

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

04/15/16

Name: Kathryn Wall Olita

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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.

I am a Member of Batson Nolan PLC.

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

I have been licensed to practice law in Tennessee since 2003. BPR #023075

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.

Tennessee, BPR #023075

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).

I began my legal career as an associate attorney with the Memphis firm of Rosenblum & Reisman, PC. My practice there was dedicated to representing individuals in catastrophic injury and individual rights cases. Specifically, I handled cases alleging constitutional rights violations under the Tennessee Human Rights Act and 42 U.S.C. § 1983 in various contexts. I also assisted clients with basic estate planning and handled domestic cases.

In 2006, I was presented with the opportunity to move home to Clarksville to join Batson Nolan PLC as a litigation associate. In January 2013, I became a Member/Owner of Batson Nolan PLC. Firm ownership has given me opportunity for growth and experience as it relates to non-legal business management issues. Running a successful law practice requires me to devote time and attention to budgeting, forecasting and cost effectiveness. I supervise an assistant, a paralegal and a number of associate attorneys and am responsible for training them on both substantive and administrative matters. As a supervising attorney of associate attorneys, I am responsible for

assigning projects and then ensuring that such projects are done competently and in a timely manner.

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.

Over the past twelve years, my practice has primarily been in defense of civil suits, with an emphasis in governmental liability, employment law, and business litigation. My clients include governmental officials and employees, law enforcement officers, businesses, and the Clarksville-Montgomery County School System. The claims I have defended have involved: civil rights claims brought pursuant to 42 U.S.C. § 1983, Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, the Age Discrimination in Employment Act, Title IX of the Education Amendments of 1972, the Fair Labor Standards Act of 1938, the Family and Medical Leave Act of 1993, the Uniformed Services Employment and Reemployment Rights Act of 1994, the Tennessee Human Rights Act and the Tennessee Governmental Tort Liability Act.

I have also handled family law matters including divorce, child custody, adoption and claims brought pursuant to the Tennessee Grandparent Visitation Statute. I have represented individuals and businesses in breach of contract, libel, and tortious interference with business cases, collection matters and personal injury cases. I have appeared on behalf of clients before the Tennessee Human Rights Commission, Equal Employment Opportunity Commission, state and federal courts, and the United States Court of Appeals for the Sixth Circuit.

In addition to my extensive litigation practice, I currently serve as Board Attorney for the Clarksville-Montgomery County School System (“CMCSS”). Serving as School Board Attorney is immensely rewarding and it is a privilege to be able to play a role in advising CMCSS with its 33,000+ students and more than 4,000 employees. I also regularly advise clients on a variety of legal and policy issues. I have helped clients with everything from developing and implementing policies for the workplace to negotiating and drafting contracts. I have assisted corporate entities with business formation and acquisitions and have helped individual clients with basic estate planning. In April of 2018 I was approved by the Tennessee Supreme Court Alternative Dispute Resolution Commission as a Rule 31 Listed Mediator in the field of General Civil Mediation under Rule 31 of the Rules of the Tennessee Supreme Court. I have also provided pro bono legal services as Board Attorney for the Clarksville Area Chamber of Commerce for the last three (3) years. The current percentages of my practice are:

Civil litigation – 65%

Board representation – 15%

Transactional matters – 20%

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.

I have appeared in court regularly throughout the entirety of my practice. In the last five years, 60% of my appearances were in federal courts, 35% were in state or local courts of record and 5% were in front of administrative bodies. During the past five years, 85% of my practice has been trial practice. I typically appear in court four or more times per month. Motion practice has comprised a large part of my courtroom experience. More specifically, I have most often been before courts on dispositive motions. My courtroom experience has also included discovery-related motions to compel, motions to deem admissions admitted, motions to set, and motions for contempt. I have also been before courts on pre-trial motions involving objections to jury instructions and motions in limine. I have argued before the Tennessee Court of Appeals on a number of occasions and successfully argued before the Sixth Circuit Court of Appeals in April 2010. I have tried four cases to conclusion in courts of record during the past five years as chief counsel.

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

In 2010, I represented Montgomery County, Tennessee before the Sixth Circuit Court of Appeals in Cincinnati on an employment-related age discrimination case. The matter had been vigorously litigated at the trial court level and I successfully obtained a dismissal on summary judgment for Montgomery County. The plaintiff appealed and requested oral argument. I successfully argued that the dismissal should be upheld before the panel of three judges (and a courtroom full of elementary school students attending court on a field trip). I count that experience among one of the greatest in my legal career to date.

In 2013 and 2014, I provided pro bono representation to a young mother being sued by her parents under the Grandparent Visitation Statute. The mother and her son had been living with the grandparents for some time until she decided it was time to be out on her own. Although she and her son moved out of her parents' home, the child still had quite a bit of voluntary visitation with the grandparents. They sued, seeking the establishment of a permanent visitation plan. I tried the case before the Juvenile Court (sitting as Magistrate Judge) and lost. On appeal to the General Sessions Court, we tried the case again and won, effectively getting the case dismissed. Grandparents appealed to the Tennessee Court of Appeals and on March 26, 2014, I argued the case before the three judge panel. The Court of Appeals upheld dismissal of the action, finding that where there has been no denial of visitation, a parent may not be forced to submit to court-ordered visitation. I am thankful for the opportunity to have helped that young mother through a legal process that she would not have been able to navigate alone.

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

In June of 2017, I was asked by Montgomery County Mayor Jim Durrett to serve as one of 15 members of the Clarksville-Montgomery County Charter Commission for Consolidated Government. The Charter Commission was created pursuant to Tenn. Code Ann. § 7-2-101 by

the adoption of a consolidation resolution by the Montgomery County Commission and by the adoption of a substantially similar resolution by the Clarksville City Council. At the inaugural meeting of the Charter Commission in July of 2017, I was elected to the office of Secretary. Over the following 12 months, the Charter Commission undertook the important task of writing a constitution (charter) for a new form of government for all citizens of Clarksville-Montgomery County. I regularly utilized my legal education and experience in the researching, drafting and review of the Charter which will be filed with the Clerk of Montgomery County in August and on the November ballot. I learned more about my community and its current government than I ever thought possible. While at times challenging and even frustrating, I am so grateful for the opportunity to participate in such a unique process. I am proud of the Charter produced by the Charter Commission and will not soon forget the experience.

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

I applied for a United States Magistrate Judge position in the United States District Court Middle District of Tennessee in February of 2016.

**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.

<p><b>The University of Memphis School of Law</b>, Memphis, TN  <i>Juris Doctor</i>, Cum Laude            3.28/4.0 GPA; Class Rank – 29 of 142            Top 20% of graduating class  <i>University of Memphis Law Review</i>            Student Bar Association, Executive Director            Phi Delta Phi Legal Honor Society            2002-2003 Student Ambassador            2001, 2002 Law School Orientation Leader            Dean’s Distinguished Service Award</p>	<p>08/00 – 05/03</p>
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<p><b>The University of Tennessee</b>, Knoxville, TN  <i>Bachelor of Arts</i>, Psychology            3.6/4.0 Major GPA; 3.3/4.0 overall GPA</p>	<p>08/96 – 05/00</p>
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<p><b>Austin Peay State University</b> (summer term)</p>	<p>05/97 – 07/97</p>
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**PERSONAL INFORMATION**

12. State your date of birth.

1977

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

35 years

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

12 years

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

I am registered to vote in Montgomery 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.

In 1999, I pled guilty to reckless driving. The matter was resolved pursuant to a pretrial diversion agreement under which I paid a fine and performed community service. Subsequent to completing those terms and a period of probation, that record was expunged.

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.

I have been a party to one legal proceeding. James V. Kimbro, Cathey P. Kimbro and Jeffrey G. Kimbro v. Officer Eric Toms, Officer J. Smith, Officer Alley Evola, Officer Bob Kupczyk, Officer Marcus Allbright, City of Franklin Police Department, City of Spring Hill Police Department, Williamson County Jail, Williamson County Sheriff's Department, Derrick Smith, Lisa Carson, Mark Nolan, Kathryn Olita and Kristin Berexa, USDC Middle District of Tennessee, Docket No.: 3:11-cv-00049.

In 2008, my partner Mark Nolan and I defended Officer Marcus Allbright in a civil police misconduct suit brought against him by the Kimbros. That matter was dismissed and the Kimbros subsequently filed a pro se action under the Racketeer Influenced and Corrupt Organization Act, ("RICO"), 18 U.S.C. § 1964(c), against the officers and attorneys involved in the first suit. The Kimbro's suit was dismissed with prejudice on September 19, 2011.

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.

<b>United Way of the Greater Clarksville Region</b> Member, Board of Directors	2018 – present
<b>Clarksville Women’s Network</b>	2017 – present
<b>Clarksville-Montgomery County Charter Commission</b> Secretary	2017 – present
<b>Clarksville Area Chamber of Commerce</b> Chair Elect/ Second Vice-Chair, 2018 Legal Counsel, 2015 – 2018	2015 – present
<b>Acuff Circle of Excellence</b> , Austin Peay State University Center for Excellence in Creative Arts President, 2015 – 2017 Vice-president, 2014 – 2015	2013 – 2018
<b>Roxy Regional Theatre Board of Directors</b> Secretary, 2014 – 2016	2013 – 2016
<b>Moore Magnet PTO</b> President, 2016 – 2017 Vice-President, 2015 – 2016	2011 – present
<b>Madison Street United Methodist Church</b> Lay Liturgist, 2017 – present Outreach Committee, 2016 – present Inviting Ministries Committee Chair, 2015 – 2017 Children’s Ministry volunteer, 2006 – present Laudate Ringers Handbell Choir, 2007 – 2016	

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.

While at the University of Tennessee (1996 – 2000), I was a member of the Delta Sigma Chapter of Delta Delta Delta women’s fraternity. Tri Delta is the first National Panhellenic Council organization to have a non-discrimination policy. Its policy holds, “Tri Delta does not discriminate on any basis other than gender in selection of members, and collegiate chapters will not discriminate on the basis of ethnic heritage, national origin, personal appearance, personal beliefs, race, religion, sexual orientation, mental or physical ability.”

I am currently a member of the Clarksville Women’s Network (the “Network”), a loosely organized women’s networking organization. While the Network is made up of only women, it does not specifically deny membership to men. As such, I do not feel it would be necessary to resign from the Network or withdraw from participation in its activities. In the event I should be nominated and selected for this position and membership in the Network was deemed discriminatory, I would resign and withdraw from any participation in the organization.

**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.

<b>National School Boards Association</b> Council of School Attorneys	2015 – present
<b>Tennessee School Boards Association</b> Tennessee Council of School Board Attorneys	2015 – present
<b>Montgomery County Bar Association</b>	2006 – present
<b>Tennessee Bar Association</b> TBA Federal Practice Section Executive Committee, 2013 – 2016	2006 – present
<b>Memphis Bar Association</b> Young Lawyers Division, 2003 – 2006	2003 – 2006

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.

I have not received any honors, prizes, awards or other forms of recognition as it relates to my legal practice.

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.

None

**ESSAYS/PERSONAL STATEMENTS**

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

Since beginning my life in law, I have been moved from seeking just to create a career (which has been incredibly rewarding in and of itself) to answering a personal call to discover how I may best use my gifts and talents to serve this community. Each experience I have had in life and law has prepared me to serve the citizens of the 19<sup>th</sup> Judicial District as a Circuit Court Judge. I feel uniquely suited to fill this position based on my years of courtroom experience, my temperament and my desire to be an integral part of the legal process. I am purpose-driven: a problem solver and a hard worker. It would be a great privilege to serve as the Circuit Court Part V Judge for Montgomery and Robertson Counties.

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)*

I seek to fill the newly created Circuit Court Part V position in the 19<sup>th</sup> Judicial District, which I understand has been designated to handle primarily family law matters. The geographic area of this Judicial District encompasses home to me and is made up of incredibly diverse rural and urban communities. I am prepared to take on the challenge of handling a large variety of cases and given my diverse background in civil litigation, I would be ready to immediately provide assistance in matters of a domestic nature. I am ready and willing to serve and assist the four sitting judges in whatever capacity will best serve the citizens of this Judicial District.

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 would absolutely uphold the law even if I disagree with the substance of it.

In a recent slip and fall case I defended at trial and appealed to the Tennessee Court of Appeals, the panel returned a split verdict on the issue of whether a governmental employee was acting reasonably in the placement of wet floor signs after mopping. The majority of the Court held that an employee is not “acting reasonably” when they are “pursu[ing] a course of conduct that violates mandatory regulation.” The regulation at issue in the case required custodians to “always put the wet floor signs out until the area is completely dry.” The proof presented at trial established that wet floor signs were out in the area where the floor was wet. The policy does not dictate that signs should cover every inch of the area, which would be an unreasonable

requirement and would subject an employer to nearly strict liability. In this instance, I do not agree that placement of floor signs in the vicinity of the wet floor was a course of conduct that violated a mandatory regulation. However, where the law and existing precedent are well settled, it is the trial court's duty to stand by the things decided.

**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. Billy Atkins, President, Legends Bank

Clarksville, Tennessee 37040

B. Katie Gambill, President/General Manager 5 Star Media Group

Clarksville, Tennessee 37043

C. Don Jenkins, President and CEO, Jenkins & Wynne

Clarksville, Tennessee 37040

D. Dan Nolan, Member, Batson Nolan PLC

Clarksville, Tennessee 37040

E. Bill Wyatt, Executive Vice President, Commercial Lender, F & M Bank

Clarksville, Tennessee 37040

**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] 19<sup>th</sup> Judicial District Circuit 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: July 15, 2018.

  
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.

Kathryn Wall Olita  
Type or Print Name

Kathryn W. Olita  
Signature

7/15/18  
Date

023075  
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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