

**Tennessee Trial Court Vacancy Commission**  
***Application for Nomination to Judicial Office***

04/15/16

Name: Ron D. Powers

Office Address: 5421 Lodestone Drive, Ooltewah, TN 37363  
(including county)

Hamilton County

Office Phone: 423-280-6929 Facsimile: 423-238-5579

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**INTRODUCTION**

Tennessee Code Annotated section 17-4-301 et seq. charges the Trial Court Vacancy Commission with assisting the Governor and the People of Tennessee in finding and appointing the best qualified candidates for judicial offices in this State. Please consider the Commission's responsibility in answering the questions in this application questionnaire. For example, when a question asks you to "describe" certain things, please provide a description that contains relevant information about the subject of the question and, especially, that contains detailed information that demonstrates that you are qualified for the judicial office you seek. In order to properly evaluate your application, the Commission needs information about the range of your experience, the depth and breadth of your legal knowledge, and your personal traits such as integrity, fairness, and work habits.

This document is available in word processing format from the Administrative Office of the Courts (telephone 800.448.7970 or 615.741.2687; website [www.tncourts.gov](http://www.tncourts.gov)). The Commission requests that applicants obtain the word processing form and respond directly on the form. Respond in the box provided below each question. (The box will expand as you type in the document.) **Review the separate instruction sheet prior to completing this document. Submit by the noon deadline date an original (unbound) completed application (with ink signature) to the Administrative Office of the Courts.** In addition, submit a digital copy with electronic or scanned signature via email to [debra.hayes@tncourts.gov](mailto:debra.hayes@tncourts.gov), or via another digital storage device such as flash drive or CD.

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

**PROFESSIONAL BACKGROUND AND WORK EXPERIENCE**

1. State your present employment.

**Hamilton County, Tennessee**

**Judicial Commissioner/Magistrate**

Magistrates' Office:

601 Walnut Street

Chattanooga, TN 37402

For Human Resources:

Hamilton County Government; M.L. King Building

317 Oak Street, 2<sup>nd</sup> Floor

Chattanooga, TN 37403

**Law Office of Ron D. Powers**

**Attorney-at-Law/Owner**

5421 Lodestone Drive

Ooltewah, TN 37363

Phone: 423-280-6929

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

Licensed in Tennessee in 1991; Tennessee BPR No.: 014995

3. List all states in which you have been licensed to practice law and include your bar number or identifying number for each state of admission. Indicate the date of licensure and whether the license is currently active. If not active, explain.

No state other than Tennessee

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

No

5. List your professional or business employment/experience since the completion of your legal education. Also include here a description of any occupation, business, or profession other than the practice of law in which you have ever been engaged (excluding military service, which is covered by a separate question).

**1. Hamilton County, Tennessee  
Judicial Commissioner-Magistrate**

November 2013 - Present

Hamilton County Government--Human Resources:

M.L. King Building

317 Oak Street, 2<sup>nd</sup> Floor

Chattanooga, TN 37403

Magistrates' Office:

601 Walnut Street

Chattanooga, TN 37402

**2. Law Office of Ron D. Powers  
Attorney/Owner**

February 2013 - Present

5421 Lodestone Drive

Ooltewah, TN 37363

**3. City of South Pittsburg, Tennessee  
Municipal Court Judge**

November 2013 – June 2017

The City of South Pittsburg

204 West Third Street

South Pittsburg, TN 37380

**4. Baker Donelson, Bearman, Caldwell & Berkowitz, PC  
Attorney – Of Counsel**

November 2006 – February 2013

1800 Republic Centre; 633 Chestnut Street

Chattanooga, TN 37450

[www.bakerdonelson.com](http://www.bakerdonelson.com)

**5. Shumacker, Witt, Gaither & Whitaker, P.C. and  
Witt, Gaither & Whitaker, P.C. (until July 2002)**

**Attorney/Shareholder**

Associate Attorney, January 1997 - 1999

Attorney/Shareholder, January 2000 - November 2006

Firm no longer exists; dissolved in 2006

Former Address:

1100 SunTrust Bank Building

736 Market Street

Chattanooga, TN 37402

**6. Dietrich, Dietrich & Powers and  
(formerly) Dietrich & Dietrich  
Attorney/Partner**

November 1991 - December 1993--Associate

January 1994 - December 1996--Partner

Landmark Building

70 North Ocoee Street

Cleveland, TN 37311

No other occupation, business, or profession other than the practice of law

6. Describe the nature of your present law practice, listing the major areas of law in which you practice and the percentage each constitutes of your total practice.

Civil litigation attorney:

As a solo practitioner, I handle a broad range of general civil litigation for both plaintiffs and defendants. My practice includes the prosecution and defense of claims on behalf of businesses, companies and individuals and involves general business, commercial, and contract matters, construction related claims on behalf of contractors and property owners including lien enforcement, real estate and banking disputes, tort claims including insurance defense and personal injury claims and dealing with clients' employment related issues and disputes. I represent a wide range of clients from individuals and small businesses to homeowners' associations, banks, insurance companies and corporations. Since I now practice law in addition to serving as a magistrate judge for Hamilton County, my practice is more limited in the volume and size of matters that I can handle as opposed to the nature of my representation and work when I practiced law full time in a large law firm. However, I continue to handle a variety of matters for a diverse group of clients. In addition to handling litigation matters for clients, I also provide advice and legal counseling for clients regarding risk management and the avoidance of litigation involving a variety of business matters and concerns. I also do estate planning and handle probate matters. My practice involves only civil matters as I cannot handle criminal cases due to my serving as a magistrate judge.

Major Areas of Law and Percentages of Practice Since Becoming Magistrate Judge in 2013:

commercial/business and general litigation and contractual matters—45%; construction related claims and disputes—10%; tort claims and defense—10%; employment related claims and disputes—10%; real estate and property disputes, miscellaneous matters—10%; estate planning and probate matters—10%; legal counseling, risk management and claim avoidance advice—5%.

7. Describe generally your experience (over your entire time as a licensed attorney) in trial courts, appellate courts, administrative bodies, legislative or regulatory bodies, other forums, and/or transactional matters.

During my almost 26 years practicing law, I have enjoyed a very broad litigation practice in which I have handled a wide range of civil litigation and some criminal defense. I have served as the lead trial attorney or first chair in 16 Circuit Court jury trials involving the defense of wrongful death and product liability actions and personal injury claims. I represented defendants in 15 of those jury trials and represented the plaintiffs in one trial. One jury trial was the defense of a criminal case. In addition to jury trials, I conservatively estimate that I have handled at least 150 bench trials during my career, not including pretrial hearings on motions, preliminary hearings, uncontested cases and other routine hearings and matters. I have served as the lead counsel in numerous significant cases that have been settled through mediation. I have litigated

cases in Tennessee trial courts including Circuit, Chancery and Criminal Courts and have tried, prosecuted and defended an untold number of civil lawsuits and criminal defense cases in the General Sessions Courts. I have also litigated cases in the U.S. District Court for the Eastern District of Tennessee, and I am admitted to practice in the Sixth Circuit U.S. Court of Appeals.

As a young associate, I served as co-counsel with a more senior attorney, and I handled all aspects of pleading and discovery including, but not limited to, the preparation of pleadings, motions and discovery, the taking of depositions and handled the full motion practice involving the briefing of issues and attending court hearings regarding disputes among the parties. When I became a partner, shareholder and of counsel, I served as the lead trial counsel in such litigation and handled all aspects of the litigation from start to finish including, but not limited to, conducting fact investigations, handling all phases of discovery, taking and defending depositions, working with, preparing and deposing expert witnesses, handling the briefing, oral argument and court hearings on pretrial motions and discovery disputes and trying the case in court or mediating the case. My commercial litigation experience encompasses a wide range of matters including business and contract disputes, construction claims and liens, warranty claims, banking matters, landlord and tenant disputes, creditors' rights and collection cases.

In the first six years of my practice, I handled a huge volume of insurance defense cases wherein I defended the insureds against personal injury, wrongful death, and property damage claims, in addition to defending insurance companies against fire loss claims and other first-party insurance claims. The law firm in which I practiced during my first five years as an attorney represented several major insurance companies which provided a continuous pipeline of personal injury, wrongful death and other insurance claims litigation which involved defending numerous cases in Tennessee circuit courts. My practice at Dietrich, Dietrich and Powers also involved the defense of multiple workers' compensation claims against clients in both chancery and circuit courts. That was during a time when workers' compensation actions were plentiful based on Tennessee's workers' comp. law and compensation structure at that time, and the claims were still litigated in chancery and circuit courts.

Early in my career, I regularly handled divorces and represented clients in other domestic and child custody disputes and gained much insight into matters and issues involved in a domestic practice. I was introduced to this area of practice by Donald Dietrich, my first attorney mentor and the senior partner of the firm in which I practiced during the first five years of my career. I was often appointed by the courts with divorce and child custody jurisdiction to serve as guardian ad litem for minor children in abuse, neglect and child custody cases. This domestic experience would prove to be invaluable in handling the divorce, child custody and other domestic disputes that come through circuit court. Having legal experience in domestic cases is essential to a good foundation for understanding and dealing with the dynamics, parties' emotions and legal issues involved in the numerous domestic matters that arise in circuit court. My practice in the early days of my career also afforded me the chance to represent criminal defendants through court appointments to represent indigent defendants and by being privately retained by clients. That criminal defense experience provided me with countless opportunities to conduct preliminary hearings and other pre-trial hearings in general sessions and criminal courts. My first trial as an attorney was a bench trial in sessions court wherein I defended a personal injury and property damage case. That trial occurred just six weeks after I was sworn in

as an attorney in October 1991.

During my career, I have handled a broad range of civil litigation for both plaintiffs and defendants, but I have primarily defended lawsuits against private and publicly held companies, businesses, individuals, insureds, banks, and non-profit organizations. Much of my civil practice has involved the defense of tort cases including product liability actions and the prosecution and defense of a wide variety of commercial and business litigation. I have defended a range of personal injury cases, wrongful death and product liability actions, workers' compensation claims, property damage suits, personal property and real estate disputes, contract actions, insurance claims, collection cases, landlord and tenant actions involving both residential and commercial leases, replevin actions, bailments, and a variety of other business and commercial disputes.

For ten (10) years until the end of 2006, I represented a large, publicly held corporation that manufactured carpet and other textiles which were sold all over the country and abroad. I served as the company's primary outside legal counsel and handled the defense of the company's litigation matters not only in Tennessee but also in other states and jurisdictions. I was the company's lead counsel in defending warranty and breach of contract claims, product liability suits, construction litigation for projects involving the purchase and application of the company's products and other commercial disputes resulting from the sale of the company's goods. For significant cases, I was specially admitted *pro hac vice* in other jurisdictions and states to defend the company's interests. I served as lead trial counsel and was specially admitted to practice in courts in Alabama, Georgia, Florida, Colorado, Illinois, Texas, and New Jersey so that I could take the lead in defending the company in its litigation. I also represented the company in many other actions without serving as lead counsel, and I attended and participated as lead counsel in numerous mediations of lawsuits in other states.

One of the largest lawsuits that I handled for the carpet manufacturer was a multi-party construction lawsuit involving multi-million-dollar claims by and among several parties, which I defended between 1999 to 2001 in the District Court for Arapahoe County in Colorado. I was admitted *pro hac vice* in Colorado to serve as the company's lead counsel in the case. The action arose from a multi-million-dollar construction project gone bad, and my client had provided all the custom carpet for the project. I made numerous trips to Colorado during the two years that the case was litigated and took depositions of parties, witnesses and experts and attended court hearings involving discovery disputes and pretrial matters. The case involved many thousands of pages of documents and records that were produced during discovery. After much contentious work in preparing the action for trial, the parties agreed to return to mediation for the second time, and with the assistance of a former Colorado trial judge, the parties finally reached a global settlement of the litigation. Defending this action for two years was a huge undertaking that required many long hours of working with both lay and expert witnesses to prepare them for depositions, taking numerous depositions and engaging in motion practice to prepare the action for trial. Due to the excellent work of several attorneys involved in the case, the matter had been well prepared and was ripe for the parties to reach an amicable settlement to bring the expensive litigation to a conclusion.

During the same 10-year period until the fall of 2006, I also represented a national, multi-state

bank and handled the defense and prosecution of the bank's claims and litigation in the greater Chattanooga area. I served as the bank's primary outside legal counsel for a variety of matters involving its customers' accounts, the bank's services, mortgages and other transactions arising from the bank's operations in Hamilton County and surrounding counties.

I have handled the appeal of several cases in the Tennessee Court of Appeals and the Tennessee Supreme Court. My first appellate court case occurred in 1992 when I was the sole attorney handling the defense of an appeal, briefing and oral argument of a wrongful death case in which my client had prevailed at trial on a motion for a directed verdict. The plaintiffs appealed the case to the Tennessee Court of Appeals for the Eastern Section, and the case ultimately made its way to the Tennessee Supreme Court on an issue of first impression before the Court. The case was *Williams v. Brown*, 860 S.W.2d 854 (Tenn. 1993). The issue involved whether evidence of a person's mere payment of a traffic citation could be introduced in a later civil suit involving the same accident to support the claim of negligence on the part of the driver. Not only did the Supreme Court decide the issue of first impression, but the Court adopted the position advocated by me on behalf of my client. The Court held that the mere payment of a traffic citation cannot be introduced as evidence in a later civil suit to show that the driver was negligent and further held that such payment alone does not constitute an admission of guilt by the party paying a traffic citation. The reported decision was on top ten lists of important decisions for many weeks after it was reported.

That was the first of at least eight cases that I can recall in which I served as lead appellate counsel and represented a client in the appeal of a court's judgment. Four of these cases involved the defense of tort actions. One case involved multiple parties in construction litigation. One appeal dealt only with the protection and recovery of my client's subrogation interest. Another appellate case involved a claim against a bank, and the other appellate case that I handled as lead counsel was the appeal of a divorce case which involved alimony and property division issues.

During my six years of practice in the Chattanooga office of Baker Donelson, Bearman, Caldwell and Berkowitz, PC, I was a member of the firm's transportation, business litigation and construction practice groups. I primarily handled the defense of civil litigation including motor carrier accidents, trucking litigation, product liability claims, wrongful death, personal injury, workers' compensation and insurance defense, business and commercial litigation, and construction disputes. I handled litigation and mediation of disputes in state and federal courts at both the trial and appellate levels. My commercial litigation practice encompassed a wide variety of matters including business and contract disputes, banking matters, real estate disputes and creditors' rights. I spent much of my time representing motor carrier clients in trucking accident cases and in defending construction and commercial litigation.

Finally, I have handled probate matters and have done estate planning work for clients, including the preparation of wills, living wills, advance directives and powers of attorney.



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

Regarding trial court cases, I served as lead trial counsel for one of the defendants in a multi-party bench trial that lasted two full weeks in 2007 and was tried before the Honorable W. Frank Brown, III, former Chancellor in Part 1 of the Chancery Court for Hamilton County, Tennessee. The case involved the construction of multi-student apartment housing on the campus of The University of Tennessee at Chattanooga and multi-million-dollar claims by and between the general contractor and the developer and by the general contractor against my client, a non-profit foundation who was the owner of the property and improvements. The litigation was very complex and highly contentious among the parties and had gone on for two years before the case was tried. In addition to the primary case that was tried for two weeks, there were 10 other lawsuits filed by subcontractors that had worked on the project, and those cases were separate (for purposes of trial but consolidated with respect to discovery) from the main action. The lawsuits began in late 2005. The Chancery Court entered a multi-million-dollar verdict against the defendants, but the defendant developer had the primary obligation for payment of the judgment. Unfortunately for my client, the defendant developer had no assets with which to satisfy the judgment, and the general contractor sought collection against the defendant owner.

The cases continued for another two years following the conclusion of the main trial. Although there was further litigation that could have been pursued as my client had filed an appeal of the case, in 2009 my client's representatives and I and the general contractor and its lead counsel met privately for an extended settlement conference and spent most of the day working together, meeting separately and together and going back and forth to hammer out a settlement agreement to conclude the litigation. The parties and their counsel did this without the aid of any mediator, and we were committed to continuing to meet and work on the terms for settlement until the parties had reached full agreement on all issues. This was one of the most difficult, complex, highly charged and challenging litigation matters that I have handled due to the number of parties involved in the dispute and the number of people who had an interest in the outcome and because of the nature of the dispute and the bad blood among the parties to the controversy. It was truly a miracle that the parties and their counsel could reach an agreement on their own and bring a conclusion to the years of litigation.

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

Two of the most rewarding experiences that I have had as an attorney occurred in my representation of clients who were victims of crime. The first instance began in 2002 with my representation of three different families over several months when they were seeking to cash out annuities that they had purchased for investment of their savings and ran into serious problems when the insurance agent kept giving them the run-around. After persistent efforts and pursuit of the man who sold the annuities, I recovered most of two of my clients' investments and, in the

process, uncovered a multi-state scheme by a former insurance agent who had lost his Tennessee license. I provided information from my investigation to a county sheriff's detective, a district attorney's office and finally to the FBI related to the sale of bogus annuities and worked with those offices to bring about the prosecution and conviction of the perpetrator in the U.S. District Court for the Eastern District of Tennessee in Chattanooga. Defendant Robert Farmer had preyed on elderly victims in his sale of bogus annuities. The court's sentencing and punishment of the defendant included five years in prison and an order to make restitution to his victims, which amounted to almost \$800,000 in total losses, not counting the amounts that I had recovered from the defendant for my clients' losses.

The second matter involved my representation of a medical doctor, his wife and their three young sons whose mini-van was hit head-on by a woman who was high on cocaine and other drugs while she was driving around with her girlfriend and partying. The collision totaled my clients' vehicle and resulted in serious and disabling personal injuries to the husband/father, who was an anesthesiologist, and less serious injuries to his wife and their three young children. The doctor spent 21 days at Erlanger Medical Center and in-patient rehabilitation at Siskin Hospital and was out of work for six months due to his injuries from the accident. I handled the family's personal injury claims and filed suit for them in Hamilton County Circuit Court against the owner of the vehicle and the intoxicated driver who had twice been through drug rehab. The defendants' insurance carrier offered its policy limit early in the litigation, but my clients had a large uninsured/under-insured motorist claim against their own insurance carrier for their damages resulting from the accident. The civil suit was ultimately settled in mediation.

My diverse legal experience and the broad range of practice that I have enjoyed over almost 26 years stem from the fact that I practiced law in a small, three-attorney firm in Bradley County for five years, at a medium-sized firm of about 25 attorneys in Chattanooga (Witt, Gaither & Whitaker, PC) and later 50 attorneys after a merger with another firm (Shumacker, Witt, Gaither & Whitaker, PC) and spent 10 years there, and then practiced in the Chattanooga office of a large regional law firm (Baker Donelson) for six years. At the time, Baker Donelson was the 72<sup>nd</sup> largest law firm in the United States. I have had the experience of representing all kinds of people and all sizes of companies -- family-owned, small, privately owned businesses and large publicly held companies -- and a host of other organizations in between.

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

October 2012—Application for General Sessions Court Judge for Hamilton County

I applied for the Hamilton County General Sessions Court, Div. IV, judgeship after Judge Ron Durby took disability leave. The judgeship was filled by an appointment made by Governor Haslam. I was one of 14 attorneys who applied to fill Judge Durby's seat in General Sessions Court. The process involved my submission of a cover letter and resume to the office of Herbert H. Slatery, III, Governor Haslam's Chief Counsel at that time. I was among the three finalists

who were selected to move forward in the process and submitted a formal application to the Governor's office. I interviewed in December 2012 with Governor Haslam and Herbert Slatery for the General Sessions Court judgeship, and Governor Haslam appointed Lila Statom to the judgeship on December 14, 2012.

### EDUCATION

11. List each college, law school, and other graduate school which you have attended, including dates of attendance, degree awarded, major, any form of recognition or other aspects of your education you believe are relevant, and your reason for leaving each school if no degree was awarded.

**University of Memphis, Cecil C. Humphreys School of Law**  
August 1988 - May 1991; Juris Doctor degree, May 1991

I was selected to serve on my law school's Moot Court Board. I received the Best Brief Award as a second-year student competing in the school's mock trial competition. My teammate and I earned a 2nd place finish in the mock trial competition as second year students while competing against teams of 3rd year law students.

**The University of Tennessee at Knoxville**  
September 1984 - June 1988

Bachelor of Science in Communications, June 1, 1988 with Honors

Major: Journalism; Minor: Political Science

Served in University of Tennessee Student Government Association as Senator representing my dorm; served as staff writer for *The Daily Beacon* student newspaper for two years.

### PERSONAL INFORMATION

12. State your date of birth.

November 13, 1965

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

All my life, 51 years

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

17+ years

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

Hamilton County

16. Describe your military service, if applicable, including branch of service, dates of active duty, rank at separation, and decorations, honors, or achievements. Please also state whether you received an honorable discharge and, if not, describe why not.

Not Applicable

17. Have you ever pled guilty or been convicted or are now on diversion for violation of any law, regulation or ordinance other than minor traffic offenses? If so, state the approximate date, charge and disposition of the case.

No

18. To your knowledge, are you now under federal, state or local investigation for possible violation of a criminal statute or disciplinary rule? If so, give details.

No

19. Please identify the number of formal complaints you have responded to that were filed against you with any supervisory authority, including but not limited to a court, a board of professional responsibility, or a board of judicial conduct, alleging any breach of ethics or unprofessional conduct by you. Please provide any relevant details on any such complaint if the complaint was not dismissed by the court or board receiving the complaint.

None

20. Has a tax lien or other collection procedure been instituted against you by federal, state, or local authorities or creditors within the last five (5) years? If so, give details.

No

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

No

22. Have you ever been a party in any legal proceedings (including divorces, domestic proceedings, and other types of proceedings)? If so, give details including the date, court and docket number and disposition. Provide a brief description of the case. This question does not seek, and you may exclude from your response, any matter where you were involved only as a nominal party, such as if you were the trustee under a deed of trust in a foreclosure proceeding.

No

23. List all organizations other than professional associations to which you have belonged within the last five (5) years, including civic, charitable, religious, educational, social and fraternal organizations. Give the titles and dates of any offices which you have held in such organizations.

**Ooltewah Baptist Church**

5514 Main Street, Ooltewah, TN 37363

Chairman, Personnel Committee, 2013 - Present

Chairman of Deacon Council, 2012-2013

Deacon, 2007 - 2011; 2012 - 2016

Chairman, Insurance Committee, 2006 - Present

Building Project Capital Campaign Team, 2012 - 2015

Chairman, Church Transition Team, 2009 - 2010

Trustee, 2006 - 2009

Vice Chairman/Secretary, Worship Minister Search Committee, 2006 - 2008

**Flagstone Community Association, Ooltewah, TN 37363**

Member 2000 - 2017

Homeowners' Association for Flagstone Subdivision; serve as Board's legal counsel on *pro bono* basis

**Grace Parents' Association of Grace Baptist Academy**

Member, 2012 - Present

7815 Shallowford Road, Chattanooga, TN 37421

No offices or titles

24. Have you ever belonged to any organization, association, club or society which limits its membership to those of any particular race, religion, or gender? Do not include in your answer those organizations specifically formed for a religious purpose, such as churches or synagogues.
- a. If so, list such organizations and describe the basis of the membership limitation.
  - b. If it is not your intention to resign from such organization(s) and withdraw from any participation in their activities should you be nominated and selected for the position for which you are applying, state your reasons.

No

**ACHIEVEMENTS**

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

**The Justices Ray L. Brock, Jr. - Robert E. Cooper American Inn of Court, Chattanooga**

Member by invitation only 2003 - Present; membership consists of 145 attorneys and judges from Hamilton County and two surrounding counties

[www.innsocourt.org/inns/brockcooperinn](http://www.innsocourt.org/inns/brockcooperinn)

Executive Committee member, 2008 – Present; Immediate Past President, 2016-2017;

President, 2015 – 2016; Secretary, 2008 - 2015

**Chattanooga Bar Association**

Member 1997 - Present

Fee Dispute Committee, 2008 – Present:

As a member of the Fee Dispute Committee, I have had the occasion to participate as a member of an arbitration panel in hearing and deciding various fee dispute matters between parties and their attorneys. In such matters, our arbitration panel of three attorneys conducts a hearing and gathers information from the attorney, the attorney's client and any witnesses who have knowledge of the representation and matters at issue, and we deliver a non-binding decision,

putting our decision in writing for the parties.

**Tennessee Bar Association**

Member 1992 – Present; Member of Litigation Section

**Judicial Commissioners Association of Tennessee, “JCAT”**

Member 2014 – Present; attend one of the Association’s annual conferences of Tennessee Magistrate Judges

**Tennessee Municipal Judges Conference**

Member 2014 – 2017; attended the TMJC’s annual conference of Tennessee Municipal Judges

**American Bar Association**

Member, 1992 - Present

**Tennessee Automotive Manufacturers Association**

Member, 2010 - 2013

**Defense Research Institute**

Member, 1999 - 2009

26. List honors, prizes, awards or other forms of recognition which you have received since your graduation from law school which are directly related to professional accomplishments.

Listed in *The Best Lawyers in America*® in Commercial Litigation from 2010 through 2013; *Best Lawyers* is the oldest and most highly-respected peer review guide to the legal profession worldwide.

Martindale Hubbell BV Peer Review Rated

In the **Chattanooga Bar Association preferential poll** of its members for General Sessions Court Judge, which was conducted during the 2012 general election, I was selected by members as their 2<sup>nd</sup> choice and received 25% of the votes (behind sitting Judge David Norton), finishing ahead of five other challengers and receiving three times as many votes as the third place finisher. This recognition and result show that I have the respect of my peers in the Chattanooga Bar Association, which is essential to the success of a judge.

Other special recognition includes the fact that I was invited in 2003 to become a member of the Brock-Cooper American Inn of Court in Chattanooga, a professional organization of about 145 attorneys and judges in which membership is by invitation only. Since then, I was elected by my peers to serve as secretary of the Brock-Cooper Inn of Court for seven years beginning in 2008, and I was elected to serve as president of the Inn during the 2015-2016 term.

During my tenure as president, I led our Inn to achieve its first ever platinum level of recognition in the national Inn of Court's Achieving Excellence program, an achievement reached that year by fewer than 25% of the almost 400 local Inns across the United States. In recognition of our Inn's achievement, I, along with our Inn's founding member, Judge Neil Thomas, represented our Inn at the national Inn's annual 2016 Celebration of Excellence held in the courtroom and in the Great Hall of the United States Supreme Court.

27. List any public office you have held or for which you have been candidate or applicant. Include the date, the position, and whether the position was elective or appointive.

**Judicial Commissioner/Magistrate  
Hamilton County, Tennessee**

November 2013 – Present; appointive position on annual basis by the Hamilton County Board of Commissioners

**Municipal Court Judge  
City of South Pittsburg, Tennessee**

November 2013 – June 2017; appointive position by South Pittsburg Board of Mayor and Commissioners

I was a candidate for Hamilton County General Sessions Court Judge, Div. V, in the August 2, 2012 non-partisan general election.

Date of Election: August 2, 2012; Hamilton County General Election

Position Sought: Hamilton County General Sessions Court Judge, Div. V--elective position

**ESSAYS/PERSONAL STATEMENTS**

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

I seek this judgeship because I have passion for the rule of law and for serving people, the desire to use my skills to assist parties with the resolution of their disputes and the judicial temperament needed to handle difficult matters. Circuit Court should be a place where litigants feel their disputes have been heard fairly, and the judge listened and carefully considered the facts and issues and delivered a just outcome to the best of the judge's legal ability. Circuit Court is where many people have their primary and direct experience with the legal system. I'll listen intently, mediate with discernment and apply the law fully and equally to ensure that justice is served. My overriding goal will be to enforce the applicable law after carefully considering the facts. I have the experience, knowledge, skills, and qualities to make a difference and serve as a strong and effective judge.



29. Describe the judgeship you seek (i.e. geographic area, types of cases, number of judges, etc. and explain how your selection would impact the court. *(150 words or less)*)

This court serves Hamilton County and is a court of general jurisdiction. There are four Circuit judges hearing a broad range of civil cases and appeals from General Sessions, Municipal and Juvenile Courts. It has concurrent jurisdiction with Chancery Court for many actions, but actions seeking unliquidated damages for personal injuries or damages to property must be heard in Circuit. Circuit Court enjoys exclusive jurisdiction in certain matters such as actions under the Governmental Tort Liability Act.

I would have a positive impact on the court as I will work well with the other judges and would have the respect of attorneys who practice there. I would continue the integrity, fairness, equality, and unbiased treatment for which the judgeship has been known. I would bring energy, passion, a tireless work ethic and an excellent judicial temperament to the bench, along with a strong sense of discernment for the matters heard.

30. Will you uphold the law even if you disagree with the substance of the law (e.g., statute or rule) at issue? Give an example from your experience as a licensed attorney that supports your response to this question. *(250 words or less)*

I will absolutely uphold the law in all situations even if I disagree with it. The role of a judge is much different from that of an attorney. Although the judge may not agree with the law, the judge's obligation is to interpret, uphold, apply and implement the law equally as it is written. A trial judge must not be an activist with regard to changes in the law. That is the job of the legislature and, in some instances, the appellate courts. As a judge in Circuit Court, my paramount concern will be to uphold and apply consistently and equally the federal and state laws and regulations and local ordinances.

One example from my practice concerns what was previously the law in Tennessee regarding the role and reports of guardians ad litem. Formerly, the law allowed guardians to provide the court with reports containing all matter of facts and findings even though such information was often based on hearsay and was not within the direct knowledge of the guardian. The law disregarded the rules of evidence when it came to the reports of a guardian ad litem and allowed the introduction of information that normally would be excluded. Although I disagreed with the law, I abided by it and acted consistently in my service as guardian ad litem. In recent years, the law changed and no longer allows a guardian ad litem to provide the court with reports that contain hearsay and information outside the guardian's direct knowledge.

**REFERENCES**

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

A. Hugh J. Moore, Jr.

B. Richard C. Rose

C. Sheri A. Fox

D. Mr. Eddie Ingle

E. Mr. Rhey Houston

**AFFIRMATION CONCERNING APPLICATION**

Read, and if you agree to the provisions, sign the following:

I have read the foregoing questions and have answered them in good faith and as completely as my records and recollections permit. I hereby agree to be considered for nomination to the Governor for the office of Judge of the [Court] Circuit Court, 11<sup>th</sup> Judicial District of Tennessee, and if appointed by the Governor, agree to serve that office. In the event any changes occur between the time this application is filed and the public hearing, I hereby agree to file an amended questionnaire with the Administrative Office of the Courts for distribution to the Commission members.

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

Dated: August 2, \_\_\_\_\_, 2017.

s/ Ron D. Powers  
Signature

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



**TENNESSEE TRIAL COURT VACANCY COMMISSION  
ADMINISTRATIVE OFFICE OF THE COURTS**

511 UNION STREET, SUITE 600  
NASHVILLE CITY CENTER  
NASHVILLE, TN 37219

**TENNESSEE BOARD OF PROFESSIONAL RESPONSIBILITY  
TENNESSEE BOARD OF JUDICIAL CONDUCT  
AND OTHER LICENSING BOARDS**

**WAIVER OF CONFIDENTIALITY**

I hereby waive the privilege of confidentiality with respect to any information that concerns me, including public discipline, private discipline, deferred discipline agreements, diversions, dismissed complaints and any complaints erased by law, and is known to, recorded with, on file with the Board of Professional Responsibility of the Supreme Court of Tennessee, the Tennessee Board of Judicial Conduct (previously known as the Court of the Judiciary) and any other licensing board, whether within or outside the State of Tennessee, from which I have been issued a license that is currently active, inactive or other status. I hereby authorize a representative of the Trial Court Vacancy Commission to request and receive any such information and distribute it to the membership of the Commission and to the Office of the Governor.

Ron D. Powers  
Type or Print Name

s/Ron D. Powers

\_\_\_\_\_  
Signature

August 2, 2017  
Date

014995  
BPR #

<p>Please identify other licensing boards that have issued you a license, including the state issuing the license and the license number.</p> <p><u>NOT APPLICABLE</u></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
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