

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

1/17/23

Name: Morgan E. Smith

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(including county) Davidson 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 Microsoft Word 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 Microsoft Word 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. Your complete application, including both the original and digital copies, must be received by the Administrative Office of the Courts on or before the deadline prescribed in the Notice of Vacancy. See section 1(g) of the application instructions for additional information related to hand-delivery of application packages.

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

PROFESSIONAL BACKGROUND AND WORK EXPERIENCE

1. State your present employment.

Self-Employed at the Law Office of Morgan Smith. I practice family law, employment law, and civil litigation in the state and federal courts of Middle Tennessee.

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

2007 BPR # 026601

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.

District of Columbia, DC Bar I.D. 991694 12/07/2009 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).

2008 – The International Criminal Tribunal for the Former Yugoslavia – The Hague, Netherlands – licensed intern/clerk at Office of the Prosecutor, Popović et al prosecutorial team – drafted legal memos for 98bis, assisted with witness and trial preparation, conducted evidence analysis, independently researched and analyzed international and domestic case law.

2008 - 2009 – American Legal Search - Contract Attorney for Wilson & Sonsini and Steptoe & Johnson – Washington, DC – completed second level QC review, prepared privilege logs and document redaction of privileged and confidential evidence, completed deposition digesting for complex civil litigation matters.

2009 - 2010 – Contract Attorney, State of Tennessee, Daniels Reverification Project – Nashville, Tennessee – Due Process and other constitutional reviews of TennCare appeals for the

reverification of members of the Daniels class.

2010 - 2011 – Dundon+Smith, PLLC – Nashville, Tennessee – general practice law firm, primarily civil law.

2011 - present – Self-Employed at the Law Office of Morgan Smith – Nashville, Tennessee – primarily family law, employment law, and civil litigation. I handle civil litigation matters from start to finish.

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 present practice consists of 75% domestic law and 25% in other civil litigation areas. While I have extensive experience with civil juvenile court matters and dependency and neglect matters, my primary practice area is divorce, and specifically contested divorces. Approximately 50% of my practice at present involves divorces in circuit or chancery courts. The remaining 25% of my family law cases at present consist of dependency and neglect matters, prenuptial agreements, adoptions, appeals, and custody modifications. In regard to civil litigation outside of family law, I currently have open cases in the legal areas of employment, implied partnership/partition, and defamation law.

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.

My experience as an attorney has been exciting and intellectually stimulating. I was incredibly lucky that my first official position as a licensed attorney was in the Hague where I had the opportunity to work with former Department of Justice attorney Peter McCloskey and his trial team at the International Tribunal for the Former Yugoslavia (“ICTY”). At the ICTY I was assigned to the office of the prosecutor and assigned to the Mr. McCloskey’s team prosecuting The Prosecutor v. Popović et al, IT-05-88. I worked specifically in the subject matter area of forcible transfer. The Popović trial group (which was nicknamed “Team America” because it was heavily staffed with former U.S. Department of Justice attorneys) went on to obtain convictions on multiple counts from the ICTY in 2010, and all defendants were found guilty of forcible transfer. In addition to just being a unique and special opportunity as a new attorney, this experience really helped me gain a big picture perspective early on given the difficult subject matter and has helped me focus on what actually matters (especially with the stress of high conflict divorce litigation). After the Hague, I spent a little over a year in the District of Columbia contracting for large civil litigation firms before I decided to return to Nashville to make it my home. My first position in Tennessee was contracted with the State of Tennessee for the Daniel’s reverification project which involved the large application of individual facts to strict statutory guidelines and constitutional law issues. Since leaving this position in 2010, I have practiced in general civil litigation with a high percentage of my cases in the area of family

law and employment law. I initially formed an LLP with another attorney in 2010 and I formed my solo practice in 2011. Since opening my own office in 2011, I have had extensive experience in the trial courts and I am frequently before the courts of Davidson County. I have been involved in over 100 adjudicatory hearings or trials of varying lengths, primarily as the first chair and primarily bench trials. I am a regular on the Friday dockets in Third and Fourth Circuit in Davidson County, Tennessee, and appear regularly in Williamson County, Sumner County, Wilson County, and Montgomery County courts. While I certainly never plan to be in this position I could handle a domestic motion hearing blindfolded with my hands tied behind my back due to my enormous amount of experience in family law. I have first chaired eight appeals in the Middle District of Tennessee including oral arguments on five. I also practice in federal court and I am admitted to the Middle District of Tennessee. I average 1-2 federal cases per year. My experience with administrative bodies since I became a licensed attorney is limited to appeals of substantiations with the Department of Children's Services, TennCare appeals, and Social Security appeals.

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

My extensive experience appearing in front of our courts is of special note. At this point in my career, I have had my hands on almost everything domestic law. While every individual is different, it is rare for me to encounter anew legal issue in a domestic case. My experience in federal court, in different counties, in front of the Court of Appeals, and in different courts within Davidson County gives me a unique perspective that I think would be positive for the Third Circuit. Domestic practice is a taxing and stressful area in an already stressful profession, and this causes many attorneys to move into other practice areas or professions. There are not many attorneys who reside in Davidson County with my level (or greater) of domestic litigation experience. In addition to litigating, I am a Rule 31 Family Law mediator and I completed collaborative law training.

Although my preference if I am appointed would be for the Third Circuit Court to continue to hear primarily domestic matters, I do have experience in other civil areas and would be able to pivot, especially with ancillary subject matters like implied partnerships and partitions, or employment cases. Domestic judges frequently must handle business issues and financial documents, and my general practice led me to better understanding of these issues than if I solely practiced family law for the entirety of my career. I have an active practice and I am an active member of the bar practicing in Third Circuit. I am here in the trenches with the attorneys that would be appearing in front of me, and I am working with the same type clients and problem-solving through the same issues that would likely appear before me in the Third Circuit Court. I doubt I will ever forget what it's like to handle these matters and I would take that knowledge and experience and use it to the benefit of the attorneys and litigants who appear before me under enormous stress while they navigate their way through domestic litigation.

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

attention of the Commission.

I attended the Institute for Conflict Management at Lipscomb University to become a Rule 31 Listed Mediator. I have been a Rule 31 Listed Mediator in the area of family law since 2019. I am an IACP trained collaborative professional. I previously held top secret security clearance from legal work with the Department of Alcohol Tobacco and Firearms prior to being a licensed attorney. I received specific training from the DC Bar on representing victims of domestic violence.

I have taught several CLEs both for lawyers and mediators in the areas of ethics, office administration, and reproductive law.

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

None prior.

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.

Vanderbilt University School of Law –2004-2007 – Juris Doctor

New College of Florida – 2000-2004 – Bachelor of Arts in Classics

Bellarmino University – 1998-2000 – dual-enrollment during High School, elected to go elsewhere for college

PERSONAL INFORMATION

12. State your date of birth.

October 20, [REDACTED]

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

17 years

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

17 years

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

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.

None

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.

See attached report from TNBPR. All complaints were dismissed after investigation.

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, but all have been dismissed and were frivolous.

2:16-cv-03250 Udeme Edoho-Eket v. Alastair Perryman; Davidson County Juvenile Court Judge Sheila Calloway; the Tennessee Department of Children's Services, Child Support Enforcement; Vanderbilt University, Morgan Smith, Jeffrey Levy, Jill Overton, Carrie Mason, Jenny Bradford; Nashville Police Department. Dismissed with prejudice pursuant to §1915(e)(2) review prior to service. Filed 12/15/16 closed 01/27/2017. Middle District of Tennessee. Summary Cause: Civil Rights Act alleging conspiracy by all prior counsel and named entities.

2017-CV-6447 – Richard N. Turner v. Lauren Wilson Castles and Morgan E. Smith. Dismissed with Prejudice. Filed 05/08/2017 Closed 07/26/2017. Lawsuit filed by the former father-in-law of a client along with the opposing party's legal counsel. Circuit Court for Cheatham County, Tennessee. Alleged misconduct by legal counsel for the parents for entering a settlement agreement that the father-in-law did not agree with (father-in-law was not a party).

24C1773 Robert Gordon v. Law On Your Schedule, PLLC, Morgan Smith, Esq., Law Office of Trudy Bloodworth PLLC, and Trudy Bloodworth. Dismissed with prejudice on motions to dismiss as to all parties. Filed 07/23/2024, closed after mandate dismissal from Appellate Court on 08/05/2025. Davidson County Circuit Court. Summary Cause: frivolous malpractice claim filed by incarcerated former client after he lost at trial while representing himself pro se; actions also filed against opposing counsels and other attorneys who represented him in Williamson and Davidson Counties, all dismissed. An appeal was attempted to be filed under case number M2024-01927-COA-R3-CV but the litigant was denied filing due to unpaid court costs on other frivolous actions filed in the Court of Appeals of Tennessee against other persons.

3:25-cv-00158 Robert C. Gordon, # 65920 v. Morgan Smith, Trudy Bloodworth, Cherie Cash-

Kristinus, Cara Gruszecki, and Choctaw Nation of Oklahoma. Dismissed with prejudice pursuant to §1915(e)(2) review. Filed 02/11/2025 closed 08/19/2025. Middle District of Tennessee. Summary Cause: Indian Child Welfare Act (continuation of previously dismissed state claims).

To ensure full disclosure, there was an additional action (Petition for Order of Protection) filed against me in Sumner County that is being expunged after a finding it was filed in bad faith by an opposing party as part of her pro se litigation strategy. The same opposing party attempted to join me in a lawsuit in the Northern District of Alabama, 6:25-cv-00979-ACA, Summer Lyons v. Joshua W. Lyons, the Circuit Court of Sumner County Tennessee, the Tennessee Court of Appeals, the State of Tennessee, and Joe H. Thompson, however, I was terminated by the federal court as a party prior to service and it is not clear if an action has actually been filed against me or if the attempt was unsuccessful.

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's Political Collaborative

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.

At various times in my legal career I have been a member of the Nashville Bar Association, the

Tennessee Bar Association, the American Bar Association, the Tennessee Trial Lawyers Association, the American Constitutional Society, the American Association for Justice, and the Lawyers' Association for Women. I served on the Committee for Continuing Education for the Nashville Bar Association in 2015 and 2016, and on the LRIS committee for the Nashville Bar Association as the committee chair in 2015. I am currently a member of all of the listed groups except for the American Association for Justice.

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.

Nashville Bar Association Homerun Hitter 2011, Super Lawyer Mid-South 2024 and 2025

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)*

I love the law, and I feel I have the appropriate temperament and personality to be an effective judge. My experience with the members of the bar and my experience in private practice provides the scope of knowledge and familiarity needed to effectively meet the challenges facing the Third Circuit bench. Serving as judge will provide a new to give back to my community. My unconventional professional path provided insights and strengths that others may not have, and this position will allow me to use those strengths to serve individual citizens and the members of the bar that helped me on my path. The gracious attorneys that allowed me to sit second chair during trials and proceedings and ask questions afterwards, and the members of the community in which I live, deserve competent, empathetic, and hardworking judges working for them every day in our courts. I am that person.

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 Third Circuit handles domestic matters including divorces, post-divorce matters, parentage, custody disputes, child support, enforcement actions, and dependency and neglect appeals. There are eight circuit judges, with Fourth Circuit Judge Stephanie Williams also hearing domestic matters. Only the Fourth Circuit hears adoption cases. I have experience in all matters

heard by the Third Circuit, and experience with adoptions and dependency and neglect actions. I have filed and defended numerous dependency and neglect petitions from both private litigants and the DCS. The late Judge Smith heard dependency and neglect appeals. These cases are being assigned elsewhere. I am uniquely situated to hear these matters allowing the Circuit Court to again consolidate dependency and neglect cases in one judge. I also have the broadening experience of having appeared before all sitting civil judges in Williamson, Sumner, and Wilson Counties, which will positively impact the court

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)*

Yes. It is not a judge's job to make law, but to interpret the law and apply law to facts. I recently prevailed on an appeal relating to the lack of standing of a third party to contact with a child. There is no standing for a third party regardless of the length and strength of their relationship with the child. With the changes to how people parent, this is difficult for me because frequently that third party was a de facto parent for years, and their removal from the child's life causes trauma. Tennessee's case law and statutes provide no means for de facto parent's to have standing without marriage. I personally disagree. However, it is up to our legislature to make a mechanism for that to occur, not the court, and it is the job of judges to respect and uphold the statutes as written.

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. Melvin C. Everette, former executive director of the General Assembly's Select Oversight Committee on TennCare, [REDACTED] |
| B. Colleen MacLean, Attorney, [REDACTED] |
| C. Douglas Kitchen, Investor, [REDACTED] |
| D. Becky Pollock, Accountant at Scott CPA, [REDACTED] |
| E. Harvey MacDonald, Realtor with eXp Realty and Rule 31 Mediator, [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 [Court] Twentieth 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: September 11, 2025.


Signature

When completed, return this questionnaire to John Jefferson at the 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.

Morgan E. Smith

Type or Print Name

Signature

09/11/2025

Date

026601

BPR #

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

District of Columbia, Bar I.D. 991694