014 matter involved a probate case in which the complainant was not an heir or beneficiary of the estate but was attempting to intervene in the case. The Judge dismissed her petition and the board dismissed the matter.

The 2019 matter involves a conservatorship, in which the trial judge appointed me as the Conservator in 2017 for a 79-year old gentleman with a diagnosis of dementia. The appointment was necessary due to theft, conversion and misappropriation of the father's assets in the amount of approximately \$577,000.00. I spoke with Eileen Smith, with the Board, and she advised the matter was still on her desk and she had not looked at it in months.

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.

Yes. Divorce case involving prior spouse. The Final Decree was entered in 1986 in the Circuit Court for Coffee County Case No. 21346.

A 2010 case involving a real estate closing in which the closing was conducted by my partner, Mark S. Moore. Prospect Mortgage, LLC v. James Johnson, KAP, LLC as Trustee of the 125 Shiloh Lane Trust dated July 8, 2009, Atwood & Moore, Attorneys at Law, First American Title Insurance Company and William Bone. A directed verdict was granted by the judge for the Defendants, at the close of the Plaintiff's proof, in the Chancery Court for DeKalb County Docket No. 2010-128 and the case was dismissed.

A 2018 case involving cyber theft in which a real estate closing was conducted by my partner, Mark S. Moore. Mary G. Fann v. Atwood & Moore, Attorneys, Circuit Court for Rutherford County, Case No. 73955. The real estate paralegal's email with First American Title Insurance Company was breached resulting in the redirection of emails. Following the breach, I engaged a cyber security firm to conduct an audit of our IT systems to determine what steps to take to address the possible weaknesses in our systems. Upon the recommendations of the cyber security firm, I hired an outside IT firm to harden our system against attack by installing and maintaining advanced anti-virus and anti-malware software, substantially upgraded firewall, bi-costal system back-ups and continuous monitoring of our systems for suspicious activity. I instituted new policies and procedures for the handling and safeguarding of personally identifiable information which came into the possession of my firm which included encrypted email, encrypted facsimile transmissions and receipt, and a secure portal for document sharing with clients and other attorneys. The case was dismissed by an Agreed Order on October 30, 2018.

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.

North Boulevard Church of Christ – Amazing Grace class rotating teacher

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.

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.

Middle Tennessee Lawyers Association for Women (charter member)

Rutherford/Cannon County Bar Association

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.

2017 Main Street Award for Best Attorney

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.

Not Applicable

**ESSAYS/PERSONAL STATEMENTS**

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

To serve as the Circuit Court Judge for the people of Rutherford and Cannon Counties would allow me, at this juncture of my 33 years of law practice, to humbly and honorably serve in a capacity where my experience and knowledge of law would benefit all parties who are required to participate in the pursuit of justice in the Circuit Court.

I am confident that the judiciary temperament that I will adhere to, will enable me to efficiently and effectively execute judgements that reflect my respect for the court, the litigants, and most importantly the law.

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 to be appointed Judge for the 16<sup>th</sup> Judicial District Circuit Court serving Rutherford and Cannon counties. If selected, based upon my experience, I would immediately be prepared to hear cases. I have handled a variety of cases over my past 33 years. There are five circuit judges including this position. I would be able to efficiently and judiciously hear cases.

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 always uphold the law even if I disagree with the substance of the law at issue. Personal injury cases, contractual deposes and other matters do not require the Plaintiff to give a sixty (60) day notice to the Defendant before the filing of a compliant; however, medical malpractice cases require a sixty (60) day notice. The above referenced matters also do not require the plaintiff to file a certificate of good faith; however, a medical malpractice case requires the Plaintiff to file a certificate of good faith in which expert testimony is required. The necessity of giving a health care provider a sixty (60) day notice before the filing of a compliant and then requiring the filing of a certificate of good faith appears to give the health care provider an unfair advantage and places the Plaintiff at a disadvantage.

**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

<p>A. Robert Adams          [REDACTED] Dr.          Murfreesboro, TN 37129          [REDACTED]</p>	<p>Chairman of the Board National HealthCare Corporation</p>
<p>B. Shane Reeves          [REDACTED]          Murfreesboro, TN 37129          [REDACTED]</p>	<p>Senator for District 14</p>
<p>C. Major General Jeff Holmes          [REDACTED]          Lascassas, TN 37085          [REDACTED]</p>	<p>Commissioner/The Adjutant General Department of Military</p>
<p>D. Joe Carr          [REDACTED]          Lascassas, TN 37085          [REDACTED]          [REDACTED]</p>	<p>Assistant Commissioner, Administrative Services</p>
<p>E. William R. O'Bryan, Jr.</p>	<p>Attorney - Butler Snow</p>

The Pinnacle at Symphony Place  
[REDACTED]  
Nashville, TN 37201  
[REDACTED]

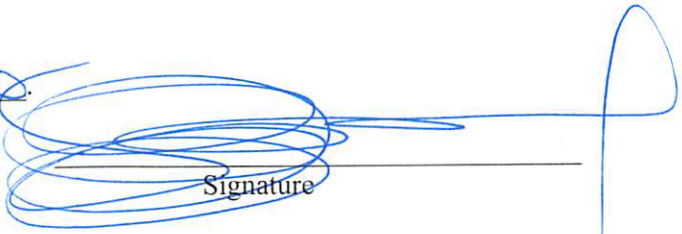
**AFFIRMATION CONCERNING APPLICATION**

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 Circuit Court for the 6<sup>th</sup> Judicial District of Tennessee, and if appointed by the Governor and confirmed, if applicable, under Article VI, Section 3 of the Tennessee Constitution, 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 application with the Administrative Office of the Courts for distribution to the Council members.

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

Dated: January 6, 2020.

  
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Signature

When completed, return this questionnaire to Ceessa Lofton, 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.

Bonita Jo Atwood  
Type or Print Name

[Handwritten Signature]  
Signature

January 6, 2020  
Date

011981  
BPR #

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

State of Tennessee Department of Commerce and  
Insurance Title Insurance License # 680475

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