

BACKGROUND FOR CANDIDATES QUESTIONNAIRE

We have established a questionnaire/interview process in which we will invite candidates to participate as a way to gather both objective and subjective information. This information will be synthesized and used in the selection of the candidates we choose to endorse. As a multi-media outlet with a primary focus on the African-American community, we've established criterion by which we will select the candidates for endorsement. The process of setting the criterion began with a critical analysis of the current state of African Americans in Memphis.

A brief statistical and empirical journey revealed the following:

- According to the 2000 Census, Memphis had the 8th largest African-American population percentage-wise at 61.9 percent, representing 402,367 people.
- According to the 1997 Census data, there were 10,931 black-owned businesses in Memphis and of that number only 1,335 had paid employees. Among those 1,335 businesses, average annual revenues were \$357,000 in contrast to average annual sales for white-owned firms (with employees) of \$4,818,000. Among the total number of black-owned firms, average revenues were only \$64,000 per year. More importantly, the total amount of revenues attributed to black-owned business was less than one-tenth of one percent of all revenues generated by all businesses in the Memphis-MSA. (That's \$705,000,000/\$90,391,440,000.)
- According to the U.S Department of Labor unemployment figures for 2009, the percentage for unemployment among African-American men in Tennessee was 20.2 percent compared with 11.1 percent for white men and 17.1 percent for Hispanic men. In some areas of Memphis it was estimated that the rate was 50 percent or more and overall the rate was approximately 30 percent.
- According to www.city-data.com, there is nearly a 30 percent poverty rate in the African-American community of Memphis, representing over 132,000 residents. There are neighborhoods where over 90 percent of the residents live at or below the nationally defined poverty rate. According to city-data statistics, there are fewer than 20,000 white residents living at or below the poverty rate and negligible numbers of other represented residents of other races.
- According to statistics released last year by Memphis City Schools, only 66.9 percent of the students are graduating, indicating a 33 percent dropout rate in a district that is over 90 percent African American. According to a 2008 report by the Schott Foundation for Public Education, Memphis had the nation's highest gap in graduation rates between black males and white males, standing at 30 percent in 2005/2006.
- Significant disparities also exist in imprisonment rates, health care, crime and violence and more importantly in the availability of resources and opportunities that would open

the door for these circumstances to begin to dynamically or even moderately shift towards more positive trends.

From our point of view candidates must intrinsically understand these dynamics and how they impact the welfare of our entire city. We will endorse candidates- regardless of race or party affiliation- that represent the best vision, that can present solution-oriented plans of action, and exhibit the best ability to execute and deliver on their plans to address the issues and disparities facing the citizens of Memphis.

We understand that the issues that exist in Memphis and Shelby County are broad and complex. We know that each candidate must serve and govern in the interest of all voters. However, also our contention that understanding the severity and significance of the issues confronting black Memphis – and working to address those issues – will not only serve to uplift the African-American population of Memphis, but in doing so will improve the quality of life for all Memphians, hopefully allowing us to ultimately and truly be “One Memphis.”

CANDIDATES QUESTIONNAIRE

Vision and Plans

What is your vision for Memphis?

The Judicial Canons prevent judges from expressing political opinions. However, limiting this question to my vision for the bench, I would like to see a very collegial bench, one that has good communications with the bar, and that provides good customer service to all. This means moving cases through the system in a timely manner, having clear expectations set out for lawyers and litigants, encouraging mediation, diffusing conflict wherever possible, and reducing the cost of litigation. When I took the bench, I made a promise never to become angry on the bench; it's unnecessary because the judge is always in charge. In my view, a judge should never be the third adversary in the room. Likewise, I think it is important never to embarrass lawyers. If they are unprepared, there are other ways to handle that issue. My courtroom is a very calm, comfortable, but efficient place to conduct the work of the court.

What is your approach, platform or plan of action for the office that you are seeking? What do you want to ACCOMPLISH while in office and what problems must be addressed in order to achieve those goals and objectives?

When I started in my division, I found that Division IV had 1100 active cases, the most of any division in Circuit Court, and the division with the oldest cases. My first priority, after learning the fundamentals of my job, was to take control of the docket. I had several cases from

the 1990's and many from the early 2000's. I spent months reviewing the docket sheets and jackets to develop a plan to gain better control of the docket.

We decided to institute a status conference system with the lawyers. My courtroom clerk, Bryant Bailey, began sending letters to lawyers requiring them to appear for a status conference in each case filed in 2008 and earlier, if the case was not already set for trial. Every day except Friday, lawyers come into my court and we discuss the status of their cases. They usually leave with a trial date and sometimes will create a scheduling order. We have also found that on average, a couple of cases a week are dismissed or settled. We will begin to schedule 2009 cases for status conferences in the fall and 2010 cases thereafter. In short, we have instituted a court managed docket system instead of a lawyer driven docket system. The benefits will be evident within the next 18-24 months as the cases move smoothly through the system rather than stagnating. Ultimately, this better serves the citizens of Shelby County who deserve to have their matters timely heard.

How do you plan to address the challenges and disparities listed in the background section of this questionnaire through the office you desire to hold?

Since the Civil Rights Act of 1964, Title VII, 42 USC 1981, and similar laws, the playing field has been leveled, at least from the viewpoint of the law, with respect to the basic rights of Americans without respect to race, and other immutable characteristics. By following the law, I can help address this issue. However, clearly, the greatest challenges, as you have identified, seem to have root in the economic disparities which continue to widen. Because of the economic situation, we have more pro se litigants than ever. I serve on the Access to Justice Committee where we are developing concrete strategies for dealing with the influx of unrepresented parties in Shelby County.

Qualifications and Experience

Why are you running for elected office?

I chose civil litigation as my area of practice more than 25 years ago because of the challenges inherent in presenting a case for trial in a coherent, fair and yet persuasive manner. Over the years, I litigated hundreds of cases in four southern states, from rural settings to cities, with much success. I had the great privilege of sharing my professional experiences by teaching law students. After 27 years, I reached the point in my career where I felt that I had met my professional goals and wanted new challenges. I had a strong desire to contribute to the legal system in a more meaningful way, other than as an advocate for a particular litigant in a particular matter. I applied for the open position in Division IV of Circuit Court in early 2009 and was selected through the judicial selection process by Governor Bredesen after rigorous vetting.

As a judge I have worked to create a customer service friendly courtroom. To me that means, to the extent possible, making litigants and lawyers comfortable with the process by treating them with respect and consideration, because in my view civility begins with the judge. It also means being on time, timely issuing decisions, being fully prepared for hearings, and giving every matter a fair and impartial hearing. In that way we can increase confidence in the judicial system, irrespective of outcome. I have increased collegiality among my fellow judges, created a committee to increase communication between lawyers and judges, implemented a judge driven docket management system, among other initiatives. I am running to retain my position because I believe I have had a measurably positive impact on the bench and bar.

What makes you qualified for holding the office you are seeking? What previous experience lends itself to success in the office?

I have been serving as the judge in Division 4 of Circuit Court for the past 15 months. The bar has had the opportunity to evaluate my performance, and after seven months on the bench, I was voted Outstanding Judge of the Year by the Young Lawyers Division of the Memphis Bar Association. I am a former law professor and have continued to teach as an adjunct professor of law from time to time over the years.

Additionally, my law practice was very broad. I tried more than 40 jury trials to verdict, including matters involving defamation, employment discrimination, personal injury, medical malpractice, fraud, breach of contract, and premises security, among others. I have also argued cases in the 5th and 6th Circuit Courts of Appeals and the Tennessee Court of Appeals and been lead counsel in class action matters.

Who has endorsed or expressed public support for your candidacy?

I have been endorsed by the AFL-CIO Labor Council, the Memphis Police Association, the Shelby County Deputy Sheriff's Association, the Commercial Appeal and been voted Most Qualified by over 79% of the lawyers who had an opinion in the Judicial Qualification Poll of the Memphis Bar Association.

Ability to Implement Initiatives

A clear vision and a plan for the future are important, but it means nothing if a candidate does not have the ability to get anything accomplished.

How would you address the issues identified as most critical for the city/county from the seat you are seeking?

This question does not seem applicable to a judge.

What opportunities do you see in working with other elected officials and or with other governmental bodies in the metro area and how do you define your role in government and the overall role of government?

This question does not seem to apply to a trial judge. Judges are required to remain independent.

How would you go about building consensus or support to accomplish goals or in the case of a judgeship or similar position how do you go about making your rulings/decisions?

I make my decisions by reading everything that is submitted to me by the attorneys. I carefully consider everything. I often do my own legal research. As a trial judge, I am constantly looking for the guidance of the courts of appeals. I do my best to simply follow the law.

In a trial, I carefully listen to all the testimony and take copious notes on my computer. I typically issue written decisions because it helps me to lay out my decisions in writing. Once again, with respect to the law, I do my own legal research.

Would you demonstrate the integrity and fortitude to stand on principle to accomplish an important objective despite opposition or lack of popularity for an idea? Give an example. Provide past examples of experiences you had where that was the case.

Yes. In 1986 following the decision in Geier v. Alexander, 801 F.2d 799 (6th Cir. 1986), my challenge was to create a program that would prepare and encourage African-American students to seek admission to Tennessee law schools. I designed a two-level academic summer program addressing these needs, including courses on the law, critical thinking, writing, and LSAT preparation. I taught in the program, served as its director for two years, and worked in an advisory capacity for the program until 1991.

As can be imagined, there was some resistance generally to this concept at the time, and perhaps there is still opposition to this program. Nevertheless, this program succeeded in bringing more qualified students to our law schools and in furthering diversity in our profession. I also developed and implemented an academic retention program to support African-American law students during their tenure at the University of Memphis School of Law. This program is now called TIP.