

TENNESSEE JUDICIAL SELECTION COMMISSION

APPLICATION FOR NOMINATION TO JUDICIAL OFFICE

Name: JOHN WESTLEY McCLARTY

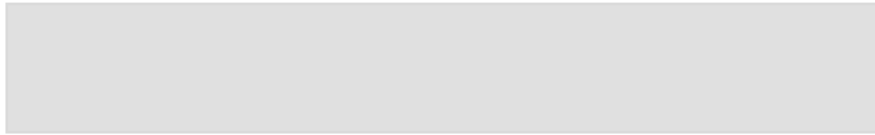
Office Address: 822 McCallie Avenue

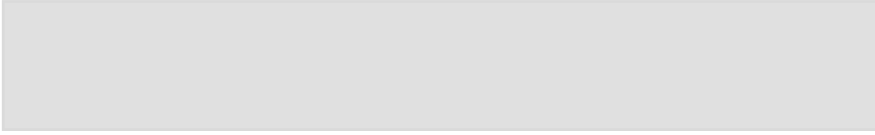
Chattanooga, TN 37403

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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?

John W. McClarty Attorney at Law - Private Sole Practitioner Civil Litigation

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

1976

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 only**

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.

Please See Attached.

6. If you have not been employed continuously since completion of your legal education, describe what you did during periods of unemployment in excess of six months.

Not applicable. Have not been unemployed.

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.

My present law practice is Civil litigation with emphasis on personal injury cases, percentage of cases at 95%; Probate matters 5%.

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

Criminal Law, Family Law, Juvenile Law, Bankruptcy Law, Business & Corporate Law, Probate Law and Social Security Law.

9. Describe your typical clients.

Various race and ethnic backgrounds, middle to low income, mostly with high school education.

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

Not applicable. Have not served in a fiduciary capacity.

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

My practice involves assisting clients who have suffered losses either by physical injuries or by loss of employment because of physical injuries.

TRIAL COURT EXPERIENCE

12. a) The approximate number of matters in which you appeared before:
- (i) Federal courts: Excess of 12
 - (ii) Tennessee courts of record: Excess of 1,000
 - (iii) Lower courts (General Sessions, municipal): Excess of 2,000
 - (iv) Other states: 1
- b) The approximate percentage of these matters which have been:
- (i) Civil: 75%
 - (ii) Criminal: 25%

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.

Please see attached.

APPELLATE COURT EXPERIENCE

14. a) The approximate number of matters in which you appeared
- (i) as counsel of record on the brief:
TN 21 Federal 2 Other States 0
 - (ii) personally in oral argument:
TN 21 Federal 1 Other States 0
- b) The approximate percentage of your appeals which have been
- (i) civil: 50 %
 - (ii) criminal: 45 %

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

ADMINISTRATIVE EXPERIENCE

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

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. Have not served as a judicial law clerk or staff attorney.**

18. If you have handled any matters that have been arbitrated or mediated, state the types of matters. **I have arbitrated one case and have had numerous cases mediated all of which involve civil personal injury matters.**

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. **Please see attached.**

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. **Please see attached.**

21. Describe any other legal experience, not stated above, that you would like to bring to the attention of the Commission. **I have had extensive trial experience both Criminal and Civil. I have tried cases involving serious criminal offenses along with cases involving complex civil issues. I have also tried numerous juvenile delinquency cases.**

PERSONAL INFORMATION

22. How long have you lived continuously in the State of Tennessee? From birth to Military service (1971-1973), away at law school (1973-1976). Returned to Tennessee after Law School.
23. How long have you lived continuously in the county where you are now living? Same as above.
24. State the County in which you are registered to vote. **Hamilton County Tennessee**
25. List all states in which you have lived since age 21 and the dates you lived in each state.
Served in West Germany while in Army (1972-1973)
While in law school in Baton Rouge, Louisiana (1973-1976)
26. State your age and date and place of birth.
60 years old; Date of Birth: 06/05/48; Chattanooga, Tennessee
27. List the following:
- a) Driver's License No. 033420854-TN
 - b) Board of Professional Responsibility No. 005156
28. Family Status:
- a) State the full name and present address of your spouse and the date and place of your marriage. **Presently divorced.**
 - b) State your spouse's occupation and place of employment. **Not married.**
 - 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.
 - (1) **Juanita Del Pino (McClarty); Married: August 2, 1990, Chattanooga, TN**
Terminated: June 19, 2006 in the Circuit Court of Hamilton County, Division I
 - (2) **Doris H. McClarty; Married: February 1970, Hopkinsville, Kentucky**
Terminated: 1988 in the Circuit Court of Hamilton County, Division III

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. **Please see attached.**

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

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 an officer or director of any business organization.**
- 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. **Not applicable. Income from practice of law only.**

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. **Please see attached.**

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. **No.**

- a) If so, list such organizations and describe the basis of the membership limitation. **Not a member of any such organization.**
- 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. **Not a member of any such organization.**

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. **Please see attached.**

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.) **Number 4 out of 32.**
- 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. **Articles Editor, editing articles submitted for publication in the Law Review.**
- c) If you were a member of an appellate or trial moot court team while you were in law school, give details. **Not applicable.**
- d) Describe any courses you took in law school that directly addressed the subject of appellate or trial advocacy. **Appellate and Trial Practice.**
- e) List any honors, prizes, awards or other forms of recognition which you received in law school. **Graduated with Honors; Delta Theta Phi Law Fraternity, Scholarship Key and Distinguished Scholar Award, Outstanding Member Award, Lenoir State of Delta Theta Phi Law Fraternity**

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. **Please see attached.**

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. **Please see attached.**

45. State in detail the pro bono service you have given throughout your career. **Please see attached.**

46. List the citations of any legal articles or books you have published. **Author, (Comment) Felony Murder Rule in Louisiana, Volume I, Number II Southern University Law Review, Spring 1975.**

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. **Not applicable**

48. List presentations you have made to groups and organizations within the past five years. **Girls, Inc., Summer Camp Program - Tort Law 2007; Church Group Estate Planning-2004**

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. **Not applicable.**

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. **Ran for Chattanooga City Court Judge in 1982, not elected**

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. **Please see Attached Exhibit 1 & 2.**

ESSAYS

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

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) Please see Attached.**

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)** Please see attached.

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

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)** Please see Attached.

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

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

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)** Please see Attached.

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. **N/A**

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 Judge of the [Court] ASSOCIATE JUSTICE TENNESSEE 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.

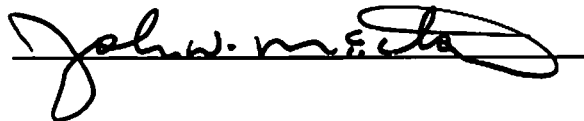
I further agree to the following:

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: June 12, , 2008.



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

12.10.04

(ATTACHED ANSWERS FOR JUDICIAL APPLICATION)

5. (1) **Law Firm of Jerry H. Summers, 500 Lindsay Street, Chattanooga, TN
November 1976 to November 1978
Associate Attorney - General Law Practice**
- (2) **John W. McClarty, Attorney
18 Patten Parkway, Chattanooga, TN
November 1978 to September 1980
April 1991, Senior Partner, General Practice
Sole Practitioner, General Practice**
- (3) **McClarty & Williams
Attorneys At Law
September 1980 to April 1991
Senior Partner, General Practice**
- (4) **John W. McClarty & Associates
822 McCallie Avenue, Chattanooga, TN
April 1991 to June 1993**
- (5) **John W. McClarty
Attorney at Law
822 McCallie Avenue, Chattanooga
Sole Practitioner
June 1993 to Present**
- (6) **Cleveland State Community College
Part- Time Instructor/Criminal Justice Department
1987-1989**
- (7) **Hamilton County Juvenile Court
Part-Time Referee
January 1990 to September 1990**
13. (1) **Bonita Glover as Mother of Edward Barnes vs Oakwood Terrace Associates, et al
June 1990, Division III, Circuit Court of Hamilton County, Tennessee**
- Summary: A 16 year old male was rendered as quadriplegic after trespassing on private property and diving into an apartment**

complex swimming pool. Issues of attractive nuisance and whether or not diminished mental capacity can be used to show that a 16 year old cannot be held accountable for the actions of a person of his normal age.

- (2) **Jessie Mae Suttles vs City of Chattanooga, U.S. District Court, Eastern District of Tennessee, 1986, Wrongful death and Civil Right Violation.**

Summary: Whether or not the City of Chattanooga should be held accountable for the death of an inmate at the City jail when there is a dispute as to the actual cause of the inmate's death.

- (3) **Paul Harris vs. Curtis Davis, U.S. Express, et al, Circuit Court of Coffee County, Tennessee. Mediated by Attorney Roger Dickson, and Retired Judge William Brown, April 2006.**

Summary: Liability and Damages against trucking company for severe injuries incurred as a result of negligence of owner/operator

- (4) **Rosa Carter, Administratrix of the Estate of Adrian Miles Carter, Deceased vs. City of Chattanooga, TN. 850 F.2d 119 (June 27, 1988)**

Issue: Liability for death of fleeing non-violent felony in Federal District Court, January 30, 1989 tried.

15.

- (1) **Carter v. City of Chattanooga, Tennessee
850 F.2d 119 (June 27, 1988) (Enbanc)**

Issue: Whether or not the Supreme Court's decision of Tennessee v. Garner, 471 U.S.1 (1985) should have been retroactively applied to Carter and that by reason of such application, she should have been granted either a summary judgment on the question of liability or a judgment notwithstanding the verdict. I was the leading counsel at trial and briefed and argued the case before the Appellate Court.

- (2) **Glover v. Oakwood Terrace Associated 11, 816 s.w.2D43 (TN. Ct App. 1991)**

16 year old trespasses at a private swimming pool was paralyzed when he struck his head on the bottom of the pool.

Issue: Was the private pool a "trap" and "attractive nuisance?" Could the owner be held liable for injuries even if 16 years, 11 months

trespasser had a "mental age" of 13 or 14 years. tried the case in the trial court and briefed and argued the case on appeal.

16. I have tried numerous Social Security Disability cases before the Administrative Law Judge and have filed cases with the Tennessee Board of Claims.
19. (1) Part-time Referee - Hamilton County Juvenile Court Presiding over the Juvenile Delinquency docket and assisting with the Dependent and Neglect docket. Appointed by Presiding Juvenile Court Judge Jackie Shulten. (January 1990 to September 1990)
- (2) Have on numerous occasions sat as Special Judge in the Hamilton County Sessions Court on the Mental Health Docket.
- (3) Have served as special judge on numerous occasions over the years in the Chattanooga City Court. Appointed by various City Court Judges. Namely, Judge Walter Williams, Judge Jess Parks (Deceased), Judge Ellis Meachom (Deceased) and Judge Doug Meyers.
- (4) Have also served as mediator.
20. (1) Served as Co-Mediator in the case of EEOC, Kenneth Clark and Keith Darby vs. Rock-Tenn Company March 8, 2000. Served at request of the parties. Racial employment discrimination and hostile work environment.
- (2) Served as Mediator in the case of Talley vs Galen of Tennessee, East Ridge Hospital, et al, October 24, 1997. Mediation involving medical malpractice and wrongful death. Eight lawyers representing the Plaintiff and the Defendants. Served at request of the attorneys.

28-d. Brian McClarty (Son)
Address: 4905 Hwy. 58, Apt. 190, Chattanooga, TN 37416
Age: 36 yrs. Old
Employment: Southeastern Salvage, Chattanooga, TN

Patrick O. McClarty (Son)
Address: 655 Hamlet Drive, Apt A, Chattanooga, TN 37421
Age: 34 yrs. Old
Employment: PSI-Program Specialist, Chattanooga, TN

(Children Continued)

Camille Rakel Robinson (Step Daughter)

Address: 5600 Topsail Greens Drive, Chattanooga, TN 37421

Age: 30 yrs. Old

Employment: Unemployed

Tiffany Swafford (Step Daughter)

Address: 801 North 49th Street, Fort Smith, Arkansas 72903

Age: 27 yrs. Old

Employment: University of Arkansas at Fort Smith

Assistant Girls Basketball Coach and instructor

- 35.
- (1) *John W. McClarty vs. Home Depot USA*
General Sessions Court of Hamilton County, TN; Docket No. 06GS7061;
Nature of Action: Suit for Leaking Roof; Settled 08/08/06
 - (2) *John W. McClarty vs. Rheubin Taylor*, Collection of Debt-1992
Sessions Court of Hamilton County, TN; Dismissed after payment
arrangements set
 - (3) *John W. McClarty vs. Doris H. McClarty*, Divorce Action (1984)
Circuit Court of Hamilton County, Tennessee, Division IV
 - (4) *John W. McClarty vs. Doris H. McClarty*, Divorce Action After RE-
marriage (1988)
Circuit Court of Hamilton County, Tennessee, Division III
 - (5) *Juanita Del Pino (McClarty) vs John McClarty*, Divorce Action June 19,
2006, Circuit Court of Hamilton County, Division I
- 36.
- (1) Employed From Mo. Nov. Yr. 1971 to Mo. Aug. Yr. 1973
Title of position: Operations Specialist/G-3 Train Division , 3rd Infantry
Name of employer: U.S. Military, Stationed West Germany
 - (2) Employed From Mo. Jan. Yr. 1988 to Mo. Aug. Yr. 1988
Title of position: Referee, Presiding Over Juvenile Delinquency Cases
Name of employer: Hamilton County Juvenile Court (Part-Time)

- (3) **Employed From Mo. ___ Yr. 1969 to Mo. Sept. Yr. 1971**
Title of position: Laborer working on water heater manufacturing line.
Name of employer: State Stove Manufacturing Company, Ashland City, Tennessee
- (4) **Rossville Spinnery, Rossville, Georgia**
Various duties in spinning mill. (1967 during Summer months - 1969)
- (5) **Scholze Turnery, S. Broad Street, Chattanooga, TN**
Operating on splitting machines, Summer job (1966)
- (6) **Cleveland State Community Criminal Justice Department**
Part-time Instructor (1987-1989)
- (7) **Have served as a Part-time minister in the A.M.E. Church East Tennessee Conference (1981-Present)**
- (8) **During College and Grade School I held positions at various grocery stores working as a bag boy and providing general services as needed in the grocery stores. The following are the stores:**
 - **Central Avenue Supermarket, Chattanooga, Tennessee (Supervisor: A. Pressman) (1963-1967)**
 - **Cooper and Martin Supermarket, Clarksville, Tennessee (Supervisor: Robert Calous) (1969-1971)**
 - **Cooper's Supermarket, Clarksville, Tennessee (Supervisor: Randall Cooper) (1968-1969)**

39.

- (1) **Lifetime Member NAACP (1976-Present)**
- (2) **Hamilton County Police Department, Civil Service Board, Past Chairman (September 1980-1998 estimate)**
- (3) **Tennessee Registry of Election Finances**
Board Member appointed by Govenor Phil Bredesen, May 2005; Chairman, 2007, until time expired.
- (4) **Elder, A.M.E. Church Assistant to Presiding Elder of the Chattanooga District, 13th Episcopal District A.M.E. Church (1984-Present)**
- (5) **Associate Pastor, Warren Chapel A.M.E. Church (1999-Present)**

41. (1) **Austin Peay State University, Clarksville, Tennessee
September 1967 to May 1971, Bachelor of Science, Double Major:
History and Political Science.**
- (2) **Law School: Southern University School of Law, Baton Rouge,
Louisiana
(September 1973 to May 1976; Degree Juris Doctor, Ranked Number 4
in Class of 32.**
43. **Chattanooga Bar Association - 1976 to Present (Fee Review Committee)
H.L. Hutchins Bar Association - 2003 to present (Past Treasurer)
Chattanooga Trial Lawyers- 1976 to present (Past President, 1996) (Board Member
1994 to 1998)
American Board of Trial Advocates - 2008-Present
Chattanooga Bar Foundation - 2000-Present
National Bar Association, Various times from 1976-Present
Charter Member and Officer Inns of Court Chattanooga Chapter -1994-Present
Tennessee Bar Association at various times during time periods of 1998-2006**
44. **Citizenship Award Omega Psi Phi Fraternity, 1982
Who's Who in American Law, Fourth Edition, 1986
Board Certified Trial Specialist, National Board of Trial Advocacy, 1997
Certified Civil Trial Specialist, TN Commission CLE & Specialization, 1998
Martindale-Hubbell, AV rating, 2001**
45. (1) **Accepted numerous appointments from Hamilton County Juvenile
Court representing juveniles charged with misdemeanor offences prior
to state paying for representation for these offenses.**
- (2) **Accepted numerous appointments from Chattanooga City Court
representing persons charged with misdemeanor offenses and felony
probable cause hearings prior to State paying for these services through
Criminal Defense Fund.**
- (3) **Accepted appointments from the Criminal Court of Hamilton County
for persons charged with misdemeanor offenses without pay from the
state.**
- (4) **Accepted appointments from Hamilton County Chancery Court to serve
as conservator for persons without means of payment.**
- (5) **Have been a source of referral for South Eastern Tennessee Legal
Services to give legal advice and to handle matters for individuals who
did not have means to pay for legal representation on non-fee generating
cases.**

52.

- (1) **Attached is copy of the Brief filed in the case of Bonita Glover vs Clarkwood Terrace Association, # L1D, et al in the Court of Civil Appeals Eastern Section of Tennessee**
I was the sole trial attorney representing the plaintiff during the trial and I briefed and argued the case in the Court of Appeals.

- (2) **Attached is a copy of the Brief filed in the case of Rosa Carter vs City of Chattanooga filed in the Federal Court of Appeals, Sixth Circuit**
In this case I was one of two trial attorneys but was a sole attorney on appeal. This case was first decided by the three judge panel of the Sixth Circuit Court of Appeals and was then appealed to and argued before the entire court. (Enbanc) who made the final decision.

53.

I have practiced law handling numerous trial cases both criminal and civil for 32 years and have thoroughly enjoyed my being a part of the legal community in Hamilton and surrounding counties.

Since this opportunity has become available I desire to be a part of the Appellate Court System of this State and to participate in the review of issues presented on appeal from the trial courts and Appellate Courts of this State. I believe this is a perfect opportunity to be noted as a intricate part of the judicial history of this State and I want to be a part of that history.

54.

I have worked all my life holding such jobs as a paper route and working in grocery stores during my youth. I worked my way through college and paid personally for all my college expenses.

In law school I was elected Dean of the law fraternity and invited to serve on the law review.

When I began practicing law in 1976, I readily volunteered to handle Criminal Court appointed cases through the Chattanooga City Court and the Hamilton County Criminal Courts. Over the years I had established a reputation with the Criminal Court Judges as an attorney who could handle difficult and complex criminal cases. As a result they regularly requested my assistance when confronted with difficult criminal defendants.

I have also litigated complex civil cases and feel that my 32 years experience in the trial courts would be helpful if I am appointed to the appellate bench.

55.

I have requested and received appointments from the Hamilton County Juvenile Court, Chattanooga City Court and Hamilton County Criminal Courts to represent persons who could not afford legal services.

I have served over the last 20 years as a probable cause attorney through the Hamilton County Sessions Court representing mental patients in probable cause hearings and advising them of their legal rights.

At one time I was a source of referral for the Southeastern Tennessee Legal Services Corporation for clients in need of domestic law representation who could not qualify for the legal services and whom legal services could not qualify for their services.

Also, I have through my office accepted cases wherein elderly clients and unemployed clients who are in need of legal representation and consultation but without financial means for paying for same. I have always provided the best representation for my clients regardless of their financial position.

56.

First, I would make sure that I as a judicial officer did not show any favoritism or bias for or against any of the litigants over whose case I would be presiding. If I was aware of any favoritism or bias shown by others I would not hesitate to bring that to the attention of the party showing the bias and remind them of our obligation to treat all parties equal without showing bias for or against any person or their causes.

In addition, I would like to be an active supporter of programs and activities that make us aware of bias and assist in the elimination and the prevention of same.

57.

I seek to be an Associate Justice on the Tennessee Supreme Court which is the highest court in Tennessee and the court of last resort. The court has 5 justices with one presiding as the Chief Justice. The court has statewide jurisdiction and can accept appeals from Civil and Criminal cases from the lower courts of the State. The court also has supervisory and oversight jurisdiction over licensed attorneys and all inferior courts of this State.

In addition, the court has Appellate jurisdiction on constitutional law issues, the right to hold public office issues and cases involving State taxes.

As an Associate Justice, I would be a part of the functioning duties of the court in hearing oral arguments and writing opinions on cases ruled on. I would also be a part of the supervisory functions of the court and feel that my 32 years experience in practicing law and dealing with various types of litigations will give me insight as I deal with the issues presented to the court for resolution.

I also feel that my service on the court will be of assistance in bringing diversity to the Supreme Court.

58.

I would continue to be a part of my church community and would participate in chosen community functions and programs where my position as a judicial officer does not have any reflect or conflict with the function and/or program. I will also participate in functions sponsored by the organized Bar Associations.

I will at all times be mindful of my position and make sure that I do not do anything to give even the appearance of impropriety as I balance my role as judicial officer and citizen of my community.

59.

I perceive that as a judge one's primary responsibility is to carry him/herself in such a way as to not show any disrespect for the judicial system. Also, that they should not be tolerant of any disrespect shown by others. This should be done not only in the courtroom but at all times and in all places that a judge may be.

I also think that a judge should conduct the business of the court in such a way that respect and dignity be shown to all litigants and to their cause.

60.

I have always wanted to be apart of the legal system and a lawyer in particular, from a young age. I have prepared myself through education and training for the practice of law and have been an active practitioner for 32 years. During which time I have dedicated only talents to the field of law and have received the highest rating given by Martindale-Hubbell to attorneys.

I have built a successful practice over the years and have handled thousands of cases a lot of which involved complex issues.

I have been successful to the point that I built and designed my own office building and moved into the structure in March of 2000.

The Martindale-Hubbell rating represents the opinion of lawyer and judges regarding my legal abilities and my character.

I have always shown respect for my colleagues and my adversaries in the legal system and have always handled my cases with the best preparation possible. I feel that I have the talent to serve as an appellate judge and the experience in the legal profession to perform the duties of this office.