

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

9/8/20

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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. 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, or via another digital storage device such as a flash drive. 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.

Solo practice -- Attorney, August 1993 to date.
Part-Time Municipal Judge -- Pleasant View, TN, November 1997 to date.
Part-Time Tribal Appellate Court Judge – 6 Different Native American Nations (AZ, CA, MI, OK, NE and WI), November 2015 to date (various start dates).
Part-Time Appellate Judge – U.S. Department of the Interior’s Court of Indian Appeals, May 2019 to date.

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

October 1988, TN BPR # 013420

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, October 1988, TN BPR # 013420, 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).

Not applicable.

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).

August 1993 to date, Law Office of Gregory D. Smith – Attorney (solo practice). Clarksville, TN.

August 1989 to August 1993, Richardson & Richardson Attorneys – Associate Attorney. Clarksville, TN.

May 1988 to August 1989, Marks, Marks & Shell Attorneys – Associate Attorney. Clarksville,

TN.

December 1986 to May 1988, City Court for Birmingham, AL – Municipal Magistrate. Birmingham, AL.

Various Dates between 1990 to 2005. Austin Peay State University – Adjunct Professor of Criminal Law and Legal Writing classes. Clarksville, TN.

Various Dates between 1990 to 2005. Daymar College – Adjunct Professor of Criminal Law and Legal Writing classes. Clarksville, TN.

Municipal Court Judge, Pleasant View, TN, 1997 to date.

U.S. Department of the Interior's Court of Indian Appeals, 2019 to date.

Native American tribal appellate judge (6 tribes in 6 states, AZ, CA, MI, NE, OK, and WI), 2015 to date (various start dates).

Tribal Court trial judge (special sitting), Florida (2014).

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.

Criminal Law = 40 %. Family/Juvenile Law = 40%. Appeals = 15%. Other = 5%.

I have a general solo law practice in Clarksville, TN, but that includes judging on the Tennessee municipal court level for over 20 years and my Native American tribal appellate court work. My criminal practice includes both state, military courts-martial, and federal work. The domestic/family/juvenile work is almost exclusively state. I have represented the Clarksville-Montgomery County Regional Airport Authority for over 25 years. I do a large amount of *pro bono* work, mostly for churches and charities.

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.

I am AV rated by Martindale-Hubbell and made Mid-South Super Lawyers in two different categories (2019-2020 = Family Law; 2020-2021 = Appellate). In 2013, I received a blind survey Client Satisfaction Award from Lawyers.com. I've been consistently in Who's Who In American Law since the early 1990s.

Trial courts – I have practiced in state and federal trial courts in the Clarksville, Montgomery County, Tennessee for over 30 years. In that time, I have conducted multiple jury trials that have included about a dozen murder cases. I have represented a former governor (*habeas corpus*), an All-Pro/Super Bowl winner in the NFL (*child custody*), a 3-star General from the U.S. Army (*administrative and family lawyer*), and a two-time college All-American athlete (*estate planning*). What I am most proud of is that in 2001, I was selected as the TBA Harris Gilbert *Pro Bono* Attorney of the Year for Tennessee. I have testified as an expert on post-conviction procedures, Due Process, criminal procedures and appellate procedures in several cases over the years. The two best known attorneys to hire me for this process were David L. Raybin (*author of the Tennessee Practice criminal volumes*) and Jerry Scott (*former Chief Judge of the Tennessee Court of Criminal Appeals*). In 2020, the Montgomery County Juvenile Court, (Barnes, J.), appointed me as Special Master on an extremely contentious case to handle all post-trial procedural motions. In 2020, the Cheatham County Juvenile Court, (Maxey, J.), relinquished all juvenile traffic matters occurring in Pleasant View, TN to the Municipal Court where I preside. In the early 1990s, the Montgomery County Juvenile Court, (Catalano, J.), appointed me as a part-time Juvenile Court Referee, for which I served several years. I also regularly conduct mediations, primarily in family law and domestic cases.

Appellate courts – I have approximately 75 published opinions on cases I participated in. I have presented over 500 appeals in 30+ years. Three cases are U.S. Supreme Court decisions, about a dozen at the Tennessee Supreme Court, and the rest are from various courts of appeals on the state and federal level. As a Native American appellate judge, I have participated in approximately 150-200 appellate decisions. One recent decision from Michigan had the work of one tribal supreme court I serve on praised by the U.S. Court of Appeals for the Sixth Circuit. *See. Spurr v. Pope*, 936 F.3d 478, 487 (6th Cir. 2019), *cert. denied* 140 S. Ct. 850 (2020). In March 2015, I participated in an invitation-only appellate moot court competition put on by Alliance Defending Freedom (*the legal arm of Focus on the Family*). Thirty-two attorneys (teams of 2) from across the U.S. and Canada were invited to participate. The competition focused on First Amendment issues. I have also presented CLE programs on appellate work throughout the years. In 2020, I had four Tennessee appellate cases modified on appeal. I was not trial counsel on any of these cases: *In Re: Maddox F.*, 2020 Tenn. App. Lexis 594 (Tenn. App. E.S. 12/23/2020) (*TPR/adoption*); *State v. Banks*, 2020 Tenn. Crim. App. Lexis 583 (Tenn. Crim. App. 8/25/2020) (*sufficiency of evidence*); *State v. Oxendine*, 2020 Tenn. Crim. App. Lexis 85 (Tenn. Crim. App. 2/12/2020) (*sentencing/probation*); and *State v. Jackson*, 2020 Tenn. Crim. App. Lexis 32 (Tenn. Crim. App. 1/24/2020) (*withdraw of guilty plea*).

Administrative bodies – I have been the attorney for the Clarksville-Montgomery County Regional Airport Authority for over 25 years. I regularly address military/veterans' issues, which are quasi-administrative. While my service on the Court of Indian Appeals could be considered administrative, there is caselaw that states the court is judicial, even though it is housed in the U.S. Department of the Interior. I served two terms as a hearing officer for the Tennessee Board of Professional Responsibility in the mid-1990s.

Legislative/Regulatory bodies – I served on the Tennessee Court of the Judiciary from 2005-2009 pursuant to an appointment by Chief Justice Drowota. In 2004, as president of the

Tennessee Municipal Judges Association (now Tennessee Municipal Judges Conference), I testified as an expert on municipal courts a few times before the Legislature as the General Assembly implemented to Tennessee Municipal Court Reform Act (Tenn. Code Ann. § 16-18-301 *et seq.*). In 2009, on behalf of the Tennessee Municipal Judges Conference (TMJC), I successfully petitioned the Tennessee Supreme Court to modify the rule related to mediation to allow part-time municipal judges to seek Rule 31 mediator status. *See* Tenn. R. Sup. Ct. Rule 31 § 17(i). In 2012, I was the TMJC representative to a Blue-Ribbon Judges Panel called by Chief Justice Clark to review the then-proposed Tennessee Code of Judicial Conduct. As part of this service, I assembled, compiled and indexed all existing Tennessee Judicial Ethics Opinions into a single book. *See Tennessee Judicial Ethics Opinions Handbook* (AOC 2012). In the 1990s, as a courtesy, I occasionally drafted legislation for Senator Carol Rice (R), who had an office on the same floor of the building where my law office was located in Clarksville.

Other – I have served as an advisor for a tribal appellate court that only appoints tribal members and I have sat as a special judge for a tribal trial court in 2014. Also, I have authored about 25 law review articles over the years and have an article set for publication in April 2021 in volume 8 of the LMU Law Review. As a tribal court Chief Justice and the president of the Tennessee Municipal Judges Conference during the COVID-19 pandemic, I have had to address administrative issues of social distancing and litigant safety. I was part of a 3-judge panel for an international COVID-19 webinar put on by the National Judicial College in the late Spring of 2020. Approximately 500 judges from four different continents tuned into this presentation. I also presented for a national webinar for the ABA/National Highway Transportation Safety Administration in 2019. I presented for a national audience CLE webinar on criminal appeals jurisdictions comparing state, federal and tribal courts in March 2021 for *ProLaw, Inc.*

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

In 2014, I was hired by TMJC as the sole author to write the Tennessee Municipal Judges Benchbook (AOC 2014). That book was circulated to all 300+/- TMJC members and used as a drafting guide by several other states looking to create municipal benchbooks. The text was referenced by the Harvard Law Review in 2021. *See* Alexandra Natapoff, *Criminal Municipal Courts*, 134 Harv. L. Rev. 964, 1054 n. 565 (Jan. 2021). In 2020, I co-authored a law review article regarding the Court of Indian Appeals that in January 2021 received praise from the Honorable Kevin Washburn, Dean of the University of Iowa College of Law. Dean Washburn was the Assistant Secretary of the Interior for the Bureau of Indian Affairs during the Obama Administration. (I do not know Dean Washburn). *See* Smith & Plemmons, *The Court of Indian Appeals: America's Forgotten Federal Appellate Court*, 44 Am. Indian Law Rev. 211 (2020). A version of this article was reprinted in the University of Limerick Ireland's Plassey Law Review on April 15, 2021. In the early 2000s, I served as Assistant General Counsel for the TBA under Larry Wilks. I also authored a defense primer book on Tennessee Juvenile Law in 1993.

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

attention of the Commission.

I teach for the National Judicial College (NJC) in the areas of Judicial Ethics/Courtroom Decorum (Rural Courts) and Hearsay (Fundamentals of Evidence). I have taught for the NJC for about five years now. These classes run each year and in 2020, they had several presentations.

Several times I have taught at the Tennessee Judicial Academy for new judges, put on by the AOC. I have also presented at several TMJC Annual Conferences and in multiple lawyer CLEs for both the TBA and ABA. I accepted an invitation to present at day one of the South Carolina Probate Judges Association Annual Conference at Myrtle Beach, SC on October 25, 2021.

I compiled and indexed the entire appellate case library for two different Native American tribal supreme courts (Pawnee Nation –1983 to date and Nottawaseppi Huron Band of the Potawatomi – 2010 to date). I drafted judicial ethics rules for the Stockbridge-Munsee Mohican Court of Appeals in 2018 and a *pro se* litigants' guide for presenting appeals for both Nottawaseppi and Stockbridge-Munsee.

I was selected as one of three judges to review and determine the top-rated law review paper submissions by the National Native American Law Student Association (NNALSA) and the UCLA School of Law's Indigenous Peoples' Journal of Law, Culture & Resistance for a national writing competition that was judged in March 2021.

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

2014 – Applied for The Tennessee Court of Criminal Appeals. Late 1990s to early 2000s applied for an appointment to the General Sessions Court for Montgomery County, TN. I did not obtain these appointments.

As previously noted, in May 2019, I was appointed to the U.S. Department of the Interior's Court of Indian Appeals. The FBI background check for this position is comparable to the background checks for U.S. District Judges. There would have been a minor update on the background check when I became Chief Judge of the Court of Indian Appeals in September 2019.

Various tribal appeals court openings require some form of an application, letter of interest, or resume, but said applications are usually not as extensive as this application or the Court of Indian Appeals.

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.

J.D., 1985-1988, Cumberland School of Law, Samford University, Birmingham, AL (*Awarded Chief Justice A.B. Neil, Sr., Outstanding Graduating TN Student*).

B.S., 1981-1985, Middle TN State U., Murfreesboro, TN (*Awarded Outstanding Senior, Outstanding Young Alumnus, 1999*).

Executive Certificate, 2017-2020, Harvard University, Cambridge, MA (*Nonprofit Leadership*).

Judicial Skills Certification, 2015-2018, National Judicial College, University of Nevada-Reno, Reno, NV (*Appellate Judicial Skills*).

Judicial Skills Certification 2015-2017, National Judicial College, University of Nevada-Reno, Reno, NV (*Tribal Court Skills*).

Judicial Skills Certification 2011-2014, National Judicial College, University of Nevada-Reno, Reno, NV (*Special Courts Judicial Skills*) (*1st Tennessee municipal judge to complete the certification*).

Graduate Certificate 2015-2017, Montana State University, Bozeman, MT (Native American Studies) (*completed certification with a 4.0 average*).

****I am working on certifications in A Judicial Leadership; and B Tennessee Municipal Judges Skills through the National Judicial College. (*I helped establish the Tennessee municipal judges certification*).****

PERSONAL INFORMATION

12. State your date of birth.

1963 (58 years old).

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

My whole life, but I attended law school on scholarship in Birmingham, AL for three years while retaining Tennessee residency (1985-1988).

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

Since May 1988 (32+ years).

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

Montgomery County, TN.

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.

Not applicable. (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.

Not applicable. (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 have never been sanctioned by any Court, the Board of Judicial Conduct, or the old Court of the Judiciary. Over the past 30 plus years, I have had to respond to approximately ten attorney disciplinary complaints. Two resulted in private admonitions. The rest were dismissed. One, in the early to mid-1990s, involved offering advice regarding a General Sessions Court judgment that followed taught, but incorrect procedures. I have not given that advice again. The other related to a transient client who did not provide contact information upon moving and a

judgment was taken against him. I believe this occurred in the late 1990s. Since my practice is heavy on appointed criminal cases, appointed criminal post-convictions/criminal appeals and divorces, (*areas that are highly emotionally charged and often include clients angry with their circumstances before I become the lawyer of record*), the chance of a disciplinary complaint is higher than an attorney practicing corporate law or insurance defense. Those are the only complaints not outright dismissed that I remember.

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.

Not applicable. (No/Never).

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

Not applicable. (No/Never).

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 2019 to 2020, I was sued, in my official capacity as Chief Justice of the Nottawaseppi Huron Band of the Potawatomi Supreme Court, by a litigant in a *de facto habeas corpus* capacity. All of the NHBP Supreme Court and the Tribal Court were included in the suit, but only the Chief Judge of the Tribal Court was actually named by the Plaintiff. I was never personally served or participated in this case. The matter was dismissed by both the District Court and the Sixth Circuit, who praised the NHBP Supreme Court's ruling and work ethic. See *Spurr v. Pope*, 936 F.3d 478, 487 (6th Cir. 2019), *cert. denied* 140 S. Ct. 850 (2020).

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.

First Church of the Nazarene, Clarksville, TN – Church Board President (2013-2019). Sunday School teacher (1995-date). *Pro bono* church legal counsel (1994 – date).

Radical Missions Christmas for the Homeless, Clarksville, TN – (2012-date). Present a cost only 15-hour CLE for lawyers over 2 days the week before Christmas. The cost for the seminar is \$40.00 and includes meals. After the CLE costs are paid, all proceeds are used to provide a warm meal and winter clothing for the homeless. In 2020, we had 130+/- in Zoom and about 25 attorneys in person. Usually, this program is in-person, and averages 130 persons. Speakers' time, food and the room at the courthouse are all donated. This program was publicly praised a few years ago by Chief Justice Wade in 2013+/- . The main program feeds and clothes between 1000-1500 homeless and needy people at Christmas each year, primarily funded by the CLE.

Night to Shine (Tim Tebow International Special Needs Prom), 2015 – date. I helped establish the Night to Shine program in Clarksville while president of my church board. There is considerable administrative work associated with this program, including background checks on all 250+/- workers who volunteer to work the event. The Clarksville program serves between 300-500 special needs guests per year. Preparation takes months of work each year. My role for the actual day of the event is to act as announcer for the “red carpet entrance” of each guest. Since this part of the February event is outside, I get very cold before the night is complete, but Night to Shine is my favorite social event of the year. It is truly inspiring.

From 2008-2012, I (along with my then middle school son) created the “Pink Game” in Clarksville, TN in honor, (and later memory), of my sister-in-law Bonnie Luckett Moore. Bonnie grew up in Franklin, TN and contracted breast cancer. My son, a baseball player, wanted to do something for his aunt and we decided to turn his love of baseball into a fundraiser/awareness event. I was already the announcer for the middle school baseball team. Richview Middle School and Clarksville Academy held a yearly game for breast cancer awareness each May for five years. Attendance ran between 1000-1500 people per year and raised over \$2000.00 per year for breast cancer research.

Tennessee Municipal Judges Conference, AOC – President (2018-2020); Vice President (2016-2018). I served on several various committees for TMJC over the years. I also authored the Tennessee Municipal Judges Benchbook, which was cited in a Harvard Law Review article in 2021.

I participate in a weekly 1-hour lunchtime lawyers' Bible study that has largely curbed meeting due to COVID. I am *pro bono* legal counsel for multiple charities, such as Manna Café, which feeds the homeless.

I have, for over 25 years, worked with young people seeking college scholarships. I do this strictly *pro bono*, helping them prepare for the ACT while looking at various schools for the best “fit” for a student. I usually take about 3-5 students per year and start working with them early in their junior year of high school and carry this working relationship through the student's first semester of college. Some students need a little help. Others need significant coaching. Currently, I have one of “my kids” at West Point and another at the U.S. Air Force Academy. Others currently attend Samford University, Northeastern State U. (OK), MTSU and APSU. These young people are amazing and an it's honor to know them.

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.

Not applicable. (Native American tribes, due to their *political* status, may exercise an "Indian preference" in areas such as hiring for tribal employment. This is allowed by both Congress and the U.S. Supreme Court. *See generally, Morton v. Mancari*, 417 U.S. 535 (1974). Tennessee has also acknowledged the existence of "Indian preference" in some cases such as ICWA adoptions. *See In Re Morgan*, 1997 Tenn. App. Lexis 818 (Tenn. App. W.S. 11/19/1997), at *7 (Kirby, J.). Since I am not registered in a federally recognized Native American tribe, the point discussed here actually works to my detriment when applying for tribal appellate court positions.

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 Municipal Judges Conference (TMJC), 2004 to date. President (2018-2020). Vice President (2016-2018). TMJC Representative to Court of the Judiciary (2005-2009).

Tennessee Bar Association (TBA). Various times.

Montgomery County Bar Association (MCBA), 1988 to date. All offices pre-2010.

Scheduled to teach an evening online Federal Indian Law class for the Lincoln Memorial University School of Law in the summer of 2022.

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 -- Sharon B. Lee Award of Excellence (Tennessee Municipal Judges Conference). This is the award from TMJC for the Tennessee municipal judge of the year.

I was the feature focus of an article in the ABA Journal, (November 2019). The article focused

on my juggling my state court law practice, with my duties as a municipal judge, with my duties as a tribal appellate judge. *See* Richard Acello, *Attorney Balances His Firm's Demands with Duties as a Judge in Local, Federal, and Tribal Courts*, 105 ABA Journal (No. 8) 22-23 (Winter 2019/2020). *See* attached "Ex. A."

Mid-South Super Lawyers (2020-2021) – Appellate Law.

Mid-South Super Lawyers (2019-2020) – Family Law.

Martindale-Hubbell, AV Rated

2016 – date, National Judicial College Instructor (Judicial Ethics/Courtroom Decorum and Evidence). The NJC hand-picks the judges they ask to teach. While the NJC sees thousands of judges per year, only a handful are asked to be instructors. To the best of my knowledge, there are only four Tennessee judges on the regular teaching rotation. I am the first Tennessee municipal court or General Sessions Court judge placed on the regular NJC teaching rotation. I was recommended for this role by retired Chief Justice John Reif of the Oklahoma Supreme Court.

2015 – Alliance Defending Freedom International Masters of Appeals Championship (3rd place). The invitation-only competition of 32 attorneys (teams of 2). My team placed third.

2013 – Lawyers.com Client Distinction Award. (Top 2% in the nation for satisfied clients).

2008 – TN Governor's Highway Safety Office Lifesaver Award. (*Recognition for work with Tennessee Municipal Courts to establish professionalism*).

2018 – Lawyers of Distinction (Appellate Law).

2015 & 2016 – The National Trial Lawyers "Top 100 Trial Lawyers" (Criminal Law).

2001 – TBA Harris Gilbert Tennessee *Pro Bono* Attorney of the Year.

2019 – Presented at Oklahoma Supreme Court's Sovereignty Symposium. (*Invitation of Chief Justice John Reif, who also recommended me as an instructor for the NJC*).

2019 – Spoke at William & Mary College of Law Advanced Appellate Class. (*Discussing Criminal Appeals*).

2016 – Spoke at the Tulsa University College of Law. (*Criminal Law in Indian Country*).

1995 – Spoke at ABA Mid-Year Meeting (Civil Procedure/Juvenile Procedure). I was the National Chair of the ABA/YLD Juvenile Justice Committee.

1994 -- Spoke at the United Nations, N.Y., N.Y. (*Juvenile Drug Prevention Through Courts*).

I have presented approximately 100 CLE presentations over the years. Main topics = Criminal

Law, Appellate Law, Post-Conviction/Habeas Corpus, Juvenile, and Ethics.

I have written approximately 25-30 published law review articles. The most recent articles appeared in the Lincoln Memorial U. Law Review (*Stopping COVID Profiteering*), vol. 8, no. 2 (April 18, 2021 publication); American Indian Law Review (*Court of Indian Appeals*) (2020); U. of Oklahoma School of Law Sovereignty Symposium Special Edition (*Model Code for Judicial Conduct for Tribal Court Judges*) (2019); and American Indian Law Journal (*Pro Se Appeals*) (2015).

I was honored and selected to serve as Chief Justice or Chief Judge by four different tribal appellate courts. (Two = other judges selected. One = Department of the Interior Agent appointed. One = tribal council appointed).

Elected president of TMJC (2018-2020).

Elected president of TMJA (2002-2004). *TMJA was the predecessor of TMJC. I was the first president. TMJA (an association) became TMJC (a conference) in 2004.*

First municipal judge to serve on the Tennessee Court of the Judiciary. (2005-2009)

In March 2020, I was set to travel to England and Ireland at the invitation of Lady Emma Nicholson, Baroness of Winterbourne and a member of the British House of Lords. The trip included a tour of Parliament and lunch at the Peers Dining Hall with Lady Nicholson. The next day, I was scheduled to enjoy lunch with members of the Supreme Court of Ireland, hosted by retired Justice Mary Finlay Geoghegan, followed by a tour of the Court. Finally, I was supposed to present at the University of Limerick School of Law. COVID-19 derailed the trip after "American gifts" were already shipped to Europe. Lady Nicholson was the keynote speaker at the 2019 Oklahoma Supreme Court's Sovereignty Symposium. I was one of the other speakers. Even though this particular European trip was lost due to the ongoing pandemic, the surrounding circumstances of lost airfare expenses led to the pending LMU Law Review article released in April 2021 in Vol. 8, No. 2. I still consider this invitation by Lady Nicholson, Justice Geoghegan, and the University of Limerick a huge compliment to my legal abilities. The law review article I intended to discuss in 2020 was included as the anchor article in the inaugural edition of the University of Limerick School of Law's Plassey Law Review. I was asked by the law school to present a speech to faculty, administrators and students at the official launch party for the new law review on April 15, 2021.

In 2011, the Tabernacle Christian School awarded me with the Founder's Award for ongoing *pro bono* legal service and support to the school.

Leadership Clarksville, Class of 1993.

In 2014, the Tennessee Municipal Judges Conference hired me to write the state municipal court benchbook. Said text was referenced in an article in the Harvard Law Review in January 2021. See attached "Ex. C."

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.

May 2015 – date. Pawnee Nation Supreme Court Justice (Chief Justice 2019-2020), Appointed for Court. Elected by other Justices for Chief Justice. (5 Justices on Court, *en banc*).

May 2015 – date. Gila River Indian Community Court of Appeals Alternate Appellate Judge. Appointed. (3 Judges. 2 Alternate Judges on Court, panels of 3). Appointment renewed 2019.

February 2017 – date. Bishop Paiute Court of Appeals Judge. Appointed. Appointment renewed. 2019. (4 Justices, panels of 3).

March 2017 – date. Nottawaseppi Huron Band of Potawatomi Supreme Court Chief Justice. Appointed. (3 Justices, *en banc*).

June 2018 -- date. Stockbridge-Munsee Mohican Court of Appeals Justice (Chief Justice 2018-2019). Judgeship appointed. Chief Justice elected by other judges. (3 Justices, *en banc*).

May 2019 – date. U.S. Department of the Interior's Court of Indian Appeals Chief Judge. Appointed. (10 Judges, panels of 3).

June 2020 – date. Ponca Tribe of Nebraska Court of Appeals. (3 Justices, *en banc*).

November 1997 – date. Pleasant View City Court. Appointed. (1 Judge). Juvenile Court traffic jurisdiction added in 2020 by Cheatham County Juvenile Court.

April 1993 to April 1995 – Montgomery County Juvenile Court Referee. Appointed by Montgomery County Juvenile Court.

** All positions appointed and part-time.**

In 2014, I applied for a position on the Tennessee Court of Criminal Appeals, but I did not make the panel of 3. In the late 1990s to early 2000s, I twice applied for open seats on the Montgomery County General Sessions Courts. I was not selected.

ESSAYS/PERSONAL STATEMENTS

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

I wish to serve the community where I live. Experience and proper training counts, especially when one's decisions impact the lives of others. Judicial arrogance and lack of empathy for litigants' feelings is sometimes called "Black Robe Fever." I specifically teach (*and preach*) nationally against judges becoming infected with Black Robe Fever. I think I can judge fairly and impartially, while retaining a dignified and proper decorum on the bench. The political

environment that exists today has sadly started to disregard, if not discard, courtesy. While litigants hope and expect to prevail in court, **at least** half of the litigants in any contested case lose. Litigants need and deserve to present their case position and know the judge is legitimately listening. In January 2019, I wrote an opinion piece for the local newspaper addressing courtesy by public officials that “went viral.” See attached “Ex. B.”

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 seek the Circuit Court seat vacated by Judge Jill B. Ayers being appointed to the Tennessee Court of Criminal Appeals. This seat is currently addressing criminal cases, but the court has general jurisdiction and can hear civil, domestic and juvenile. There are currently four Circuit Court seats in the 19th Judicial District (Montgomery and Robertson County). Two focus on civil cases. Two focus on criminal cases. A huge backlog of cases are amassing due to COVID-19. I have presented multiple jury trials in my 30 years of practice. I have over 20 years judicial experience at both the trial and appellate level. I have completed training programs with the National Judicial College that take years to complete. I was selected as judge of the year in 2017 by TMJC and *pro bono* attorney of the year in 2001 by the TBA. I am ready to undertake this challenge.

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 uphold the law, even when I personally disagree with the law. Judges *apply* the law, not critique or rewrite the law. Likewise, the judge’s role is not to prosecute or act as defense counsel. Judges apply law created by the Legislature. The Executive Branch enforces the law (*or declines enforcement via Prosecutorial Discretion*). The judge reviews the facts and law to see if the State has proven a person guilty. I regularly address two statutes in City Court that I would prefer the Legislature change or had written differently. They are: *A*} Financial Responsibility (Tenn. Code Ann. § 55-12-139(e)(2)) and *B*} No Traffic School for CDL Drivers in their own personal vehicle under 49 C.F.R. § 384.226. (*See Metro Gov’t v. Stark*, 2008 WL 276005 (Tenn. App. E.S. 1/31/2008), at * 5-7). Both statutes remove the judge’s discretion to dismiss, reduce (called “Masking”), or defer violations. By way of example, presume a person is stopped for speeding on a Thursday morning and does not have vehicle insurance, so a ticket is issued. That afternoon, the driver obtains insurance and provides it to the court when the case is called. I cannot, and do not, dismiss the driver’s ticket as corrected. I wish I had discretion, but I do not. As for the CDL (commercial driver’s license) situation, it seems inequitable for a professional trucker to possibly lose their job for a speeding ticket in their own car, totally outside of work. Irrespective, I follow the law.

REFERENCES

31. List five (5) persons, and their current positions and contact information, who would recommend you for the judicial position for which you are applying. Please list at least two persons who are not lawyers. Please note that the Commission or someone on its behalf may contact these persons regarding your application.

A. Mr. Dent Morriss, *esq.*, retired Robertson County (19th Judicial Circuit) Deputy District Attorney, (ADA for over 30 years), [REDACTED] 507 W. Court Square, Springfield, TN 37172. *In February 2020, the Robertson County Child Advocacy Center for Sex Crime Offenses was named in honor of General Morriss. General Morriss can address my legal abilities and courtroom demeanor from a prosecutor's perspective.*

B. Corporal John Bushnell, Montgomery County Sheriff's Department, [REDACTED] [REDACTED] Clarksville, TN 37043. *Cpl. Bushnell has been on the prosecution side of several cases where I was defense counsel. He can discuss my legal abilities and he is also a neighbor who can discuss my in-court and out-of-court demeanor. He is currently on military deployment with the National Guard in Washington, D.C., but can still be reached for this matter.*

C. Ms. Rockelle Coffey, [REDACTED] Clarksville, TN 37042. *Ms. Coffey was the administrative assistant for Judge Michael R. Jones during his fourteen years on the bench as Circuit Judge for the 19th Judicial Circuit (Robertson/Montgomery County). Her work experience includes working for two Montgomery County General Sessions judges, Montgomery County Sheriff Billy Ray Smith, the 19th Judicial District Public Defender, the Capital Case Resource Center, and the Montgomery County Girls Home. She is married to a minister and now has a business in Clarksville, TN. Ms. Coffey can address my courtroom demeanor, professionalism, work product and work ethic.*

D. Ms. Servella Terry, retired school administrator, Department of Children's Services worker and community activist, (wife of the late Pastor Jimmy Terry – Tabernacle Missionary Baptist Church), [REDACTED] Clarksville, TN 37043. *I served on the Tabernacle Christian School Board with Mrs. Terry for approximately six years. I have been the attorney for Pastor and Mrs. Terry and served as the pro bono attorney for the Tabernacle Christian School for over twenty years. Mrs. Terry was a DCS caseworker on various cases I worked in the Montgomery County Juvenile Court system. A section of Hwy. 41-A is named in honor of Pastor Terry. "Momma Terry" can discuss my character, work ethic, professionalism, and legal abilities.*

E. Mr. Jon Vaughn, Real Estate Broker and Director of Radical Missions, [REDACTED] [REDACTED] Clarksville, TN 37040. *Mr. Vaughn and I served on the Clarksville First Church of the Nazarene Board together for approximately five years. He handled the real estate portion of several very contentious estate cases where I was appointed as administrator by the Court because the family of the deceased were in extreme conflict. Also, Mr. Vaughn is the head of Radical Missions and we have worked*

together for almost a decade to facilitate the Warm Souls Christmas program. He can discuss my work ethic, temperament, professionalism, and administrative abilities.

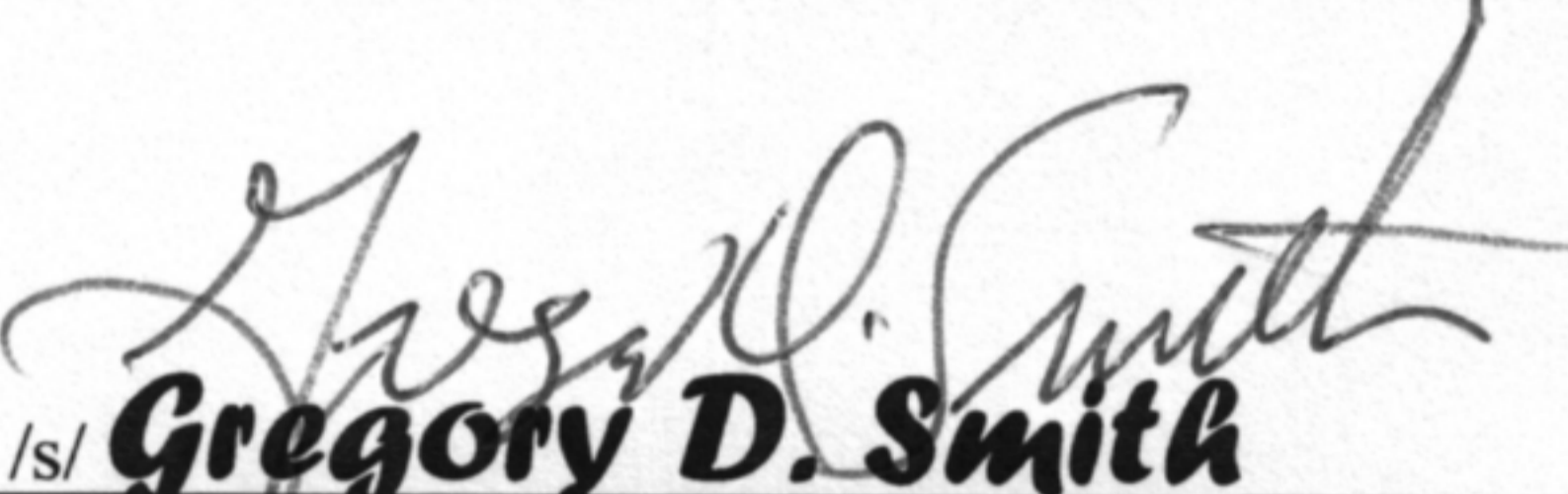
AFFIRMATION CONCERNING APPLICATION

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 Montgomery County Circuit Court of Tennessee, and if appointed by the Governor, agree to serve that office. In the event any changes occur between the time this application is filed and the public hearing, I hereby agree to file an amended questionnaire with the Administrative Office of the Courts for distribution to the Commission members.

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

Dated: April 20, 2021.


/s/ **Gregory D. Smith**
Gregory D. Smith

When completed, return this questionnaire to Ceesha Lofton, Administrative Office of the Courts, 511 Union Street, Suite 600, Nashville, TN 37219.



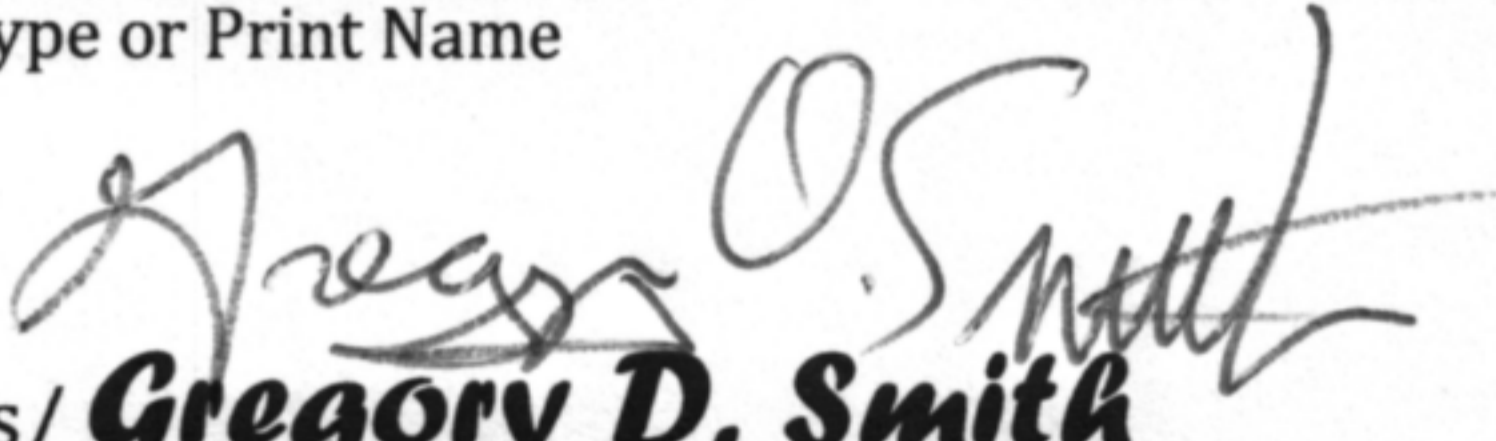
TENNESSEE TRIAL COURT VACANCY COMMISSION
ADMINISTRATIVE OFFICE OF THE COURTS
511 UNION STREET, SUITE 600
NASHVILLE CITY CENTER
NASHVILLE, TN 37219

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.

Gregory D. Smith
Type or Print Name


/s/ Gregory D. Smith
Signature

April 21, 2021
Date

013420
BPR #

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

Not Applicable. (None)



LAW PRACTICE

Juggling Act

Tennessee attorney Greg Smith balances his law firm's demands with duties as a judge in local, federal and Native American courts

BY RICHARD ACELLO

To borrow an analogy from Chief Justice John G. Roberts Jr., if lawyers are baseball players and judges are umpires, then Greg Smith not only calls balls and strikes, he also throws them and tries to hit them.

Smith is a family lawyer in Tennessee. When he's not practicing law, he's interpreting it—serving as a judge at three different levels of government. He serves as a municipal court judge in Pleasant View, Tennessee, which is about 25 miles northwest of Nashville.

He is also active in Native American justice, serving as a judge on multiple tribal courts, and he's been chief judge of the U.S. Department of the Interior's Court of Indian Appeals since 2018. In fact, he was a judge before he

was even a lawyer. "During law school, I was a magistrate in Birmingham, Alabama," Smith recalls. "I did a night court just like Harry Anderson [on the NBC show *Night Court*]. I was able to be appointed a municipal magistrate before I got my degree" from Samford University's Cumberland School of Law in 1988.

"The midnight magistrate job primarily did initial appearances and signed warrants," he recalls. "It would be similar to a justice of the peace position like Nevada still has."

"The position was appointed by the chief judge of the Birmingham city court on the recommendation of a dean from my law school. There were several students who held this job while I was in school."

He opened up his solo practice in Clarksville in 1993. Four years later, he was appointed a municipal court judge in Pleasant View.

"I got one of the best pieces of judging advice from former Judge John Godbold of the U.S. Court of Appeals for the 11th Circuit:

"Hardly anyone knows who you are, but they'll decide from what they see of you as a judge because everyone in a small town will know the local traffic judge."

Asked about ethical issues that might arise in working as a lawyer and a judge, Smith says, "It's not all that hard. Pleasant View is a traffic court primarily and [is located in] the next county over. You just recuse yourself if a potential conflict comes up."

As a lawyer, Smith is a knowledgeable advocate for his clients, according to Ray Runyon, partner at Runyon & Runyon in Clarksville.

As a judge, he finds Smith "respectful to both the bench and opposing counsel."

"He is a throwback to a different era inasmuch as he moves at a slower, more

considered pace," Runyon says. "I think that this allows him to think effectively on behalf of his clients."

When it comes to Native American justice, he provides over cases in multiple jurisdictions. In addition to his Court of Indian Appeals gig, Smith serves as chief justice of the Nottawissipi Huron Band of the Potawatomi Indians Supreme Court. He also sits as a justice of the Stockbridge-Munsee Court of Appeals, justice of the Bishop Paiute Court of Appeals and chief justice of the Pawnee Nation Supreme Court. In addition, he's an alternate appellate judge for the Gila River Indian Community Court of Appeals.

According to Smith, his interest in Indian law came from being appointed guardian ad litem for a newborn Native American infant at Fort Campbell, which straddles Tennessee and Kentucky. "The infant was removed from the parental home because the parents

expectedly dunked a different child left in their care in the bathtub as a form of discipline."

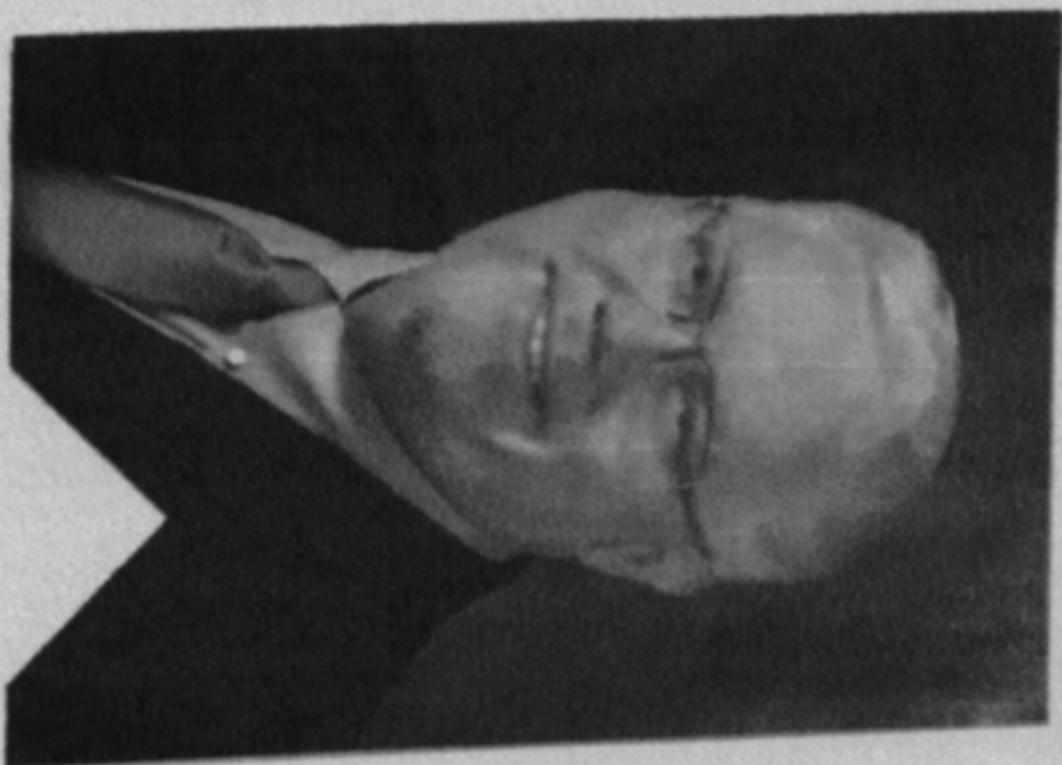
That child drowned during a dunking episode in 1972, and the father was convicted of second-degree murder. The mother was convicted as an accessory.

"This case piqued my interest because I had to house this baby until the [Sioux] tribe could come get her," says Smith, recalling how the differing circumstances of each baby—his child would have a fairly pampered life while the other baby would probably never meet her parents—broke his heart.

Ultimately, when it comes to juggling his myriad responsibilities, Smith harks back to a piece of advice he remembers from another judge.

"Judge Arthur Haynes Jr. [of the Jefferson County, Alabama, circuit court] had a little sign on his bench that said: 'The job doesn't pay enough to be a jerk.'"

"So I say take a recess when you're losing your objectivity," he says. ■



Greg Smith became interested in Indian law after being appointed guardian ad litem for a newborn Native American infant.



University of Wisconsin Press, 2018



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Leaf Chronicle

COLUMNIST | Opinion *This piece expresses the views of its author(s), separate from those of this publication.*

A war hero's cufflinks at Governor's Ball offer a reminder of why civility matters | Opinion

'Did Wayne receive the a Bronze, Silver, and Gold Star only to have them tarnished by political campaign attack ads? No.'

Gregory Smith Contributed

Published 7:00 a.m. CT Jan. 25, 2019 | Updated 8:44 a.m. CT Jan. 25, 2019

I attended the Tennessee Governor's Inaugural Ball on Jan. 19. I was invited to the ball because I am president of the Tennessee Municipal Judges Conference, not because of personally knowing Gov. Bill Lee or my political party preference.

My wife laughingly joked about being Cinderella. I felt more like the Clampetts, upon their arrival to Beverly Hills, than Cinderella arriving at the ball. I knew my wife would glide through the evening and hide my stumbles, but I longed to justify my invitation for reasons beyond merely being a name on a political intern's to-do list. I decided "the clothes make the man" ... or so I hoped.

I had the tuxedo shirt. I can tie a bow tie. The shoes were shined. But I lacked cufflinks. Cufflinks? What cufflinks? We don't need no stinkin' cufflinks! Then I remembered that my older brother, Wayne, had cufflinks. Wayne's cufflinks. Wayne. ...

My brother Wayne had five or six sets of cufflinks that haven't seen daylight for 50 years. Wayne died in Cambodia on May 5, 1970, as a collateral result of the Kent State tragedy, where American troops fired on American citizens, on U.S. soil, for the first time since the Civil War. Due to political pressure, President Richard Nixon pulled air coverage for an Army convoy my first lieutenant brother was leading because the war in Vietnam did not include Cambodia. College students were protesting the entering of neutral Cambodia by American troops.

Our family did not have wealth. Why would 22-year-old Wayne have cufflinks?

Fifteen years, and three other siblings, separate Wayne's birth from mine. Wayne was born in 1948, at the beginning of the Baby Boom. I was born in 1963, at the end of the Baby Boom.

Wayne was drafted in 1969 and took his basic training here at Fort Campbell. My first contact with Clarksville was when my family traveled from Knoxville to see Wayne graduate from basic training. Exactly 50 years have passed since Wayne last wore cufflinks. After asking permission of my brother and sisters, I decided to take my brother Wayne to Gov. Lee's dance by wearing them. Looking at the cufflinks, I wondered how Wayne's 1969 Clarksville differs from mine?

Wayne was drafted while attending college at the University of Tennessee in 1969 to "make the world safe for democracy." Today, politicians in Washington are busy trying to undercut and discredit each other. Many Americans, feeling the pinch of the current U.S. government's shutdown, believe we need to be made safe *from* democracy.

This current unrest and bickering stem from how political campaigns have devolved into character attacks. Wayne's Clarksville was still in shock from the 1968 murders of Martin Luther King Jr. and Robert Kennedy. My Clarksville celebrates the federal holiday of Martin Luther King Jr. Day, but we often overlook Dr. King's message of peace and unity, instead focusing on the shortcomings of political candidates' personal lives. When dirt cannot be found, it is often manufactured. Unfortunately, outstanding citizens elect to forego running for office simply to avoid the media mugging that they, and their family, must endure to serve. Did Wayne receive the Bronze, Silver, and Gold Star only to have them tarnished by political campaign attack ads? No.

The 2018 Tennessee Governor's Race, as well as the 2018 Clarksville Mayor's Race, offered candidate choices that were qualified, dignified and respectful. Gov. Bill Lee, former Nashville Mayor Karl Dean, Clarksville Mayor Joe Pitts and former Mayor Kim McMillan refused to attack personalities for gains at the ballot box. Their campaign tactics are appreciated. Attack ads are effective, but are they helpful?

Gov. Lee, thank you for the invitation to the ball. More important, thank you for proving that one can seek office with class and dignity. Wayne would appreciate how you danced in 2018. Lee's campaign slogan was "Believe In Tennessee." I believe.

Future candidates, beware. The public now knows that candidates can win elections without character assassination.

Gregory D. Smith is a Clarksville attorney and president of the Tennessee Municipal Judges Conference.

HARVARD LAW REVIEW

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State	Total Number of Municipal Courts	Criminal Cases Filed (2015)	Maximum Penalties for City Ordinance Violations
RI ⁵⁵⁸	23 ⁵⁵⁹	Unknown ⁵⁶⁰	30 days/\$500 ⁵⁶¹
SC	200 ⁵⁶²	88,039 ⁵⁶³	30 days/\$500 ⁵⁶⁴
TN	250, approx. ⁵⁶⁵	Noncriminal (except for home rule cities) ⁵⁶⁶	Home rule (14 cities): 30 days/\$500 ⁵⁶⁷ Non-home rule (> 400 cities): Fine only, \$500 ⁵⁶⁸
TX	928 ⁵⁶⁹	941,238 ⁵⁷⁰	Criminal fine-only Class C misdemeanor ⁵⁷¹

⁵⁵⁸ OFF. OF LOC. GOV'T ASSISTANCE, R.I. DEP'T OF ADMIN., MUNICIPAL COURTS IN RHODE ISLAND (2008), <http://www.municipalfinance.ri.gov/documents/resources/Municipal%20Courts%202008.pdf> [<https://perma.cc/3C5U-AW6Q>]. The NCSC does not list Rhode Island as having municipal courts.

⁵⁵⁹ *Id.* at 3.

⁵⁶⁰ PAUL A. SUTTELL & J. JOSEPH BAXTER, JR., RHODE ISLAND JUDICIARY ANNUAL REPORT (2015) (excluding municipal courts from its update on Rhode Island courts).

⁵⁶¹ 45 R.I. GEN. LAWS ANN. § 45-6-2 (2019).

⁵⁶² PRICE ET AL., *supra* note 40, at 9. South Carolina also has 200 county magistrate courts that operate much like municipal courts. *Id.*

⁵⁶³ SMITH ET AL., *supra* note 105, at 10.

⁵⁶⁴ S.C. CODE § 5-7-30 (2019).

⁵⁶⁵ GREGORY D. SMITH, TENN. MUN. JUDGES CONF., TENNESSEE MUNICIPAL JUDGES BENCHBOOK 19 (2014).

⁵⁶⁶ TENN. CODE ANN. § 6-2-201(28)(A) (2020) (allowing ordinances to be enforced by "fines, forfeitures and penalties"); *Metro. Gov't of Nashville & Davidson Cnty. v. Allen*, 529 S.W.2d 699, 707 (Tenn. 1975) (holding that city ordinance violations are "civil in nature"); REX BARTON, MELISSA ASHBURN & KAREN BEYKE, MUNICIPAL COURTS MANUAL 1 (2012), https://trace.tennessee.edu/cgi/viewcontent.cgi?article=1161&context=utk_mtaspubs [<https://perma.cc/8G82-K6K7>]; SIDNEY D. HEMSLEY, MUNICIPAL COURTS IN TENNESSEE — A CONSTITUTIONAL AND STATUTORY PRIMER 7 (1988), https://trace.tennessee.edu/cgi/viewcontent.cgi?article=1295&context=utk_mtaspubs [<https://perma.cc/Z7YJ-8GXP>].

⁵⁶⁷ TENN. CODE ANN. § 6-54-306(a) (outlining penalties for home rule municipalities).

⁵⁶⁸ *Id.* § 6-54-308 (defining the non-home rule with a maximum penalty of \$500).

⁵⁶⁹ OFF. OF CT. ADMIN., STATE OF TEX. JUD. BRANCH, *supra* note 37, at xiii. Texas designates both municipal and justice courts as "[l]ocal [t]rial [c]ourts of [l]imited [j]urisdiction." *Id.* at vi. Another 807 local justice courts operate at the county level and are not included in these totals. *Id.*

⁵⁷⁰ Spreadsheet from Texas Adm'r of Cts. (on file with the Harvard Law School Library) (Municipal: 941,238 new nontraffic cases filed; Justice: 315,782 new nontraffic cases filed); *see also* OFF. OF CT. ADMIN., STATE OF TEX. JUD. BRANCH, *supra* note 37, at Detail-46 (reporting 979,532 criminal filings in municipal courts).

⁵⁷¹ TEX. LOC. GOV'T CODE ANN. § 54.001 (2019) (\$500 default max but \$2,000 max for municipal ordinance violation concerning "public health"); TEX. PENAL CODE ANN. § 12.41 (2019) (defining fine-only offenses as "Class C misdemeanor"); *see also* TEX. PENAL CODE ANN. § 12.03(b)-(c) (2019) ("An offense designated a misdemeanor in this code without specification as to