

TENNESSEE JUDICIAL SELECTION COMMISSION

APPLICATION FOR NOMINATION TO JUDICIAL OFFICE

Name: Sharon Gail Lee

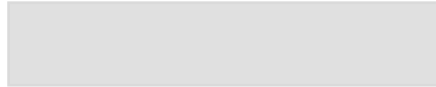
Office Address: 505 Main Street, Suite 232
Historic United States Post Office and Court House
P.O. Box 444
Knoxville, Tennessee 37901

Office Phone: (865) 594-6707

Facsimile: (865) 594-2825

Email Address: Judge.Lee@tncourts.gov
Sharon_Lee@bellsouth.net

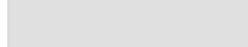
Home Address:



Home Phone:



Cellular Phone:



PROFESSIONAL BACKGROUND AND EXPERIENCE

1. Indicate your present employment. If you are employed at a law firm, whether private or public, how many attorneys practice in the law firm? What is the principal business of the law firm?

Judge, Tennessee Court of Appeals

2. State the year you were licensed to practice law in Tennessee.

1978

3. List all states in which you have been licensed to practice law. Indicate the date of licensure and whether the license is currently active. If not active, explain.

Tennessee, September 30, 1978
License is currently active

4. Have you ever been denied admission to, suspended or placed on inactive status by the Bar of any State? If so, explain. (This applies even if denial was temporary).

No

5. List your prior professional or business employment since completion of your legal education.

1978-1980	Attorney with J.D. Lee and Associates Madisonville, Tennessee
1980-2004	General practice of law as managing attorney with office sharing arrangements with several attorneys in Madisonville, Tennessee
2004- current	Judge, Tennessee Court of Appeals
2007	Adjunct Faculty, University of Tennessee College of Law

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.

I have been employed continuously since completion of legal education.

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.

At the time I was appointed Judge in 2004, my law practice consisted of the following types of cases:

Torts	40%
Workers Compensation	8%
Domestic (including divorce, custody, visitation, support, adoption, and orders of protection)	3%

Family mediations	5%
Conservatorship and guardianship	3%
Juvenile Court (including serving as guardian ad litem for abused and/or neglected children)	5%
Contracts/Collections	5%
Will and Estates	6%
Real Estate	5%
Representation of City and County Governments (Madisonville, Vonore, and Monroe County)	20%

8. List other areas of law in which you have practiced.

From 1978 until 1991, I handled a substantial number of criminal cases. My criminal case load was significantly reduced in 1991 when I became county attorney. During those years, I represented individuals charged with crimes in general sessions court, juvenile court, criminal court, and the Court of Criminal Appeals. The criminal cases I handled ranged from misdemeanors to a capital murder case.

I became a Rule 31 listed family mediator in 2001. When I began to regularly mediate domestic cases, I reduced my domestic case load to avoid conflicts of interest with my mediation practice.

I served as City Judge for the Town of Madisonville for several years.

Overall, my law practice for 26 years encompassed a wide variety of civil and criminal litigation.

9. Describe your typical clients.

I do not currently have any clients, but before my appointment to the bench, my typical clients were:

A property owner who was seeking to have a tenant evicted for non-payment of rent.

A corporation suing a customer for breach of contract and non-payment of its account.

Court appointed guardian ad litem for three minor children whose parents were in a dispute over custody, visitation, and support.

A personal representative of an estate where the decedent was a patient in a nursing home for a substantial period of time before her death,

resulting in significant TennCare and healthcare provider liens against the Estate.

Defense of two brothers that were sued by their sister seeking to have a conservator appointed for their mother and seeking return of funds allegedly misappropriated by them.

Court appointed guardian ad litem for an elderly man whose son was seeking to contain control of his assets due to the man's alleged mental incompetency.

A father who was seeking to maintain custody of his son in a suit for change of custody filed by the child's mother.

A 45-year-old woman who was seeking a divorce from her husband on the grounds of adultery. The woman had very limited job skills, part-time employment, three minor children, and very limited income.

A mother and father whose 18-year-old son died as a result of alleged medical negligence.

Guardian ad litem for a young girl whose step-father allegedly sexually abused her.

A county government with multiple matters which included defending the county's right to post the Ten Commandments in the courthouse in a case pending before the United States District Court; document preparation for the sale of real property to an industry which would create jobs in the county; negotiations and document preparation for the purchase of a commercial building to house governmental agencies; preparation and review of resolutions and contracts; and advising the Sheriff's Department and other departments on employment issues.

A young man charged with possession of cocaine.

10. If you have served in a fiduciary capacity other than as a lawyer representing clients, give details.

I was appointed Conservator by the Loudon County Probate Court to handle the financial affairs of an elderly gentleman who had no family to assist him. I took care of his financial affairs until his death, at which time I assisted in making funeral and burial arrangements.

11. Provide any other information concerning your practice that you would like to bring to the attention of the Commission.

My law practice was unique in that being a small-town lawyer, I handled a wide variety of both civil and criminal cases involving litigation, as well as transactional matters. This 26 years of experience as an attorney encompassed virtually all the types of cases that the Tennessee Supreme Court is called upon to consider. From my representation of individuals and businesses over the years, I know first-hand the impact that the Court has on the lives of the litigants and how important it is that decisions be well-reasoned, grounded in the law, legally correct, and issued in a timely manner. My experience as a lawyer has enabled me to perform my duties as an appellate judge in a proficient, thoughtful, and timely manner.

TRIAL COURT EXPERIENCE

12. a) The approximate number of matters in which you appeared before:

(i)	Federal courts:	10
(ii)	Tennessee courts of record:	2,120
(iii)	Lower courts (General Sessions, municipal):	690
(iv)	Other states:	1

b) The approximate percentage of these matters which have been:

(i)	Civil:	90%
(ii)	Criminal:	10%

13. List noteworthy cases which you litigated as an attorney before mediators, arbitrators, administrative agencies, or trial courts. 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.

(1) Richard Kile Powell and William Klint Powell, minors, heirs at law and next kin of Richard W. Powell, deceased, by next friend and guardian Tammy Powell Plemons v. Norfolk Southern Railway Company, Monroe County Circuit Court, Docket No. 10,464, Court of Appeals Docket No. E1999-02725-COA R3-CV; August 10-12, 1999 (jury trial); Monroe County Circuit Court

I, along with co-counsel, represented two minor children of Richard W. Powell, who was killed in a railroad grade crossing collision. After extensive preparation and mediation, the case was tried before a jury. On behalf of the Plaintiff, we presented proof,

through lay and expert witnesses, that the train did not blow its whistle, the train crew did not comply with railroad safety policies, and the crossing was not properly maintained. The Defendant denied liability and presented proof, through lay and expert witnesses, that the train was blowing its whistle as it approached the grade crossing, the train crew acted properly, the crossing was safe, and the decedent driver was at fault for failing to stop at the crossing. The jury returned a verdict of three million dollars in compensatory damages, reduced by thirty percent for the comparative fault of the decedent. The trial court remitted the verdict by twenty percent. The case was settled while on appeal. This was the largest jury verdict ever awarded in Monroe County.

- (2) Dan Hicks and Jack Copeland v. Ben Ammons, et al, Monroe Chancery Court, Docket No. 10,167; 1987-1988; Monroe County Chancery Court

This case arose when the Town of Madisonville agreed to give the First Baptist Church of Madisonville, the largest church in town, a city street to enable the church to expand its sanctuary. After city officials, most of whom were members of the church, deeded the street to the church, suit was filed in state court and later in federal court on behalf of two city residents to void the transfer, alleging, among other things, that the transfer was in violation of the First Amendment and the Fourteenth Amendment to the United States Constitution and Article 1, Section 3 of the Tennessee Constitution, which forbid the establishment and support of any religion. Ultimately, as a result of this legal action, the transfer was voided and ownership of the street was returned to the city. This was a controversial case in my hometown, and the church was forced to redesign its planned expansion. Needless to say, my clients and I were unpopular with many members of this large church. However, it was a just cause, and one that protected a very important right. I was later appointed Madisonville City Judge by the Madisonville Mayor and Board and as County Attorney by the County Mayor, whom I had sued in this case when he was an official of the Town of Madisonville.

- (3) State of Tennessee v. Garnet Moser, Criminal Court of Monroe County, Tennessee, Docket No. 84-249; 1984 - 1985; Monroe County Criminal Court.

In this criminal case, I represented the Defendant who was indicted on nine counts of voting fraud. The State charged that the

Defendant paid individuals to vote for candidates of his particular political party. After numerous pretrial motion hearings and preliminary skirmishes, this case was tried before a jury. The State produced at least six witnesses who swore under oath that the Defendant had, in fact, hauled them to the polls and paid them to vote for particular candidates. As defense counsel, I cross-examined these witnesses and confronted them with recorded statements I had obtained from them very shortly after the Defendant's arrest, in which they stated they had not sold their votes. The jury deadlocked, and the State elected not to retry the case. This case is noteworthy because it is one of the few voter fraud cases tried in the State of Tennessee. It received local and national media attention and was the lead story on the CBS evening news narrated by Dan Rather. The case had two good outcomes: my client was not convicted, and the way elections were conducted in Monroe County changed in that allegations of voter fraud due to paid absentee voters were significantly reduced.

APPELLATE COURT EXPERIENCE

14. a) The approximate number of matters in which you appeared

(i) as counsel of record on the brief:

TN 28 Federal 0 Other States 0

(ii) personally in oral argument:

TN 24 Federal 0 Other States 0

b) The approximate percentage of your appeals which have been

(i) civil: 70 %

(ii) criminal: 30 %

15. Cite and summarize the most significant appellate matters with which you have been involved. Indicate the nature of your involvement with each case.

(1) Deborah Smalling v. Martha Terrell and Wade Terrell Donaghey,

943 S.W.2d 397 (Tenn. Ct. App. 1996).

At issue in this case was the construction of a holographic will. My client, Deborah Smalling, lived with William Avery for several years, but they were never married. They lived on a 36 acre farm which Mr. Avery received from his mother. Mr. Avery's grandmother also lived on the farm, and his aunt made the mortgage payments and paid for various improvements to the land. Mr. Avery committed suicide, after which Ms. Smalling discovered his holographic will. It provided "I would like Deborah to have my home and property to maintain and keep with the hope that she may find comfort and independence that has been denied me. She has been my love and faithful consort and has given me untold support and happiness. Words fail me. /s/ William P. Avery."

Before the will could be admitted to probate, Mr. Avery's grandmother deeded the farm to the aunt who had paid the mortgage and made improvements to the property. The deed incorrectly recited that Mr. Avery had died intestate. I filed suit on behalf of Ms. Smalling to have the court construe the terms of the will and set aside the deed. The trial court ruled that there was a resulting trust as to thirty-four of the thirty-six acres in favor of the aunt and the grandmother and that two acres passed in fee to the Plaintiff. The Court of Appeals reviewed the matter and after an analysis of the rules of will construction and the law of resulting trusts, reversed the trial court and remanded the case for entry of an order construing the holographic will to vest all of the decedent's property, including the thirty-six acres with improvements, to the Plaintiff. This case has been cited by the Tennessee Court of Appeals in 10 subsequent opinions, by the United States Court of Appeals for the Sixth Circuit in 1 opinion, by United States District Courts in 2 opinions, and by 8 secondary sources. This case was significant in that it clarified the law as to resulting trusts and set forth a definition of the term "property."

- (2) State of Tennessee ex rel. Danny Barnes v. Jim Rose, Warden, 637 S.W.2d 459 (Tenn. Crim. App. 1982).

In this post-conviction relief case, I was appointed by the court to represent Danny Barnes, who had previously been convicted of first degree murder and sentenced to a term of ninety-nine years in the Tennessee Penitentiary. Following his Tennessee conviction, he was returned to the custody of Kentucky authorities and was in a Kentucky prison where he filed a Petition for Post Conviction Relief seeking a review of alleged errors in his Tennessee conviction, including the claim of ineffective assistance of counsel. I moved

the Court to have Mr. Barnes transported from Kentucky for the hearing. The trial court denied this request and subsequently dismissed the Petition without having the Defendant present at the evidentiary hearing. The issue on appeal was whether the Defendant has the right to appear and testify at his post-conviction relief hearing while in custody outside the State of Tennessee. The Court of Criminal Appeals ruled that Tenn. Code Ann. § 40-38-10 only applies to petitioners in the actual custody of Tennessee authorities and subject to the orders of Tennessee courts. Although I was not successful in this criminal appeal, I zealously represented my client. This case has been cited in 5 subsequent decisions of the Tennessee Court of Criminal Appeals and 3 secondary sources.

- (3) State of Tennessee v. Roger D. Oody, 823 S.W.2d 554 (Tenn. Crim. App. 1991).

This was a death penalty murder case in which I was appointed lead counsel to represent the Defendant. The case involved three men, one of whom was my client, riding around in a vehicle and consuming alcohol. An eventual argument led to the stabbing and death of one of the men. A passenger in the vehicle testified at trial that my client brutally stabbed the victim to death as he begged for his life. The victim's body was left on the side of the road, and later my client allegedly returned and chopped his body into small pieces with an axe. Nearly two months later, the victim's decayed remains were found in the woods near the scene. The jury found the Defendant guilty of first degree murder, spared him death by electrocution, and sentenced him to life in prison. Multiple issues were raised on appeal. The Court of Criminal Appeals affirmed the conviction and the life sentence. Although my client was convicted and was sentenced to life in prison, this case is noteworthy because, as appointed counsel for an alleged murderer, I gained experience handling a capital murder case and vigorously defended a man who had committed what the State contended was a heinous crime. This Defendant was indigent, had a string of previous criminal convictions, and was not particularly cooperative. However, he was entitled to equal justice under the law, competent representation, and a trial before an impartial jury. I worked hard to protect his rights under the Tennessee and United States Constitutions, and his life was spared by the jury. Representing a defendant in a capital murder case is a tremendous obligation and responsibility. This case has been cited by the Tennessee Supreme Court in 6 opinions, by the Tennessee Court of Appeals in

14 opinions, by the Tennessee Court of Criminal Appeals in 294 opinions, and in 14 secondary sources.

(4) Aldridge v. Morgan, 912 S.W.2d 151 (Tenn. Ct. App. 1995).

I represented a group of neighbors who filed suit against a property owner asserting violations of subdivision restrictive covenants and nuisance. The Defendant lived in a nice neighborhood in close proximity to Tellico Lake. The Defendant had allowed a large amount of debris and junk, including an old refrigerator, to accumulate in his yard. The Defendant's home was not complete after three years of construction, despite subdivision regulations that required construction be completed "within a reasonable time." The Chancellor ruled that the condition of the Defendant's property interfered with the Plaintiffs' free use and enjoyment of their own property and constituted a nuisance. The Court of Appeals affirmed this decision after a discussion and a review of the law of nuisance. This case is noteworthy because I was able to help a group of property owners correct a serious problem in their neighborhood which was preventing them from enjoying their homes and was causing a diminution in the value of their land. This case has been cited by the Tennessee Court of Appeals in 5 decisions and in 9 secondary sources.

(5) State of Tennessee v. Jones, No. 128, 1990 WL 235658 (Tenn. Crim. App. Dec. 20, 1990).

In this interlocutory appeal, the issue before the court was the propriety of an order committing a criminal defendant to the custody of the Commissioner of Mental Health. The defendant was indicted on a charge of robbery with the use of deadly weapon. As court-appointed counsel, I promptly obtained an order requiring him to be evaluated to determine his competency to stand trial and whether an insanity defense could be supported. The evaluating doctor advised the trial court that the defendant was not competent to stand trial and that his condition supported an insanity defense. This prompted the State to file a petition to have the defendant judicially hospitalized, pursuant to Tenn. Code Ann. § 33-7-301. Even though the State failed to comply with the statute, the trial court entered an order committing the defendant. I appealed the trial court's decision on behalf of the defendant, and the Court of Criminal Appeals reversed the trial court. This case is noteworthy because the Court of Criminal Appeals reversed the trial judge for ignoring statutory requirements for judicial hospitalizations.

ADMINISTRATIVE EXPERIENCE

16. If you have practiced in adversary proceedings before administrative boards or commissions, state the types of matters.

Tennessee Board of Probation and Parole – a request for parole on behalf of an incarcerated inmate.

Tennessee Water Quality Control Board – cases for two municipalities (Madisonville and Lake City) involving violations of water quality standards by waste water treatment plants.

Tennessee Solid Waste Board – case for a corporation in Bristol, Tennessee involving violation of solid waste regulations.

Tennessee Department of Safety – cases for various individuals seeking return of vehicles seized by the Department of Safety in connection with seizure of illegal substances found in the vehicle.

Tennessee Claims Commission – cases for various individuals who were injured due to the negligence of the State of Tennessee and individuals who were injured while employed by the State of Tennessee.

U.S. Department of Safety, Office of Workers' Compensation – cases for individuals who were injured while employed by the Tennessee Valley Authority.

Social Security Administration Bureau of Hearings and Appeals – cases for persons seeking social security disability benefits.

ARBITRATOR / MEDIATOR / LAW CLERK / JUDGE

17. If you have served as a judicial law clerk or staff attorney to a court, state the name of the court and dates of service, and describe your experience.

Not applicable.

18. If you have handled any matters that have been arbitrated or mediated, state the types of matters.

I have handled numerous tort and domestic claims that were mediated. These include cases involving vehicle collisions, railroad crossing

accidents, medical negligence cases, divorce and child custody cases.

19. If you have served as a mediator, an arbitrator or a judicial officer, give dates and details, including the courts or agencies involved, whether elected or appointed, and a description of your duties.

I have served as Judge on the Tennessee Court of Appeals since June 4, 2004. During my time on the bench, I have heard over 760 civil cases and authored over 242 majority opinions. None of the majority opinions I have authored has been reversed by the Tennessee Supreme Court. I have written 5 separate opinions, including 4 dissents. The Tennessee Supreme Court reversed the majority ruling in 2 of the cases in which I wrote a dissent. In addition, I have served as a Judge on the Tennessee Supreme Court Special Workers Compensation Panel and have heard 8 workers compensation cases, and authored 3 majority opinions.

In 2006, I sat as a Special Justice on the Tennessee Supreme Court in the following cases: State v. McKim, 215 S.W.3d 781 (Tenn. 2007), Hoover v. State, 215 S.W.3d 776 (Tenn. 2007), and Zakour v. UT Med. Group, Inc., 215 S.W.3d 769 (Tenn. 2007). I authored an unanimous Supreme Court opinion in Zakour v. UT Med. Group, Inc., which analyzed and set forth the law in Tennessee as it relates to the exercise of peremptory challenges during jury selection based on race and gender in a discriminatory manner contrary to the United States Supreme Court's holding in Batson v. Kentucky, 476 U.S. 79 (1986).

I served as the City Judge for the town of Madisonville hearing cases involving violations of municipal ordinances and various traffic offenses.

I am trained and certified as a Rule 31 listed mediator in domestic law with an additional certification in domestic violence mediation. I have mediated numerous domestic cases.

20. List noteworthy cases which you presided over or 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.

(1) Tennessee Supreme Court; Case heard November 14, 2006; Opinion filed January 22, 2007

Zakour v. UT Med. Group, Inc., 215 S.W.3d 769 (Tenn. 2007). This

opinion analyzes and sets forth the law in Tennessee as it relates to the exercise of peremptory challenges during jury selection based on race and gender in a discriminatory manner. The foundation of the opinion is the United States Supreme Court's ruling in Batson v. Kentucky, 476 U.S. 79 (1986) and its progeny. In Zakour, the defendants used six of their seven peremptory challenges to strike women from the jury panel, including the only African-Americans who were seated in the jury box. In response to the plaintiff's race-based Batson challenge, the defendants responded that one of the African-American women was dismissed because she had difficulty remembering the verdict in a previous civil jury case in which she had served as a juror and because she had a family history of cancer. As to the Plaintiff's gender-based Batson objection, the Defendants responded that the women were excused based on "experience and body mechanics." The trial court overruled the Plaintiff's objections and the trial proceeded. Following a defense verdict, the Plaintiff appealed, and the Court of Appeals affirmed the judgment. Speaking for the Court, I held that the Defendants' stated reasons for exercising peremptory challenges to strike the African-Americans and women from the jury panel were insufficient to satisfy the requirements of Batson v. Kentucky. This opinion is noteworthy because the Tennessee Supreme Court clearly set forth the three-step analysis that a trial court is required to make when a Batson challenge is made during voir dire in civil and criminal cases. It emphasizes that when a challenge is made, reasons given for the dismissal of a juror must be consistent, accurate, and specific. It is not sufficient to cite "body language" as a reason for the dismissal of a juror without stating the particular body language that forms the basis for the challenge.

(2) Tennessee Court of Appeals; Case submitted on briefs December 12, 2006; Opinion filed January 30, 2007.

In re M.L.P., 228 S.W.3d 139 (Tenn. Ct. App. 2007). In this parental termination case, the father was sentenced to serve eighteen years in prison when his daughter was six years old. The trial court terminated his parental rights based on Tenn. Code Ann. § 36-1-113(g)(6), which provides for the termination of parental rights of a person who is incarcerated under a sentence of ten years or more if that person's child is under the age of eight at the time of sentencing. On appeal, father argued that Tenn. Code Ann. § 36-1-113(g)(6) is inapplicable because he might not have to serve his entire sentence if he had obtained post-conviction relief. As author of the opinion, I held that the possibility of post-conviction relief is irrelevant to a trial court's determination of whether the requirements of Tenn. Code Ann. § 36-1-113(g)(6) have been met. The effect of this ruling is to allow the parental rights of an incarcerated parent

to be terminated so that their children can become eligible for adoption and placement in stable homes, even though the parent is seeking post-conviction relief.

(3) Tennessee Court of Appeals; Case heard on February 7, 2006;
Opinion filed February 22, 2006

Jamison v. Ulrich, 206 S.W.3d 419 (Tenn. App. 2006). The issue presented in this case was whether the policemen and firemen's rule applied to an animal control officer who was bitten by a Doberman Pinscher while performing the duties of his employment. The plaintiff, an animal control officer for the Chattanooga Police Department, was bitten when, in the course and scope of his employment, he attempted to take possession of the defendants' dog at their home. The plaintiff sued the defendants for compensatory damages, claiming that they were negligent in failing to warn him about the dangerous nature of the dog. The case was appealed after the trial court granted summary judgment to the defendant. Writing for the court, I held that the dog's owners owed no duty of ordinary care to the animal control officer. In this opinion, the history and purpose of the policemen and firemen's rule, which precludes firefighters and police officers from recovering damages for injuries arising out of risks peculiar to their employment, was discussed. Based on precedent and the public policy of this rule, it was determined that there was no reason to differentiate an animal control officer from a policeman or fireman who is injured while encountering a known risk of his or her job. This case explained the policemen and firemen's rule and extended its coverage to include animal control officers.

(4) Tennessee Court of Appeals; Case heard on September 15, 2005;
Opinion filed October 25, 2005

English Mountain Spring Water Co. v. Chumley, 196 S.W.3d 144 (Tenn. Ct. App. 2005). The issue presented in this case was whether bottled natural spring water was subject to the privilege tax imposed upon "bottled soft drinks" by Tenn.Code Ann. § 67-4-402. The decision in this case turned on the definition of the term "beverage" and whether its meaning included bottled spring water. In holding that bottled water was not taxable as a beverage, I determined that the language of the statute was ambiguous and, therefore, must be construed in favor of the taxpayer. The trial court's decision was reversed, and bottled water was held not to be subject to the tax on bottled soft drinks. This was a significant decision as it determined the applicability of the bottlers' tax to bottled spring water, which is a growing industry in Tennessee.

(5) Tennessee Court of Appeals; Case heard on December 7, 2006; Opinion filed January 30, 2007

C & W Asset Acquisition, LLC. v. Oggs, 230 S.W.3d 671 (Tenn. Ct. App. 2006). This case is significant, not for its outcome, but for its expressed views of how pro se litigants should be treated by the courts. Individuals are representing themselves in court in increasing numbers. There is a tightrope that judges must walk in treating pro se litigants fairly while at the same time requiring compliance with the rules of procedure. In this case, the assignee of a loan agreement sued the defendant alleging he was in default of the agreement and requested judgment for monies advanced, plus interest and attorney's fees. The defendant denied owing the debt. The trial court found the plaintiff had failed to carry its burden of proof and dismissed the case. Upon appeal, writing for the court, I affirmed the trial court. One of the issues raised by the plaintiff was that the defendant had waived the issue of failure to receive consideration from the line of credit because he did not raise the issue in an answer. In the opinion, I noted that the defendant was not trained in the law and entitled to some leeway in the drafting of his pleadings. The statement of the evidence (prepared by the plaintiff and not approved by the trial court) showed that an employee of the plaintiff testified that the defendant received payment under the loan agreement and did not repay the money. Because the defendant denied owing the debt throughout the case, the opinion noted that the plaintiff should have reasonably known that the issue of failure of consideration was before the court as a matter of necessity and was not prejudiced as a result of the defendant's failure to comply with Rule 8.03. In any event, the defendant had raised no objection in the trial court on this issue. The significance of this opinion is the expression of the court's view that pro se litigants should have their "day in court" so that cases are heard on their merits rather than on procedural technicalities that present a minefield to those untrained in the law.

(6) Tennessee Court of Appeals; Case heard on February 9, 2006; Opinion filed March 6, 2006

Trotter v. Grand Lodge F. & A.M. of Tennessee, No. E2006-00416-COA-R3-CV, 2006 WL 538946 (Tenn. Ct. App. Mar. 6, 2006). In this case the plaintiff sued the fraternal organization of which he was a member for defamation and violation of due process in connection with his removal from an administrative office he held in one of the organization's lodges. The plaintiff alleged defamatory statements related to his removal were contained in a letter and dispensation read to members of the organization and in a pamphlet subsequently distributed at the organization's annual meeting. A significant aspect of this case was the analysis and discussion of the law of "publication" in defamation cases involving agents and officers in nonprofit organizations. It provides a roadmap for trial judges

and practitioners dealing with defamation cases involving nonprofit corporations.

(7) Tennessee Court of Appeals; Case heard on July 20, 2006; Opinion filed August 22, 2006

In re Adoption of D.P.E., No. E2005-02865-COA-R3-PT, 2006 WL 2417578 (Tenn. Ct. App. Aug. 22, 2006). This opinion emphasized the importance and necessity of the appointment of a guardian ad litem in parental termination cases. Before trial, the parties agreed that a guardian ad litem was not necessary. The appeal was filed after the trial court terminated the parents' rights to their children. The opinion first noted that, even though the guardian issue had not been raised in the trial court, it would be addressed because of the court's great concern for the best interest of the child, stating that "[j]ustice and fairness trump judicial economy." Without a guardian ad litem, the child has no voice in a proceeding of critical importance to the child. Therefore, the court concluded that the appointment of a guardian ad litem cannot be waived by the parties and cannot be considered harmless error.

(8) Tennessee Court of Appeals; Case heard on April 4, 2006, Opinion filed June 21, 2006

Potter v. Ford Motor Co., 213 S.W.3d 264 (Tenn. Ct. App. 2006) This products liability case presents a thorough discussion and analysis of the doctrine of intervening cause. The holding in Potter is that the intervening cause doctrine is inapplicable when the intervening superceding cause is the plaintiff's own conduct. Although only published in 2006, it has been cited in 1 Court of Appeals case and in 22 secondary sources.

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

I believe my experience as a lawyer, mediator and an appellate court judge over the past 30 years has been adequately stated in previous questions.

PERSONAL INFORMATION

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

54 years

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

I have lived in Monroe County for 54 years, with the exception of a 5 year period from 1978-1983 when I lived in Blount County.

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

Monroe County

25. List all states in which you have lived since age 21 and the dates you lived in each state.

Tennessee – continuous

26. State your age and date and place of birth.

Age 54

December 8, 1953

Knoxville, Tennessee

27. List the following:

a) Driver's License No. 39288222

b) Board of Professional
Responsibility No. 006351

28. Family Status:

a) State the full name and present address of your spouse and the date and place of your marriage.

I am not married.

- b) State your spouse's occupation and place of employment.

Not applicable.

- c) If you have been married previously, state name of your former spouse; the date and place of the marriage; the date the marriage was terminated; if terminated by divorce, the date and place of the divorce, the name and location of the court.

Peter J. Alliman

Married: August 12, 1978, Madisonville, Tennessee

Divorced: November 3, 1992, Cleveland, Tennessee

Court: Bradley County Circuit Court, Cleveland, Tennessee

- d) If you have children, state the name, age, address and present occupation.

Sarah Lee Alliman

age 24

10425 Ravenbrook Lane

Knoxville, Tennessee 37929

College student

Laura Elizabeth Lee Alliman

age 22

112 Silo Court, Ste 511C

Columbia, South Carolina 29201

College student

29. Military Service:

I did not serve in the military.

- a) Branch of Service: not applicable
- b) Service number: not applicable
- c) Dates of active duty: not applicable
- d) Rank/rate at separation: not applicable
- e) Decorations, honors, or achievements: not applicable
- f) Was your discharge other than honorable? If so, explain.
not applicable

30. Are you physically and mentally able to perform the essential duties of a judge in the court for which you are applying with or without accommodations? Please identify any accommodations you may need to perform the job.

Yes, no accommodations necessary

31. 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.

No

32. 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

33. 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

34. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities or creditors? If so, give details.

No

35. Have you ever been a party in any legal proceedings? If so, give details including the date, court and docket number and disposition. Provide a brief description of the case.

Yes.

(1) Ben L. Ridings v. Law Offices, Boone Daughtery, Peter Alliman, Sharon Lee, and Michael Flynn; filed by the Plaintiff pro se on or about April, 1984 in Knox County Circuit Court Docket No. 1055

I had no interaction with, knowledge of, contact with or communications with the Plaintiff at any time before, during or after the lawsuit was filed. I believe he was a disgruntled former client of one of the other defendants. The Trial Court granted summary judgment and dismissed the suit. The Court of Appeals affirmed the trial court's dismissal. Ridings v. Law Offices, Boone Daughtery, Peter Alliman, Sharon Lee, and Michael Flynn, 1986 WL 6624, 1986 Tenn. App. Lexis 3075 (Tenn. Ct. App. June 13, 1986)

(2) Sharon G. Lee v. Peter Alliman; a divorce case filed on June 15, 1992 in the Circuit Court for Bradley County, Cleveland, Tennessee, Docket No. 92-0464. A decree of divorce was granted on November 3, 1992 on the grounds of irreconcilable differences.

36. Describe and give details of any occupation, business, or profession other than the practice of law in which you have ever been engaged.

Other than practicing law, I serve as a Judge on the Tennessee Court of Appeals and have been employed as a member of the adjunct faculty for the University of Tennessee College of Law.

37. Are you now an officer or director of any business organization, or are you otherwise engaged in the management of any business enterprise?

No

- a) If so, give details, including the name of the enterprise, the nature of the business, the title or other description of your position, the nature of your duties, and the terms of your service.

Not Applicable

- b) Do you consider continuation of such business involvement to be a conflict of interest?

Not Applicable

38. If your income is not wholly derived from the practice of law, specify in detail the other sources of your income and the approximate percentage of your total income each source represents.

My primary source of income is my salary from the State of Tennessee. Additional income is derived from investments in the form of interest, dividends, capital gains, and rent. In 2007, I also received compensation from the University of Tennessee College of Law as an adjunct faculty member.

39. List all organizations other than professional associations to which you have belonged within the last ten 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.

Knoxville Executive Women's Association

Secretary and Member of Executive Board (2007-current)

Boys and Girls Club of Monroe County

Board of Directors (2007-current)

Auction Fundraiser Committee (2004)

Hiwassee College Division Leader, 2004 Annual Fund Campaign

Monroe County Chamber of Commerce Member

40. Have you within the past ten years 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.

Yes

- a) If so, list such organizations and describe the basis of the membership limitation.

I belong to the Knoxville Executive Women's Association, which is an organization founded for the purpose of affording mutual support; facilitating common education from sharing information, experience, and ideas; enhancing the potential of women executives; enabling women to attain leadership positions in the community; and encouraging women to aspire to the highest career goals. Membership is selective and by invitation only. Members must clearly represent executive management; be indirectly involved in policy-making and/or have a direct influence on policy; be key decision-makers; have received significant recognition in their field; maintain a strong community influence; and adhere to high ethical standards in professional and business practices.

- 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.

If appointed, I would like to remain a member of this organization as I think it is important for Supreme Court Justices to remain prominent and active in their community and in community organizations. Through this organization I can continue to learn from others and enhance my own potential, as well as serve as a role model and mentor to others.

EDUCATION

41. List each college, law school and other graduate school which you have attended, including dates of attendance, degree awarded, major and your reason for

leaving each school if no degree was awarded.

Vanderbilt University, Nashville, Tennessee

Attended from 1971-1972

No degree was awarded.

I entered Vanderbilt University as a pre-med major. After the end of my freshman year, I decided to change my major to Business Administration and transfer to the University of Tennessee in Knoxville.

University of Tennessee, Knoxville, Tennessee

Attended from 1972-1975

**Awarded Bachelor of Science in Business Administration with high honors
Accounting major**

University of Tennessee College of Law

Attended 1975-1978

Doctor of Jurisprudence degree

42. Law School:

a) What was your academic standing, i.e., class rank? (Please be sure to state the total number of students in your graduating class.)

12th out of class of 80, Top 15%

b) If you served on the staff of any legal publication such as a law review during the time you were in law school, state the title of the publication and your area of responsibility.

I served on the Editorial Board of the Judicial Newsletter. As a member of the board, I read and summarized Tennessee appellate opinions and noted their significance for the publication.

c) If you were a member of an appellate or trial moot court team while you were in law school, give details.

I was a finalist in the Advocates Prize Moot Court Competition. This is a year-long appellate moot court program for second and third year law students. It is a volunteer program wherein students prepare briefs and argue an assigned case before a series of appellate court benches. The preliminary rounds were heard by panels of law professors or practicing lawyers. In the final round, the two teams surviving the earlier rounds argue a case before a panel of federal appellate judges. Final competition was held on law day April 29, 1977. Oral argument was presented before the Honorable Albert Bryan, U.S. Court of Appeals for the Fourth Circuit, Honorable George Edwards, U.S. Court of Appeals Sixth Circuit, and the Honorable Elbert P. Tuttle, U.S. Court of Appeals Fifth Circuit.

- d) Describe any courses you took in law school that directly addressed the subject of appellate or trial advocacy.

Research and Writing I, II and III.

Legal writing

Civil advocacy

Trial moot court

Trial practice

- e) List any honors, prizes, awards or other forms of recognition which you received in law school.

American Jurisprudence Award for Torts I

American Jurisprudence Award for Administrative Law

Editorial Board member of Judicial Newsletter – a publication which collected and summarized opinions of the Tennessee appellate courts

President and Member of Moot Court Board – an organization which promoted appellate advocacy competitions at the law school

Finalist in Advocates Prize Moot Court Competition – an appellate advocacy competition

Phi Delta Phi Legal Fraternity Member

Vice President of Tennessee Trial Lawyers Association Student Chapter

Recipient of Tennessee Trial Lawyers Association Merit Scholarship

ACHIEVEMENTS

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

Tennessee Bar Association	1978-current
House of Delegates	2003-current
Tennessee Trial Lawyers Association	1996-2004
Monroe County Bar Association	1978-2004
Past President, Vice-President and Secretary	
Knoxville Bar Association	2004-current
Tennessee Bar Foundation Fellow	2004-current
Tennessee Judicial Conference	2004-current
Executive Committee	2007-current

Tennessee Lawyers' Association for Women	2003-current
East Tennessee Director at Large	2005-current
East Tennessee Lawyers' Association for Women	2005-current
President	2008
President-elect	2007

44. 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.

Spotlight Award from the National Association of Women Judges

Million Dollar Advocates Forum – members limited to trial lawyers who have demonstrated exceptional skills, experience, and excellence in advocacy by obtaining a verdict or settlement in excess of one million dollars.

45. State in detail the pro bono service you have given throughout your career.

During my years of law practice, I regularly provided pro bono services in my community.

I drafted a charter and a set of bylaws for a Parent Teacher Organization at a local school.

I prepared documents for the incorporation of an athletic booster club at a local high school.

I provided advice and prepared legal documents for various churches.

I accepted pro bono cases from Southeast Tennessee Legal Services whenever they requested my assistance.

I provided pro bono services to women who were living in abusive

situations and needed to obtain orders of protection and/or divorces to protect themselves and their children.

I represented individuals who I knew who could not pay a fee but needed legal assistance. Examples include drafting wills for elderly persons and providing advice and assistance to individuals so they can handle their own cases in general sessions court. I gave advice to individuals concerning various matters such as evictions, unfair debt collection practices, and non-payment of wages.

I prepared wills and powers of attorney at no charge to young men and women who were being deployed to Iraq.

I prepared legal documents at the request of and for the benefit of Habitat for Humanity.

I prepared legal documents for Hiwassee College, a nonprofit educational institution affiliated with the Methodist Church.

I advised a citizens group organized to combat the epidemic of methamphetamine addiction and its damaging effects on our community.

I advised a citizens group seeking to establish and provide services for battered women in our community.

I served as a mediator for parties who could not afford to pay a fee.

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

Opening and Closing Arguments, Harrison Publishing Company, J.D. Lee and Sharon G. Lee, Co-Authors, 1980.

Authored article on the Judicial Selection Process for Tennessee Lawyers' Association for Women, December, 2004 newsletter.

Authored book review of *The History of the Tennessee Supreme Court* for

DICTA, Knoxville Bar Association newsletter.

47. List law school courses, CLE seminars, or other law related courses for which credit is given that you have taught within the last five years.

As a member of the University of Tennessee College of Law Adjunct Faculty, I taught a course in Trial Practice in the fall of 2007 to second and third year law students.

Since 2004, I have given the following seminar presentations:

A View from the Bench, Knoxville Bar Association CLE, November 19, 2004.

The Road to the Courthouse, TBA Leadership Law, March 31, 2005, Nashville, Tennessee.

How to Get Elected or Appointed to the Bench, panelist on CLE program for East Tennessee Lawyers' Association for Women, May 18, 2005, Knoxville, Tennessee.

Appellate Practice Tips, Tennessee Trial Lawyers Seminar, May 4, 2006, Chattanooga, Tennessee.

Judicial Ethics, Presentation to Tennessee Municipal Judges Association, November 6, 2006, Knoxville, Tennessee.

Appellate Practice, CLE presentation for Loudon County Bar Association, May 3, 2007, Loudon, Tennessee.

Effective Appellate Advocacy in a Domestic Case, 2nd Annual Family Law Conference for Tennessee Practitioners, October 26, 2007, Knoxville, Tennessee.

The New Lawyer Experience: What Judges Want Associates to Know, Panel Discussion, TennBarU, February 15, 2008, Knoxville, Tennessee.

Civility and Ethics, Producer and Moderator for panel discussion, East Tennessee Lawyers' Association for Women, April 16, 2008, Knoxville, Tennessee.

Appellate Practice and Procedure, East Tennessee Lawyers' Association for Women, June 18, 2008, Knoxville, Tennessee. (scheduled)

A Review of 2008 Tennessee Supreme Court Decisions, TAM Conference for Tennessee Practitioners, November 6, 2008, Knoxville, Tennessee. (scheduled)

48. List presentations you have made to groups and organizations within the past five years.

The First Amendment and the Ten Commandments, Monroe County Alternative School, April 22, 2004, Madisonville, Tennessee.

The Judicial System, Pellissippi State Community College Paralegal Association, April 6, 2005, Knoxville, Tennessee.

Judicial Selection and Retention, 10th Judicial District Community Corrections Advisory Board meeting, December 1, 2005, Cleveland, Tennessee.

The Judiciary in Tennessee, Smoky Mountain Chapter of the American Ex-Prisoners of War, 2005, Maryville, Tennessee.

Judges and the Courts, Sweetwater Primary School, November 18, 2005, Sweetwater, Tennessee.

Hooding Ceremony Keynote Speaker, University of Tennessee College of Law, December 14, 2006, Knoxville, Tennessee.

The Importance of Political Involvement, Blount County Democrat Party Dinner, October 2, 2007, Maryville, Tennessee.

Remarks honoring retired Chancellor L.F. Stewart, 12th Judicial

District Bar dinner, January 26, 2008, Jasper, Tennessee.

Women's Suffrage – A Debt From the Past, Paid to the Future, key note speaker for Tennessee Federation of Democrat Women Convention, April 19, 2008, Knoxville, Tennessee.

Law Day – A Judge's Tools, Boys and Girls Club of the Monroe County Area, Madisonville Club, May 6, 2008, Madisonville, Tennessee.

Participated in the production of a Tennessee Bar Association DVD promoting pro bono services and access to justice, May 15, 2008, Nashville, Tennessee.

McMinn County's Crucial Role in the Ratification of the 19th Amendment, McMinn County Democrat Women's Dinner, June 7, 2008, Athens, Tennessee. (scheduled)

49. List all prior occasions on which you have submitted an application for judgeship to the Judicial Selection Commission. Include the specific position applied for, the date of the Selection Commission meeting, and whether or not your name was submitted to the Governor as a nominee.

I submitted an application for a vacancy on the Tennessee Court of Appeals on April 23, 2004. The Judicial Selection Commission met on May 16-17, 2004. My name was submitted to the Governor, and I was appointed to the Tennessee Court of Appeals.

50. 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.

Judge, Tennessee Court of Appeals

Appointed by Governor Bredesen on June 4, 2004

Received unanimous approval of the Judicial Evaluation Commission and retained by 78% popular vote in August, 2004

Received unanimous approval of the Judicial Evaluation Commission and retained by 76% popular vote in August, 2006

City Judge for Madisonville
Appointed by the Mayor and Board of Alderman
2001-2004

Democrat nominee for Chancellor, 10th Judicial District (Bradley, McMinn, Monroe and Polk Counties)
Winner of a contested primary to become the Democrat nominee
May and August, 1998

Democrat nominee for General Sessions Court Judge in Monroe County.
Winner of a contested county convention to become the Democrat nominee
May and August, 1990

51. Describe any experience you have had with legislative or executive branches of government other than as an elected or appointed official.

None

52. 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.

See attached opinions:

1) Zakour v. UT Med. Group, Inc., 215 S.W.3d 763 (Tenn. 2007).

2) Bialecke v. Chattanooga Publ'g Co., No. E2005-02560-SC-WCMCV, 2006 WL 2382846 (Tenn. Workers' Comp. Panel 2006).

3) Potter v. Ford Motor Co., 213 S.W.3d 264 (Tenn. Ct. App. 2006).

4) Vatt v. James, 180 S.W.2d 99 (Tenn. Ct. App. 2005).

5) In re Adoption of D.P.E., No. E2005-02865-COA-R3-PT, 2006 WL 2417578 (Tenn. Ct. App. Aug. 22, 2006).

6) English Mountain Spring Water Co. v. Chumley, 196 S.W.3d 144 (Tenn. Ct. App. 2005).

7) Trotter v. Grand Lodge F. & A.M. of Tennessee, No. E2005-00416-COA-R3-CV, 2006 WL 538946 (Tenn. Ct. App. Mar. 6, 2006).

8) Chavez v. Broadway Elec. Serv. Corp., 245 S.W.3d 398 (Tenn. Ct. App. 2007).

All of these opinions reflect my research, writing and editing with assistance from a law clerk.

ESSAYS

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

A Justice of the Tennessee Supreme Court has an enormous responsibility to the litigants, lawyers, judiciary, and the general public to articulate, interpret, and apply the law. Being a Justice, while certainly a high honor, carries with it a responsibility of the highest magnitude. It requires dedication to legal principles, a love of the law, humility, respect for those persons appearing before the Court, and a recognition that cases involve not only legal issues and concepts, but real problems that impact real people's lives. I believe that my background as a person from a rural area, my active involvement in the community as a parent and a citizen, my dedication to the legal community, my 26 years of experience as a lawyer immersed in the practice of civil and criminal law, my service as an appellate judge who has heard over 760 cases and filed more than 242 opinions, and my service as a Special Justice on the Tennessee Supreme Court, uniquely qualify me to serve on the Tennessee Supreme Court.

54. State any other information which may reflect positively or adversely on you or which you believe should be disclosed in connection with your application for selection to the judiciary. **(150 words or less)**

Since being appointed to the Court of Appeals in 2004, I have sat on over

760 cases and filed over 242 opinions. None of my majority opinions has been reversed by the Tennessee Supreme Court. The Tennessee Supreme Court has reversed two majority opinions in which I wrote dissents.

I have sat as a Special Justice on the Tennessee Supreme Court in 3 cases, and authored a majority opinion; and have sat on the Tennessee Supreme Court Workers Compensation Panel, and heard 8 cases and authored 3 majority opinions. I strive for all the opinions that I file to be legally sound, factually correct, well-reasoned, clear, concise, and issued in a timely manner.

I have served as Secretary to the Court of Appeals for 4 years, as a member of the Appellate Mediation Task Force, and as a member of the Court Continuity of Operations committee.

In addition to my court work, I have actively pursued educational opportunities to enhance my judicial skills and abilities. These educational seminars and conferences I have attended include:

New Appellate Judges School, Dwight Opperman Institute of Judicial Administration, New York University School of Law, July 9-14, 2006.

2004 Appellate Judges Summit, Appellate Judges Education Institute, Dallas, Texas, November 11-14, 2004.

2005 Appellate Judges Summit, Appellate Judges Education Institute, San Francisco, California, September 2-October 1, 2005.

Roscoe Pound Foundation Judicial Seminar, Toronto, Canada, July 23, 2005.

Humanism and the Law, George Mason University School of Law, La Jolla, California, October 9-12, 2006.

Roscoe Pound Foundation Judicial Seminar, Judicial Independence Chicago, Illinois, July 14, 2007.

2007 Appellate Judges Summit, Appellate Judges Education Institute, Washington, D.C., September 27-30, 2007.

Institute on the Economics Analysis of Law, George Mason Law School, Captiva Island, Florida, November 9-15, 2007.

I have actively encouraged students to pursue the study of law by giving them the opportunity to intern in my office. From 2005 until 2007, I supervised the internships of 3 high school students, 3 college students, and 5 law students.

55. State any achievements or activities in which you have been involved which demonstrate your commitment to equal justice under the law. (150 words or less)

Equal justice under the law encompasses the concept that everyone, no matter their station in life, have equal access to the law. In our society, sadly, this is often proclaimed, but not fulfilled. As a lawyer, I regularly performed pro bono services for those in my community who needed legal assistance and could not pay. I belong to and hold leadership roles in organizations, such as the Tennessee Bar Association, the Tennessee Lawyers' Association for Women, and the East Tennessee Lawyers' Association for Women, which are all committed to equal justice under the law and promote pro bono work by attorneys. As a judge, I have been careful to protect the rights of those who are unrepresented. C & W Asset Acquisition, LLC. v. Oggs, 230 S.W.3d 671 (Tenn. Ct. App. 2006). Pro se litigants must comply with the rules, just as represented litigants, but there must be a certain flexibility in the application of legal rules and principals so that pro se litigants do not lose their "day in court."

56. State how you would address issues of bias in the judicial system. (150 words or less)

There is absolutely no place for bias of any kind in the judicial system. However, because the judicial system is composed of human beings who by their very nature have a tendency to prejudge others, the first step in eliminating bias is to recognize and acknowledge its existence and then confront it. The fact that bias will not be tolerated must be made very clear to all participants in the system – judges, lawyers, court personnel, litigants, and even spectators. Judges must be at the forefront of this process and set an exemplary standard for others to follow. A judge must closely scrutinize his or her conduct for bias or the appearance of bias. As

judges, we must educate ourselves on issues that affect others. Often we exhibit bias by making comments or jokes that are unintentionally offensive, but offensive and degrading all the same. Often we prejudge and express attitudes without realizing their effect on others. I am sensitive to the issue of bias based on the gender bias that I experienced during the early years of my practice when female attorneys in my area were rare and there were no women serving as judges in my geographical area. I had to make an extra effort to gain the respect of my fellow attorneys and judges. The increase in the number of female attorneys and female judges has resulted in less gender bias in the system. With increased awareness and participation by women and minorities at all levels of the judiciary, the problem of bias will improve. Having experienced a form of bias, I am sensitive to bias and adamantly opposed to any form of bias based on sex, race, or any other classification or characteristic.

57. 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. **(250 words or less)**)

I seek a position on the Tennessee Supreme Court. This five member court hears both civil and criminal cases, which the court, within its discretion, determines should be decided to secure uniformity of decision, secure settlement of important questions of law, secure settlement of questions of public interest or that require the exercise of the Court's supervisory authority. I would bring to the Court my life experiences of growing up in a small town; handling civil and criminal cases in a law practice that I managed in a rural county for 26 years; as a parent actively involved in the rearing of my children; as a citizen involved in community activities such as parent-teacher organizations and the Boys and Girls Club; as an appellate court judge who researches and writes legal opinions that are factually and legally correct, clear, concise and issued in a timely manner; as a mentor and sponsor to high school, college, and law school student interns who are interested in the law; as a participant in organized bar activities; and as a frequent lecturer to citizen and bar groups. I know and respect the current members of the Supreme Court and look forward to a collegial and good working relationship with them. I would bring to the Supreme Court a commitment to equal justice under the law; an awareness of the Court's role in deciding cases according to the rule of law; the humility to be open and respectful of the views of my colleagues, yet always adhering to the dictates of my own conscience; and the awareness of my role as a representative of the Judiciary.

58. What community involvement do you intend to have if you are appointed judge? **(150 words or less)**

I intend to continue to speak to school and citizen groups about the judicial system. I intend to continue to be involved in my community through organizations, such as the Boys and Girls Club. I intend to continue to mentor and encourage students to pursue a career in the law by allowing college and law students to intern in my office. I intend to continue to speak to bar groups about legal topics of interest and to otherwise maintain my professional ties with the legal community. I will remain open to other opportunities to enhance and promote the image of the Judiciary.

59. What do you perceive as a judge's role in improving the public's respect for the judicial system. **(150 words or less)**

A judge should always strive to maintain and improve the public's respect for our legal system. First, all judges, at every level of the judiciary and especially at the highest level, represent the entire judicial system. Therefore, it is incumbent on each and every judge to maintain the highest moral and ethical standards in his or her professional and personal lives. Second, a judge should recognize that respect is a two-way street. A judge must be respectful of the public through civility and courtesy in the courtroom and through his or her written opinions. Litigants, lawyers, and staff must be treated with respect and never with impatience and arrogance. A judge must be ever mindful that his or her decisions have a very real, and often immediate, impact on the lives of the litigants. Decisions must be based on the law, delivered in a clear and concise form so that the litigant knows the result and the judge's reasoning, and must be given in a timely manner. Third, a judge cannot become an isolated ivory-tower academician, but must remain active in the community, maintain relationships with lawyers and bar groups, and speak at continuing legal education seminars and public events.

60. 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 have a true passion for and a love of the law. For 26 years, I enjoyed being a lawyer and representing people who deserved and needed legal

assistance. It was always gratifying when I could use my education, talents, and abilities to help someone in a difficult situation or to right a wrong. My last four years as an appellate court judge have been the most enjoyable of my career. I look forward each day to the scholarship, research, decision-making, and writing the job requires. I have written over 242 opinions – none of which has been reversed by the Supreme Court. I have actively pursued opportunities to enrich my judicial skills and have shared my knowledge and promoted the judiciary by speaking to bar groups and the public whenever invited to do so. Sitting as a Special Justice with the Supreme Court gave me a glimpse into the inner workings of the Court. I came away from that experience confident in the belief that I was qualified to serve on the Court. I believe that my years as a “real” lawyer handling all kinds of civil and criminal cases and as an active appellate judge uniquely qualify me for a position on the Supreme Court. If appointed, I will continue to strive to perform my job with professionalism, civility, and competence.

61. Have you read the Code of Judicial Conduct [Rule 10, Rules of the Supreme Court of Tennessee]?

Yes

a) Do you disagree with any of its provisions?

No

b) If you disagree with any of its provisions, give details.

Not applicable.

62. Under Tenn. Code Ann. § 17-1-104, before entering upon the duties of office, every judge is required to take an oath or affirmation to “support the Constitutions of the United States and that of this state, and to administer justice without respect of persons, and impartially to discharge all the duties incumbent on a judge or chancellor, to the best of the judge’s or chancellor’s skill and ability”. If appointed to the position you are seeking, do you affirm that you will carry out these obligations?

Yes

63. 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 **Justice of the Supreme 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 further agree to the following:

I understand that the information provided in this questionnaire shall be open to 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.

I knowingly, willingly and without reservation waive any right or privilege relative to the Tennessee Bureau of Investigation background investigation, including any financial or other credit information enclosed, conducted for the purpose of review by the Commission, or the Governor, and any other investigation that may be conducted for the purpose of review by the Commission or the Governor.

I understand I have the individual right at any time to contact credit reporting agencies and exercise my rights under the law to make corrections.

Dated: May 21, 2008.

A handwritten signature in cursive script that reads "Sharon Gail Lee". The signature is written in black ink and is positioned above a solid horizontal line.

Sharon Gail Lee

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

12.10.04