

Tennessee Judicial Nominating Commission
Application for Nomination to Judicial Office

Rev. 25 August 2011

Name: Steven P. Westbrook

Office Address: 3326 Aspen Grove Dr. # 604
(including county) Franklin, TN 37067

Office Phone: 615-435-8400 Facsimile: 615-435-8401

Email Address: swestbrook@sandwlaw.com

Home Address: [REDACTED]
(including county) [REDACTED] Williamson, [REDACTED]

Home Phone: [REDACTED] Cellular Phone: [REDACTED]

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.

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

PROFESSIONAL BACKGROUND AND WORK EXPERIENCE

1. State your present employment.

Steltemeier & Westbrook, PLLC, 3326 Aspen Grove Drive, # 604, Franklin, TN 37067

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

2000 BPR# 021079

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.

Tennessee

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).

Steltemeier & Westbrook, PLLC; Attorney

A&D Market; Co-Owner

Investor's Federal Savings Bank; Mortgage Originator

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.

Creditor's Rights – 95%

Real Estate/Estate Planning/General Practice - 5%

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.

The vast majority of my litigation experience has been in the area of Creditor's Rights. I have and continue to represent creditors in both commercial and consumer collections. As a result of a heavy concentration in this area, I also encounter various aspects of contract law as well as agency issues. All of my experience has been in either Circuit, Chancery or General Sessions. One of the important lessons that I have learned from this type of practice is that a lot of conflicts can be resolved by addressing all issues prior to trial. This benefits both the parties involved and the court in that many issues can be resolved and, thus, the only issues brought before the court are truly in need of litigation and have been narrowed appropriately. Not only does this approach reduce necessary court resources, it also reduces a need for cases to be appealed as it allows the trial court to focus on issues that have been narrowed by the parties.

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

Not Applicable

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.

None

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

I am considered the Managing Partner of Steltemeier & Westbrook, PLLC. As such, I am and have been for years, responsible for day to day operations of a law firm that currently has seven attorneys and nine support staff. This involves all types of human resource, operations, compliance and mentoring issues. This also requires me to stay abreast of legal issues outside of my focus of practice.

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.

None

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.

University of Tennessee, Bachelor of Science – Communications, 1980-1985

Nashville School of Law, Doctorate of Jurisprudence, 1996-2000

PERSONAL INFORMATION

15. State your age and date of birth.

49, June 25, 1962

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

Forty- Nine Years

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

Forty-Three Years

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

Williamson

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.

Yes, First Offense DUI, 1984. General Sessions, Williamson County, TN, Guilty Plea

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.

No

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.

Franklin First United Methodist Church and the Franklin/Williamson County Chamber of Commerce.

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.

No

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.

Nashville Bar Association (2001-2006), Tennessee Bar Association (2001-2006), Williamson County Bar Association (2011)

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.

Not Applicable

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

Not Applicable

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.

Not Applicable

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.

None

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

No

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.

The first writing sample is a Motion to Strike Answer and for Default Judgment. The Motion was granted by the Court. It is self-explanatory and the result of a Defendant's failure to answer certain Discovery Requests. (Exhibit 1).

The second writing sample is an Answer to a Motion that is also self-explanatory. The Defendant's Motion was denied based on my response. The Foreign Judgment was duly registered and the Judgment was satisfied in full. (Exhibit 2)

Both of the writings represent 100% of my own personal effort.

ESSAYS/PERSONAL STATEMENTS

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

I realize that I am fortunate to live in one of the great counties and states in the country. Our quality of life is continually challenged from many different forces. I would like to serve the public to the best of my ability to help maintain and improve our quality of life, while helping build confidence in the fairness of our judicial system. Further, we tend to get so caught up in our daily lives that we need to remember that almost every litigant that appears in court has very little experience with the judicial system and that it is probably one of the most important and traumatic events in their lives. Members of the bar should always remember this regardless of how many times we have seen a situation or how insignificant it may appear to us.

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)*

While I have not been a member of a pro bono organization, I have certainly provided pro bono service. I have always been more than willing to help anyone that needed legal help that I could provide regardless, of their ability to pay. Most of these referrals have come from a variety of

sources including family, friends, colleagues and general acquaintances. Since many of these situations start with "I have a friend that needs some help," it is impossible to speculate on the number of instances or the amount of time devoted. My pro bono service has ranged from giving advice to drawing contracts to handling litigation.

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)*

Circuit Judge of the 21st Judicial District, which currently has four Judges. I am a firm believer in the old adage that there are two sides to every story. Thus, I strongly believe that both parties are entitled to their day in court. I am very resistant to rush to judgment. I believe any decision should be well thought out after everything is carefully considered. Once the decision of the Court has been rendered, we need to make sure that justice is served in both the Judgment and the Punishment. From both a procedural and practical standpoint, I submit that justice is best served when there is consistency from the bench and cohesion from the judiciary. This benefits everyone, not only the litigants but also the clerks of the court and their staffs, which obviously work closely with the judiciary and need that consistency.

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)*

I am a current member of the First United Methodist Church, the Williamson County Bar Association and the Williamson County/Franklin Chamber of Commerce. I have also been a volunteer at the Williamson County Fair. I will be open to any community involvement as long as it does not create even an appearance of a conflict of interest.

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)*

I began attending law school at the Nashville School of Law in 1995. At that time, I was Thirty-three years old, had been married about one year and had two wonderful twin step-daughters that were beginning high school. They participated in Basketball, Softball, Football Cheerleading and Competition Cheerleading. It was very important to me to attend all of the high school functions. This required a great deal of time in addition to being a husband, attending law school at night and working full time. However, I would not change one thing as those memories are priceless and irreplaceable. It also taught me the much can be accomplished if you are willing to work diligently and prioritize your time appropriately.

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, without question. I advised a client not to pursue a claim for money that he was owed. Based on the circumstances and facts that would have been presentable to the court, the law would have mandated that the original transfer of money was a gift. My client did not intend it to be that way but the evidence and law did not support my client's position. Therefore, it would have been a waste of resources for the potential parties and court to pursue the matter.

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. Dave Crouch, Aspen Grove Asset Management, Financial Adviser/Registered Principal, 3326 Grove Drive, Suite 602, Franklin, TN 37067, 615-778-9842.

B. Jeff Long, Williamson County Sheriff, 408 Century Court, Franklin, TN 37064, 615-790-5560.

C. Elaine Anderson, County Clerk for Williamson County, 1320 West Main Street, Suite 135, Franklin, TN 37064, 615-790-5712.

D. Sadie Wade, Register of Deeds for Williamson County, 1320 West Main Street, Suite 201, Franklin, TN 37064, 615-790-5706.

E. Larry L. Westbrook, Steltemeier & Westbrook, PLLC, Attorney, 3326 Aspen Grove Drive, Suite 604, Franklin, TN 37067, 615-435-8400.


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] Twenty-First Judicial District 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: SEPT. 20, 2011.



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

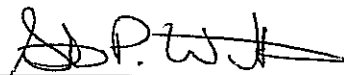
TENNESSEE BOARD OF PROFESSIONAL RESPONSIBILITY

WAIVER OF CONFIDENTIALITY

I hereby waive the privilege of confidentiality with respect to any information which concerns me, including 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, and I hereby authorize a representative of the Tennessee Judicial Nominating Commission to request and receive any such information.

Steven P. Westbrook

Type or Printed Name



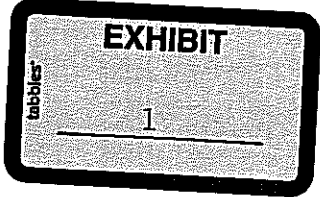
Signature

September 20, 2011

Date

021079

BPR #



IN THE CHANCERY COURT FOR WILLIAMSON COUNTY, TENNESSEE,
AT FRANKLIN

DAVIDSON PRINTING CO.,
Plaintiff,

vs.

Case No. 28577

MARC MICHAELS, GUARANTOR FOR
COUNTRY MUSIC LIVE,
Defendant.

MOTION TO STRIKE ANSWER AND FOR DEFAULT JUDGMENT

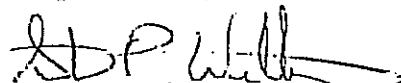
Plaintiff would move this court pursuant to Rule 37.02(c) of the Tennessee Rules Of Civil Procedure for an Order striking Defendant, Marc Michaels', Answer to Plaintiff's Complaint and to enter a judgment by default in favor of Plaintiff against Defendant.

1. Defendant was served with a copy of the Complaint on May 6, 2002.
2. Defendant filed an Answer And Counterclaim denying the allegations in the Complaint but alleging no issues for the Counterclaim on May 31, 2002.
3. Interrogatories were sent to the Defendant Marc Michaels, Guarantor for Country Music Live, on November 13, 2002.
4. The Defendant, Marc Michaels, failed to answer or otherwise respond to Plaintiff's Interrogatories And Request For Production Of Documents.
5. Plaintiff was granted an Order To Compel against Defendant for Defendant's failure to answer Interrogatories And

Request For Production Of Documents on October 7, 2003.

WHEREFORE, PLAINTIFF PRAYS: That an Order be granted striking Defendant's Answer to the Complaint, that Defendant's Counterclaim be dismissed, and that Plaintiff be awarded a Default Judgment in the amount of One Hundred Fifty-four Thousand Four Hundred Eighty-seven and 76/100 (\$154,487.76) Dollars plus pre-judgment interest of 10% from October 3, 2000, plus reasonable attorney's fees and court costs.

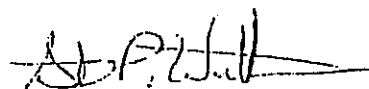
Respectfully submitted,



STEVEN P. WESTBROOK #21079
Counsel for the Plaintiff
STELTEMEIER & WESTBROOK
2002 Richard Jones Rd., C-101
Nashville, Tennessee 37215-0349
Phone: (615) 383-3327

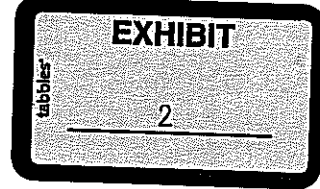
CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing document was mailed to the defendant, Marc Michaels, Country Music Live, 5208 Crowder Road, Franklin, Tennessee 37064, on this the 13th day of Jan, 2004.



Steven P. Westbrook

THIS MOTION IS EXPECTED TO BE HEARD
JANUARY 28, 2004, AT 9:00 A.M.



IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

SPORTSLINE DISTRIBUTORS, INC.)
A Corporation,)
)
Plaintiff,)
)
vs.)
)
ESSEX TECHNOLOGY GROUP, INC.,)
A Corporation and CHRISTOPHER)
DAWSON, Personal Guarantor,)
)
Defendant.)

No. 06-230-II

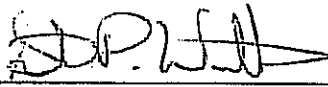
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CLERK & MASTER
DAVIDSON CO. CHANCERY CT.
D.C. & M.

FILED

ANSWER TO DEFENDANT'S MOTION TO SET ASIDE
ILLINOIS JUDGMENT

Comes the Plaintiff, Sportsline Distributors, Inc., ("Sportsline") and opposes Defendant's Motion to set aside the Illinois Judgment that was entered by the Circuit Court of Cook County, Illinois, First Municipal District. Sportsline submits that the judgment granted by the Circuit Court of Cook County, Illinois, was just as said court had a basis for personal jurisdiction over Defendant, Essex, and the judgment is enforceable.

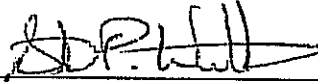
Therefore, Plaintiff respectfully moves this court to dismiss Defendant's Motion to Set Aside the Illinois Judgment.



Steven P. Westbrook #21079
Attorney for the Plaintiff
STELTEMEIER & WESTBROOK, PLLC
3326 Aspen Grove Drive, Suite #604
Franklin, Tennessee 37067
Phone: (615) 435-8400
Fax: (615) 435-8401

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Answer has been mailed to the Defendant's Attorney, Kevin C. Baltz, MILLER & MARTIN PLLC, 1200 One Nashville Place, 150 Fourth Avenue North, Nashville, Tennessee 37219-2433, on this the 15th day of May, 2006.



Steven P. Westbrook

**IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE**

**SPORTSLINE DISTRIBUTORS, INC.)
A Corporation,)**

Plaintiff,)

vs.)

Case No. 06-230-II

**ESSEX TECHNOLOGY GROUP, INC.,)
A Corporation and CHRISTOPHER)
DAWSON, Personal Guarantor,)**

Defendant.)

MEMORANDUM OF LAW

The Plaintiff, Sportsline Distributors, Inc. ("Sportsline"), submits its Memorandum Of Law in support of its response to deny Defendant's Motion to Set Aside the Illinois Judgment of Default entered by the Circuit Court of Cook County, Illinois. Sportsline admits the facts as stated in Defendant's Memorandum Of Law in support of Motion To Set Aside Illinois Judgment to the extent that Plaintiff admits Illinois Judgment was entered in the Circuit Court of Cook County, Illinois on June 16, 2005 as a result of alleged breach of open account agreement entered into by the parties. Sportsline further admits that Essex is not registered to do business in the State of Illinois. However, Sportsline submits that Essex did avail itself to the jurisdiction of the Illinois Courts. Therefore, the Courts of Cook County, Illinois, could exercise jurisdiction over the Defendant in this matter.

LEGAL ANALYSIS

1. Sportsline agrees that enforcement of a Foreign Judgment in Tennessee is governed by the Uniform Enforcement of Foreign Judgment Acts, TENN. CODE ANN. § 26-6-101 et seq. In

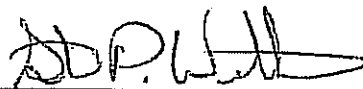
this case, the Illinois Judgment that was entered is proper as that Court could exercise jurisdiction over Essex. As discussed below, Essex did meet the minimum contacts required for the Courts of Illinois to exercise personal jurisdiction. Therefore, the judgment entered by the Cook County, Illinois Court was proper, that judgment should receive full faith and credit from this Court and Defendant's Motion to Set Aside the Illinois Judgment should be denied.

2. As stated by Defendant's Motion, the Illinois Long Arm Statute provides, in pertinent part, in § 2-209(7) "the making or performance of any contract or promise substantially connected with this state." In addition, a state may exercise personal jurisdiction over a non-resident defendant consistent with due process when the defendant has "certain minimum contacts with the foreign state". *International Shoe Company v. State of Washington*, 326 U.S. 310, 316.

Due process requirements and "minimum contacts requirements" were met when defendant completed the Credit Application for Terms with Sportsline. Further, Essex agreed to make payments to Sportsline at Sportline's office in Northbrook, Cook County, Illinois.

CONCLUSION

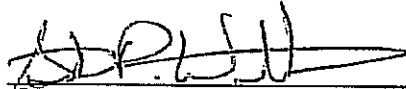
For the aforementioned reasons, Essex Motion to Set Aside the Illinois Judgment should be denied as the Illinois Judgment was properly granted. Also, the Illinois Judgment in favor of Sportsline should be given Full Faith and Credit in this honorable Court.



Steven P. Westbrook #21079
Attorney for the Plaintiff
STELTEMEIER & WESTBROOK, PLLC
3326 Aspen Grove Drive, Suite #604
Franklin, Tennessee 37067
Phone (615)435-8400
Fax (615)435-8401

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Memorandum of Law has been sent to the Defendant's attorney, Kevin C. Baltz, MILLER & MARTIN, PLLC, 1200 One Nashville Place, 150 Fourth Avenue North, Nashville, Tennessee 37219-2433, on this the 15th day of May 2006.

A handwritten signature in black ink, appearing to read 'S.P. Westbrook', written over a horizontal line.

Steven P. Westbrook