

**Tennessee Judicial Nominating Commission**  
***Application for Nomination to Judicial Office***

*Rev. 26 November 2012*

Name: Elizabeth C. Asbury

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**INTRODUCTION**

Tennessee Code Annotated section 17-4-101 charges the Judicial Nominating 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 <http://www.tncourts.gov>). The Commission requests that applicants obtain the word processing form and respond directly on the form. Please respond in the box provided below each question. (The box will expand as you type in the word processing document.) Please read the separate instruction sheet prior to completing this document. Please submit the completed form to the Administrative Office of the Courts in paper format (with ink signature) **and** electronic format (either as an image or a word processing file and with electronic or scanned signature). Please submit fourteen (14) paper copies to the Administrative Office of the Courts. Please e-mail a digital copy to [debra.hayes@tncourts.gov](mailto:debra.hayes@tncourts.gov).

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

**PROFESSIONAL BACKGROUND AND WORK EXPERIENCE**

1. State your present employment.

Asbury Law Office, Partner

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

1985

BPR# 11446

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.

I am licensed in Tennessee. My BPR# is 11446. My license was issued in 1985 and is active.

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

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).

Rogers, Hurst & Krushenski, Attorneys at Law 1985-1986 (Associate)

Michael G. Hatmaker, Attorney at Law 1986-1990 (Associate)

Elizabeth C. Asbury, Attorney at Law 1990-1993 (solo practice)

William Paul Phillips, District Attorney General 1993-1998 (Assistant District Attorney)  
Asbury Law Office, a partnership 1998 to the present (partner)

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

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.

Family/Domestic-35%  
Estate/Probate-25%  
Criminal-20%  
Plaintiff/tort-5%  
Mediation-5%  
Juvenile/Adoption-5%  
Conservatorship/Guardian Ad Litem-5%

8. 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. In making your description, include information about the types of matters in which you have represented clients (e.g., information about whether you have handled criminal matters, civil matters, transactional matters, regulatory matters, etc.) and your own personal involvement and activities in the matters where you have been involved. In responding to this question, please be guided by the fact that in order to properly evaluate your application, the Commission needs information about your range of experience, your own personal work and work habits, and your work background, as your legal experience is a very important component of the evaluation required of the Commission. Please provide detailed information that will allow the Commission to evaluate your qualification for the judicial office for which you have applied. The failure to provide detailed information, especially in this question, will hamper the evaluation of your application. Also separately describe any matters of special note in trial courts, appellate courts, and administrative bodies.

My practice has been primarily in the Circuit Courts, Criminal Courts, General Sessions Courts, and Juvenile Courts in the 8<sup>th</sup> Judicial District. I have represented individuals in a variety of civil

matters including personal injury, worker's compensation, estates, property disputes, family and domestic, criminal, juvenile and conservatorships. As I explained in a separate response, I have served as Guardian Ad Litem for children and adults in a multitude of cases. Additionally, I have represented individuals accused of crimes (felony and misdemeanor) throughout my private practice. As an Assistant District Attorney, I prosecuted felony and misdemeanor cases through the Grand Jury level.

I have represented claimants before the Social Security Administration through the hearing phase and appeals council phase.

I have represented claimants before the Tennessee Department of Safety.

I have regularly and routinely prepared deeds, wills, leases, contracts, powers of attorney, living wills and other documents.

I served as City Attorney for the Town of Caryville, as local counsel for Caryville-Jacksboro Utilities Commission, and as local counsel for the LaFollette Housing Authority.

I served on the Tennessee Judicial Selection Commission from its inception until 1998. That experience exposed me to attorneys and judges throughout the state of Tennessee and confirmed that the credentials for a qualified Judge must include integrity, fairness, good temperament, and strict ethical standards.

I have worked full-time since 1985. My work ethic would be described as diligent and thorough.

9. Also separately describe any matters of special note in trial courts, appellate courts, and administrative bodies.

While generally not newsworthy, I feel that assisting clients with important personal issues is of special note. For example, I recently served as Guardian Ad Litem for an elderly widow suffering from dementia who had no family to assist her and who was being taken advantage of by various individuals. Assisting this lady in protecting her estate and seeing that her health needs were met was confirmation that the court system does work and does provide protection to the most vulnerable citizens.

Another example is the filing of conservatorship petitions for parents of children who are reaching adulthood but suffer from severe disabilities. This enables parents to continue getting medical treatment and other resources for their children. I have filed several Petitions of this type.

A maxim of Chancery Court is to help those who cannot help themselves.

10. If you have served as a mediator, an arbitrator or a judicial officer, describe your

experience (including dates and details of the position, the courts or agencies involved, whether elected or appointed, and a description of your duties). Include here detailed description(s) of any noteworthy cases over which you presided or which you 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.

I have served as a Rule 31 Mediator (family) since March, 2006 and have performed approximately 60 mediations in Campbell County General Sessions Court and Chancery Court, Anderson County Chancery Court, Claiborne County Chancery Court, Scott County Chancery Court, Morgan County General Sessions Court and Chancery Court and Union County Chancery Court. I have served by Court Order and by agreement of the parties. Additionally, I have participated as counsel for parents in a multitude of mediations. Each mediation is of extreme importance to the parents and children involved in the process. Typically, an agreement is reached which enables the parents to share their children in a positive and healthy manner, without the necessity of a stressful trial. Each and every mediation is extremely noteworthy to the parents and children.

I have participated in mediations and arbitrations involving motor vehicle collisions, slip and fall cases, and in a sexual harassment case.

I have served as the Caryville City Court Judge from 2006 to the present time. I was appointed by the Caryville City Council. I typically hear speeding tickets, ordinance violations, and traffic matters. Court is held once a month. I have sat as substitute City Judge in Jacksboro, LaFollette, and Jellico on various occasions.

I have sat as Pro Tempore General Sessions Judge in Campbell County, Tennessee hearing civil matters and setting bonds for incarcerated individuals.

11. Describe generally any experience you have of serving in a fiduciary capacity such as guardian ad litem, conservator, or trustee other than as a lawyer representing clients.

Since 1998, I have served as Guardian Ad Litem in approximately 170 cases. Approximately 75% were Court appointments to represent and protect the best interests of minors in dependency and neglect actions or domestic disputes. Approximately 25% were Chancery or Circuit Court appointments to protect the best interests of adults in conservatorship actions. My brother and I utilized a Durable Power of Attorney to care for our Mother, an Alzheimer's patient, until her death in 2011.

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

I have a broad range of experience in civil and criminal matters. Additionally, I have made presentations at local churches and local banks on basic estate planning and advance directives. My clients have been real people with real problems.

13. List all prior occasions on which you have submitted an application for judgeship to the Judicial Nominating Commission or any predecessor commission or body. Include the specific position applied for, the date of the meeting at which the body considered your application, and whether or not the body submitted your name to the Governor as a nominee.

Not applicable

### EDUCATION

14. 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 Tennessee from 1978 until 1982. I received a Bachelor's of Science in Business Administration with Honors Degree.

University of Tennessee College of Law from 1982 until 1985. I received a Doctor of Jurisprudence Degree.

### PERSONAL INFORMATION

15. State your age and date of birth.

I am 52 years old. I was born on July 7, 1960.

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

Since July 7, 1960

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

I have been a resident of Campbell County Tennessee all my life. I lived in Knoxville, Tennessee from 1978-1985 while attending the University of Tennessee undergraduate and law school.

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

Campbell County, Tennessee

19. 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

20. 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.

21. 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

22. 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.

On July 7, 1994 I received an informal admonition in File #11649-2-tn. The Complaint was based on not getting a court date assigned quickly in a visitation matter.

23. 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

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

No

25. 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.

(a) Elizabeth Asbury Cooper vs. William Sherman Cooper-Campbell County Circuit Court, Docket #8805. This was an irreconcilable differences divorce (no children involved). (b) I was a party along with my two brothers in administering our parents' estates in Campbell County Chancery Court Case No: P-3186 (Estate of Joan B. Asbury) and the Claiborne County Chancery Court Case No: P-2463 (Estate of Wesley Lee Asbury).

26. 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.

Member, Jacksboro United Methodist Church from 1973 to the present. I have served as Administrative Chair since 2000. I currently serve on the Pastor-Parish Relations Committee, the Safe Sanctuary Committee, the Kitchen Committee, and as Middle School Sunday School Teacher. I was Chair of the Building Committee which led the Church in construction of a family life center.

St. Mary's Medical Center of Campbell County, Tennessee-Board Member-2000-2009 and served as Chairperson from 2007-2009.

I have served on the LaFollette Medical Foundation Board since 2009.

I am a supporter of the Campbell County spay/neuter program.

I serve on the Campbell County Agriculture Committee.

In 2006, I decreased my community involvement to have more time to devote to the needs of my Mother whose health was declining due to Alzheimer's. Prior to 2006, I served on the LaFollette Housing Authority Board, the Campbell County Election Commission, Regional Education and Community Health Board and the Campbell County Planning Commission. My husband and I were members of the LaFollette Country Club. Additionally, I have been a volunteer for the Louie Bluie Festival at Cove Lake State Park. I have been a judge at the local dog show at Cove Lake State Park. I have assisted with a high school mock trial team. I worked with a scholarship committee to honor a deceased high school classmate.

27. 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**

28. 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.

(A) Tennessee Bar Association since 1985. (B) Campbell County Bar Association since its reactivation in 1998 to the present. I have served as President and Vice-President. I have been a speaker at Law Day at various schools throughout Campbell County and have addressed middle and high school students on various legal topics. I assisted the Campbell County Bar Association with the SCALES project in 2008 which was attended by high school students throughout the entire Judicial District.

29. 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.

Not applicable.

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

Not applicable

31. List law school courses, CLE seminars, or other law related courses for which credit is given that you have taught within the last five (5) years.

Campbell County Bar Association Mediation Seminar

32. 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.

Caryville City Court Judge (appointed position from 2006 to the present)  
Assistant District Attorney (hired/appointed by District Attorney General from 1993-1998)

33. Have you ever been a registered lobbyist? If yes, please describe your service fully.

No.

34. 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.

State of Tennessee ex rel., Taylor v. O. Rourke, Campbell County General Sessions Court Case No: 11668-100% my work.

Riverbend Development Group vs. Dennis Jones and wife, Kathryn Jones, Scott County Chancery Court Case No: 9705-100% my work (this Trial Brief was filed with the Court on February 7, 2012 at the commencement of the trial but inadvertently not officially marked filed with the Court Clerk until the noted date).

In Re: Estate of Flora Mae Hicks, Campbell County Chancery Probate Case No: P-1463 and Court of Appeals Case No: E2000-00921-COA-R3-CV-70% my work.

### **ESSAYS/PERSONAL STATEMENTS**

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

I have been practicing law in the 8<sup>th</sup> Judicial District since 1985. I have been actively involved in all courts: General Sessions, Criminal, Circuit and Chancery. I have represented individuals, utilities, municipalities and businesses in various actions. I have always represented my client to the best of my ability. I am ready, willing and able to serve as Chancellor. To serve would be an incredible honor and an opportunity to serve the citizens of the 8<sup>th</sup> Judicial District. I feel that I have matured throughout my years of practice by developing a sense of fairness tempered with the ability to identify issues and apply the law to the facts.

36. State any achievements or activities in which you have been involved which demonstrate your commitment to equal justice under the law; include here a discussion of your pro bono service throughout your time as a licensed attorney. *(150 words or less)*

In a rural law practice, pro bono work is a daily occurrence. Our practice's focus has been on representing regular people who often have great need but few resources. An example is battered women who have ended up in the local shelter. There have been several occasions when an individual needed significant legal assistance but was without any ability to acquire service. I have represented several of these individuals in Orders of Protection, divorces, and child custody matters. I have rendered advice to individuals who are too numerous to count on issues regarding wills, estates, power of attorneys and conservatorships and other legal matters without charging a fee. Frequently, individuals in our area are without basic information on such issues and need to be educated on options available to them, even though they cannot pay.

I have made every effort to live by the Golden Rule-"Do unto others as you would have them do unto you."

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

I am seeking the appointment as Chancellor for the 8<sup>th</sup> Judicial District which consists of Campbell, Scott, Fentress, Claiborne, and Union Counties. The area is rural in nature. Campbell County is the largest and most centrally located portion of the district. There are three (3) Circuit level Judges (Criminal, Circuit, and Chancery). Each county has one General Sessions Judge. The General Sessions Judges in Campbell, Scott and Claiborne have expanded jurisdiction by private act. The case load in Chancery Court is civil and, generally, non-jury in nature. The cases include adoptions, domestic cases, conservatorships, probate, worker's compensation and disputes involving other civil matters. If selected to serve, I will bring a wide variety of experience to the position. Also, I would be the first female to serve as a Judge in a General Sessions or Circuit level court in our judicial district. I will serve with integrity, with a sense of fairness and with a high standard of ethical conduct. I will treat all who come before me in a courteous and dignified manner.

38. Describe your participation in community services or organizations, and what community involvement you intend to have if you are appointed judge? *(250 words or less)*

I have always believed that individuals should contribute to their community by being willing to serve. The saying "To whom much is given, much is expected" has always been in my mind. I have been fortunate in my life and I have felt a moral obligation to contribute to the best of my ability. If appointed as Chancellor, I would maintain my church involvement. I would resign from the LaFollette Medical Foundation Board since it was created in Campbell County Chancery Court Case No: 14922. I would continue to be of service and assistance to my community in ways that do not conflict with the position or violate the Canons of Judicial Ethics.

39. 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)*

No one knows what experiences will be faced in life. In 1992, I married my husband, Ron Lawson, who was the primary parent of two sons, ages five and eight. My stepsons have grown into fine upstanding young men. The oldest is serving in law enforcement and the youngest is completing his college education after serving in the military (with deployments to Iraq and Afghanistan). Being a parent figure in raising these young men has made me a more patient and level-headed person. Secondly, my upbringing has prepared me for this role. My parents emphasized education, taking responsibility for one's actions, being a good citizen, and being of good character. My father, Lee Asbury and grandfather, Roy Asbury, practiced law together in the same office that I currently share with my brother. My brother and I had the privilege to practice law with our father after his retirement as Criminal Court Judge in 1998 until his death in 2006. Thirdly, caring for my mother, an Alzheimer's patient, had a significant impact on me. Among the most important things I learned are that life is short and you should be of service to your family and community while you are able.

My hobbies include horseback riding, taking care of my four dogs, boating on Norris Lake, and helping with our small cattle farm.

My life experiences and professional experiences make me uniquely qualified to serve as Chancellor.

40. 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)*

Yes. In our area, attorneys are regularly and routinely appointed to represent parents who are accused of child abuse and engaging in conduct that results in their children being dependent and neglected. For example, an indigent mother who has given birth to a drug addicted baby is entitled to Court appointed counsel pursuant to Tennessee Code Annotated Section 37-1-126. Once appointed, the attorney must vigorously represent that parent and protect her parental rights even though, from a personal view point, the attorney knows that the best interests of the child would be served by a placement other than with the offending parent. I have been appointed to represent such parents and have represented them to the best of my ability.

### **REFERENCES**

41. 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. Judge Conrad Troutman (retired Circuit Court Judge in the 8 <sup>th</sup> Judicial District), [REDACTED]
B. Robert R. Asbury (my brother and law partner since 1998), [REDACTED]
C. Haskel "Hack" (Ayers, Ayers Realty) [REDACTED]
D. Clarence Lowe (retired school teacher) [REDACTED]
E. Wesley Stone (Attorney at Law, Hodge, Doughty & Carson) [REDACTED]

**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] Chancery Court, 8<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: December 17, 2012.

  
Signature

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



**TENNESSEE JUDICIAL NOMINATING COMMISSION**  
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 which 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 Tennessee Judicial Nominating Commission to request and receive any such information and distribute it to the membership of the Judicial Nominating Commission.

Elizabeth C. Asbury  
Type or Printed Name

Elizabeth C. Asbury  
Signature

December 17, 2012  
Date

11446  
BPR #

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

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