

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

9/8/20

Name: Crystal Michelle Jessee

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(including county)

Greeneville, TN 37745 (Greene County)

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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 Microsoft Word format from the Administrative Office of the Courts (telephone 800.448.7970 or 615.741.2687; website www.tncourts.gov). The Commission requests that applicants obtain the Microsoft Word 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 ceesha.lofton@tncourts.gov, or via another digital storage device

such as a flash drive. See section 1(g) of the application instructions for additional information related to hand-delivery of application packages.

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

PROFESSIONAL BACKGROUND AND WORK EXPERIENCE

1. State your present employment.

I am the owner of the Jessee Law Office, located at 120 North Main Ext., Greeneville, TN 37745.

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

I was licensed to practice law in Tennessee on November 15, 2005 and my Board of Professional Responsibility number is 024445.

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 was licensed to practice law in Tennessee on November 15, 2005. My Board of Professional Responsibility number is 024445. My license is currently 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).

I am currently the owner of Jessee Law Office. I have owned my own firm since 2007.

I was appointed as the Third Judicial District Child Support Magistrate in 2010 to serve for several months, during the medical leave of the prior magistrate.

I worked under contract for the firm of McHugh Fuller, a Mississippi law firm, concentrating in nursing home litigation and received extensive experience working in the courts of West Virginia, Mississippi and Tennessee.

I was an associate of Foster & Flohr, Attorneys at Law, a firm in Greeneville, Tennessee, from 2005-2007.

Immediately after graduating from law school, I worked at Petkoff and Associates, a law firm in Memphis, TN.

I have maintained my real estate license as a broker with Greeneville County Land and Auction.

I am also a Tennessee Rule 31 Licensed Mediator, and was licensed in 2012.

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.

The nature of my present law practice is primarily domestic relations cases which include divorce, adoption, termination, legitimization, and dependency and neglect matters. This makes up approximately sixty percent my practice. I also do other civil litigation including personal injury, nursing home litigation, and litigation related to real estate and probate matters. Those categories make up approximately twenty percent of my case load. Fifteen percent of my case load consists of class action litigation in the recent opioid cases and contract disputes and the remaining five percent is criminal law.

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 started my practice at the above listed firm, in Memphis Tennessee, doing insurance defense in Shelby County Circuit and Chancery Courts. The concentration was primarily defending local governmental entities and aviation defense. Since relocating to East Tennessee, I regularly appear in the Juvenile, Sessions, Circuit and Chancery Courts around East Tennessee, concentrating in domestic relations. I have argued several appeals in the Eastern District Civil Court of Appeals for Tennessee. In 2009, for approximately four years, I worked under contract with the firm of McHugh Fuller, concentrating in nursing home litigation during which I received extensive civil experience in the courts of Tennessee, Mississippi and West Virginia. I am admitted to practice in the Federal District Court for the Eastern District of Tennessee. I am also co-counsel with attorneys from Tennessee and other states in the present opioid litigation and have filed complaints on behalf of counties in Tennessee in the Eastern, Middle and Western District Courts. I have also been admitted to practice before the United States Supreme Court. I have filed with co-counsel claims in the Tennessee Claims Commission relating to medical

malpractice and nursing home litigation.

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

Hawkins County Humane Society v. Hannah Speaks, et al. (2017 Hawkins County Circuit Court). I represented the Hawkins County Humane Society against several individuals alleging false, harassing Facebook posts that placed the managers licensed at risk and almost caused the facility to close. The matter was tried before a jury and a successful plaintiff's verdict was obtained. Throughout this process, I defended the director and veterinary technician before the comptroller's office and the state licensure board.

In RE: K.F.R.T., 493 S.W. 3d 55 (Tenn. Ct. App. 2016). I represented children on behalf of the guardian ad litem in an appeal of a termination proceeding. There were four children involved in the case, and the trial court granted the termination as to one child and denied it to the other three. I appealed for the guardian ad litem, pro bono, after the guardian was informed that the Department of Children's Services would not seek an appeal of the ruling. The Court of Appeals reversed the trial court's ruling and granted the termination as to all four children.

In RE: Landon T.G., 2016 WL 890219, No. E2015-01281-COA-R3-PT (Tenn. Ct. App. March 9, 2016). I represented a mother requesting to set aside an adoption after three years because she was not given proper notice of the initial proceedings. This was a case of first impression which was at the Court of Appeals, at the same as the *Turner v. Turner* matter.

Napier v. Howard, 516 S.W. 3d 477 (Tenn. Ct. App. 2016). I represented the adjoining landowners in a declaratory judgment action, defining the difference between a camper trailer and a single wide mobile home. I was successful at trial in the Chancery Court of Jefferson County. The Court of Appeals upheld the Order.

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

I am privileged, along with other counsel, to be presently representing thirteen Tennessee counties in the nationwide opioid litigation. As part of my commitment to that litigation, I was nominated by the Greene County Mayor to be a part of the "Tennessee Faces" campaign, giving insight to the epidemic and opioid addiction. Being a part of the ongoing litigation, I have gained extensive experience in working with counsel throughout the United States in pursuing a nationwide solution to a problem that hugely impacted East Tennessee.

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

I had to provide a resume to be appointed as Child Support Magistrate for the Third Judicial

District.

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 Law School, Juris Doctorate 2002- 2005

Emory and Henry College, Bachelor of Science, Political Science Degree; Bachelor of Arts, Business Management Degree 1998-2002

Tennessee Real Estate Academy, in 1998 for affiliate broker licensure and then in 2001 for broker licensure.

PERSONAL INFORMATION

12. State your date of birth.

1979

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

41 years – my entire life

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

I have continuously resided in Greene County for fourteen years.

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

Greene 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. You may wish to request a report from the appropriate supervisory authority (or authorities) for a complete history.

A complaint was filed with the Tennessee Board of Professional Responsibility by my ex-husband, James R. Klumb, on May 21, 2013, Case Number M2014-01989-SC-BPR-BP. Prior to filing for divorce, I placed a monitoring system on what I believed to be a marital computer. I was not acting as an attorney and had placed the system on the computer to monitor my stepson, who had recently been caught with marijuana. My ex-husband sued me in federal court, as listed below in paragraph 22. I agreed to a conditional guilty plea on March 31, 2014, which the Court approved and I was publicly censured. The public notice set forth that I was publicly censured, but did not affect my ability to practice law.

A complaint was filed with the Tennessee Board of Professional Responsibility in 2009, File No. 31548-1-KS, right after I left the law firm of Foster & Flohr and started my own firm. When I was a member of the Foster & Flohr Law Firm, I had a contract with the City of Surgoinsville and the Surgoinsville Water Department as an employee of Foster & Flohr. When I left to start my own firm the board voted to retain me, however, neither the Foster & Flohr firm, nor I updated the written contract. Both Foster & Flohr and I received appropriate fees for the contracts for the time I worked. I received a private letter of reprimand for not updating my employment retainer.

A complaint was filed with the Tennessee Board of Professional Responsibility in 2009, File No. 32391-1-PS, by an appointed client. I was relieved of representation by Chancellor Frierson on January 13, 2009. The file was transferred to Mr. John Anderson as her new attorney. I in no

way impeded the representation of the client and the same was dismissed.

A complaint was filed with the Tennessee Board of Professional Responsibility in 2012, File No. 34860-1-PS by a client that settled his case at mediation but refused to pay the mediation fees when same concluded. He also refused to sign the Order finalizing his case, which delayed same. This matter was dismissed.

A complaint was filed with the Consumer Assistance Program, by an opposing party in 2019, Complaint Number 59592c-1. My social media account was hacked and had to be shut down after sending out friend requests to over two thousand individuals. The lady in question received a friend request prior to my representation of her ex-husband and involvement in the case. This matter was dismissed.

A complaint was filed with the Consumer Assistance Program, in 2018, Complaint Number 56910c-1, by a lady that I had a telephone consultation with, but never paid a fee or signed a contract. She complained because I refused to represent her. The same was dismissed.

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.

Crystal Goan Klumb v. James Roy Klumb, in the Circuit Court for Greene County, Tennessee, No. 08CV361 (divorce filed on September 21, 2007; final decree entered February 24, 2009)

James R. Klumb v. Crystal Goan, in the United States District Court for Greeneville, Tennessee, No. 2:09-cv-00115. (filed June 11, 2009; judgment entered July 19, 2012) Appeal was taken to the Sixth Circuit Court of Appeals and settled on appeal.

David Bryan Hawk v. Crystal Goan Hawk, in the Chancery Court for Greene County, Tennessee, No. 2012-0191 (divorce filed July 2, 2012; final decree entered September 11, 2013)

Thomas C. Jessee and wife, Crystal Jessee v. Christina Vella, individually and d/b/a Wood and

Cotton Exchange and PPG Industries, Inc., in the Circuit Court for Washington County at Jonesborough, Tennessee, No. 39624 (filed on December 30, 2019; still pending). This is a breach of contract/construction litigation.

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.

I am a member of the following organizations:

1. Greene County Republican Women's Association, past president and Lincoln Day Dinner Chairwoman and current executive board member. I am additionally an associate member of the Hamblen and Hawkins County Republican Women.
2. Hamblen County and Greene County Anti-Drug Coalitions.
3. Tusculum University, Graduate Advisory Council Board Member, for the Family Nurse Practitioner Program.
4. Safe Harbor of Greene County, and the Phoenix House, board member.
5. ALPS of Greene and Hamblen County, past president and board member.
6. Evidence Based Addiction Medicine, board member.
7. Chamber of Commerce Member for Hawkins and Greene Counties.
8. Andrew Johnson Women's Club, member.
9. Order of the Eastern Star, member of Greeneville and Bulls Gap.
10. Greeneville Women's Club, member.
11. Cattleman's Association, member.
12. National Rifle Association.
13. Pleasant Hill United Methodist Church.

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.

Yes. The Greeneville Women's Club and the Andrew Johnson Women's Club are organizations that promote community history and community involvement by women. Each club has substantial involvement in charitable work and although they are made up of women members, their focus is for all people throughout the community.

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.

Tennessee Bar Association (2017 to present), Greene County Bar Association (2005 to present), Tennessee Trial Lawyers Association (2019 to present).

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.

Tusculum College Distinguished Service Award (2018)

Greeneville Sun's Reader's Choice: Citizens pick attorney of the year for Greene County, for the year 2020.

Greeneville Sun's Reader's Choice: Citizens pick attorney of the year for Greene County, for the year 2021.

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)*

I have always been interested in political issues and people working closely with the government. I was impressed by the concept of how a judge actually helps people resolve their differences, without violence, which occurs in other parts of the world. The judge and jury system, I believe, is one of the main foundations of our system of government and why it has survived for so long. I see a need in the Third Judicial District to improve the way families resolve conflict and overcome their problems. I believe the Third Judicial District is in need of an enhanced drug court, veteran's court, and a court clinic to improve the delivery of justice and more efficiently resolve conflict. I have concentrated my practice in these areas and researched the availability of grants. I believe I am the best candidate to implement change.

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 am applying for Circuit Court Judge, Part II, for the Third Judicial District, which encompasses Greene, Hawkins, Hamblen and Hancock Counties. The counties are very different in their school systems, employment and social-economic cultures. There are three Circuit Court Civil Judges, one Circuit Court Criminal Judge and one Chancellor. Other than the criminal dockets in each county, the civil courts primarily hear domestic related cases. Given my practice concentration in civil litigation, and domestic law matters, I have the background that is needed to fill the position. A review of the appellate docket reflects that there are a substantial number of termination/adoption cases. Because of my experience I believe that I can work with the other judges in the district to modernize and focus the docket, as it relates to domestic matters. Having practiced across the state, I have the experience and ideas necessary to serve as Judge.

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 uphold the law, even if I disagree with the substance of the law, with the understanding that there are rare times when constitutional issues may occur. For example, I represented a woman who lost her children in an adoption proceeding three years prior to my filing a complaint alleging that she had not received proper notice of the proceedings. The status of the law was very specific as to notice, with no regard to the children's best interest or the length of time the Order had been entered. The trial court would not overturn the order and denied my petition. The Eastern District Court of Appeals reversed the trial judge and set aside the order of adoption. A similar case, at approximately the same time, was decided by the Tennessee Supreme Court saying notice must be followed, but under certain very specific circumstances, the Court could consider the length of time and the reliance on the original order of adoption. As one can see, a trial judge would be faced with having to completely disrupt a family that adopted the child based upon the existing law and yet be very concerned about the impact on the child/children involved. A good advocate was able to convince the Supreme Court in *Turner v. Turner*, to add some additional factors to be considered. All the parties were faced with upholding the law as written, while being concerned with the impact it would have on the children, parents and families.

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. Wayne Culbertson, Attorney, [REDACTED] Kingsport, TN 37660, [REDACTED]

B. Amy Skelton, Attorney, [REDACTED] Rogersville, TN 37857, [REDACTED]

C. Tony Howell, Senior Director, Heritage Community Bank, Greeneville, TN, [REDACTED]

D. Frank Freeman, Vice President of Tuff Torq Corporation, Morristown, TN, [REDACTED]

E. Robin Quillen, Greene County, County Commissioner, Greeneville, TN [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 Circuit Court, Part II, for the Third 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: July 22, 2021.



Signature

When completed, return this questionnaire to Ceesha Lofton, 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.

Crystal Jessee
Type or Print Name


Signature

July 22, 2021
Date

024445
BPR #

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

Tennessee Real Estate Commission, License
#272493

Rule 31 Civil/domestic, mediators license
