

# LAW MATTERS

April 2018

Volume XXVIX No. 12

## Celebrate LAW's 2018 Award Recipients



**Judge Martha Craig Daughtrey Award Recipient  
Patricia Head Moskal**



**Rising Star Award Recipient  
Jennifer Bonilla Moreno**

*April 26, 2018*  
*The Renaissance Nashville Hotel*  
*611 Commerce Street*  
*Broadway Ballroom 1*  
*Cocktail Reception 6:00–7:00 pm*  
*Dinner and Program 7:00–8:30 pm*

*Member Tickets: \$75.00*

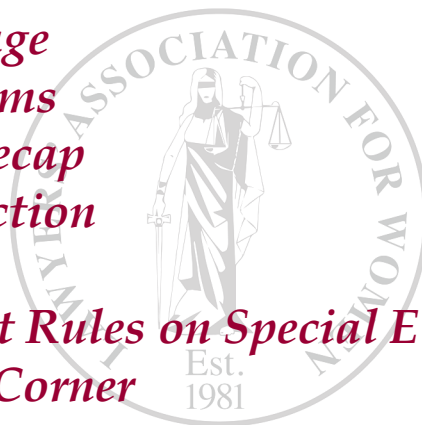
*Non-member Tickets: \$85.00*

*Reservations Due Close of Business Tuesday, April 24*

[\*Register Here\*](#)

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## *Introducing LAW's Slate of Officers for 2018-2019*

*Pursuant to the LAW Bylaws, notice is hereby given that the annual meeting of the membership for the election of board of directors and officers for 2018-2019 will be held on April 26, 2018 at 7:00 p.m. at The Renaissance Nashville Hotel, Broadway Ballroom 1, 611 Commerce Street, Nashville, Tennessee. Nominees for the officers and directors are introduced below. Other nominations may be made from the floor at the annual meeting.*



**President—Ashonti Davis.** Ashonti is a 2009 graduate of the University of Tennessee College of Law. She recently transitioned from Butler Snow to Counsel at Aetna Senior Supplemental Insurance. Upon graduation from law school, she was a judicial law clerk for The Honorable John W. McClarty, Tennessee Court of Appeals, Eastern Section. Ashonti is the recipient of the 2017 Rising Star Award.



**President-Elect—Christen Blackburn.** Christen is a 2008 graduate of The University of Memphis School of Law. She is a partner in the law firm of Leitner Williams Dooley and Napolitan, where she practices civil litigation focused primarily in the areas of transportation, products liability, medical malpractice, and professional liability. Christen has previously served LAW as chairs of the Programming Committee and Judicial Appointments, Nominations and Awards. She is also active in NBA, where she serves on the Community Relations Committee.



**Secretary—Sara Anne Quinn.** Sara Anne is a 2010 graduate of The University of Tennessee College of Law. She is an Attorney at the law firm of Butler Snow, LLP where she practices in the Labor and Employment Group and Healthcare Regulatory and Transactions Group. Sara Anne has previously served LAW for several years as a co-chair of the New Admittees' Breakfast.



**Treasurer—LaTonnsya Burney.** LaTonnsya is a 2010 graduate of Cecil C. Humphreys School of Law at the University of Memphis. She is the Director of Contracts/Assistant University Counsel, Tennessee State University.



**Archivist—Mandy Strickland Floyd.** Mandy is a 2012 graduate of University of Memphis College of Law. She recently transitioned from Bone McAllester to a two-year Staff Attorney position with The American Civil Liberties Union of Tennessee. Prior to going into private practice Mandy served as Senior Judicial Law Clerk to the Honorable Richard H. Dinkins of the Tennessee Court of Appeals, Middle Section.



**Archivist—Shellie Handelsman.** Shellie is a 2014 graduate Belmont University College of Law, where she also earned a certificate in Entertainment and Music Business Law. She is an Attorney with Shuttleworth PLLC where she practices in the area of civil litigation, insurance defense litigation, entertainment, sports, and IP law, and estate planning and probate law.



**Newsletter—Tracy Alcock.** Tracy is a 2011 graduate of The University of Memphis Cecil C. Humphreys School of Law. She is an Assistant General Counsel at the Tennessee Department of Health's Office of General Counsel, where she serves as an advisory attorney for Tennessee Health Professional Boards and where she prosecutes the Tennessee medical licenses of physicians and nurses practicing in Tennessee for the overprescribing of narcotics and other controlled substances.



**Newsletter—Jennifer Lankford.** Jennifer is a 2010 graduate of the University of Tennessee College of Law. She is a partner with Thompson Burton, PLLC, where she practices employment law.



**Newsletter—Jennifer Bonilla Moreno.** Jenny is a 2011 graduate of Duke University School of Law. She is an Assistant Metropolitan Attorney, Metropolitan Government of Nashville. Jenny is the 2018 recipient of LAW's Rising Star Award.



**Newsletter—Tabitha Robinson.** Tabitha is a 2017 graduate of the University of Tennessee College of Law. She is a law clerk at Nashville Electric Service.



**Second Year Director—Kimberly Faye.** Kimberly is a 2015 graduate of the Nashville School of Law. She is an attorney at Waller Lansden Dortch & Davis, LLP. Prior to entering private practice she served as Senior Judicial Law Clerk to the Honorable Frank G. Clement, Jr. of the Tennessee Court of Appeals, Middle Section.



**Second Year Director—Camille Steward.** Camille is a 2000 graduate of the University of Tennessee College of Law. She is Acting Staffing and Employee Relations Manager at Nashville Electric Service.



**First Year Director—Kyonzte Hughes-Toombs.** Kyonzte is a 2004 graduate of Vanderbilt Law School. She is Deputy General Counsel for the Tennessee Department of Health where she is a healthcare regulatory attorney.



**First Year Director—Samantha Simpson.** Camille is a 2016 graduate of Belmont University College of Law. She is a Judicial Law Clerk to The Honorable Robert L. Holloway, Jr., Tennessee Court of Criminal Appeals, Middle Section.



**Immediate Past President—Elizabeth Sitgreaves.** Liz is a 2008 graduate of the University of Tennessee College of Law. She is an attorney at The Law Offices of John Day, P.C. Prior to going into private practice, she served as Judicial Law Clerk to The Honorable Frank G. Clement, Jr., Tennessee Court of Appeals, Middle Section.

## PRESIDENT'S MESSAGE

by Elizabeth Stigures



It is hard to believe that a year has gone by since I sat down to write my first LAW President's column. I am so proud of all that this organization has accomplished over the past year through the hard work and dedication of LAW's board members, committee chairs, and our Executive Director, Melanie Grand.

This year, LAW revamped the Mentoring Committee to place special emphasis on internal mentoring among our members renaming the committee, the Mentoring/Member Development Committee. The idea behind this new committee was to create opportunities for LAW members to form relationships with other members and to grow both professionally and personally. The first program from this committee, LAW's Lean In Mentoring Circles, has been incredibly successful. As highlighted in last month's newsletter, there are now five mentoring circles. Two successful "chapter" events, which brought all the Circles together, have been held with a third scheduled for April 18<sup>th</sup> at 6:00 at Waller. The chairs of this Committee, Jenny Moreno (who is also LAW's recipient of the 2018 Rising Star Award), and Chambre Malone, have done an outstanding job of getting this program off the ground, and I have no doubt that these Circles will continue to grow. Special thanks for this program should also be given to LAW Past President Candice Reed whose advice and insight was invaluable, and Judge Lynda Jones, who has served as a strong champion of this program and who also moderated an outstanding group discussion at one of the chapter events. In previous years, the Mentoring Committee led events with our local law schools. To continue this tradition, we created a new Law School Outreach Committee, ably led by Joyce Safley and Nina Kumar, which focused on LAW's relationship with local law schools.

I wrote last month about the memorable, inaugural Marion Griffin Women's Symposium held in October of 2017. Symposium Chairs Laura Smith and Meera Ballal and the Symposium Committee worked incredibly hard to present the first symposium and create impactful moments for our members. The chairs of the next Symposium, Kay Caudle and Andrea Perry, are already hard at work planning the next Symposium to be held in 2019, and I know that the Symposium will continue to be an outstanding event for our members.

LAW's New Admittees' Breakfast continues to be one of our most enjoyable events each year. Breakfast Chairs Sara Anne Quinn and Erin Palmer Polly assisted by Callie Hinson and Melanie Grand ensured that the Breakfast was a memorable event for the new admittees joining our legal community that featured keynote speaker, Penny J. White, former Tennessee Supreme Court Justice and E.E. Overton Distinguished Professor of Law, who gave a speech inspiring attorneys both new and seasoned.

Our Programs Committee Chairs (Laura Baker, Rebekah Baker, Kimberly Viers, Gulam Zade) produced interesting and well-attended programs for our monthly membership luncheons. It is hard to pinpoint my favorites of this year's programs, but stand-outs include February's program produced with the Napier Looby Bar Association on the Role of Women in the Civil Rights Movement featuring Civil Rights leader Carrie Gentry and Dr. Tiffany Patterson, Vanderbilt professor and historian, LAW's field trip luncheon to Casa Azafran for our August membership meeting that focused on recent changes affecting Nashville's immigrant community, and the "Just Enough to Be Dangerous" program with practical legal tips.

LAW's Networking Committee, spearheaded by Chairs Hannah Bernard and Courtney Orr, continued to provide our members with fun networking events at locations around Music City, from a Wine, Cheese, and Chocolate Networking event at Tempered Café in Germantown to a joint event with the LAW Wellness Committee at Small World Yoga where LAW members enjoyed a free yoga class taught by LAW member Alex Fisher.

## 2017-2018 LAW BOARD OF DIRECTORS

Elizabeth Stigures, *President*  
Ashonti T. Davis, *President-Elect*  
Christen Blackburn, *Secretary*  
Mandy Floyd, *Treasurer*  
Lynne T. Ingram, *2nd Year Director*  
Susan Neal Williams, *2nd Year Director*  
Kimberly Faye, *1st Year Director*  
Camille Steward, *1st Year Director*  
Marnie Huff, *Archivist*  
Leighann Ness, *Archivist*  
Tracy Alcock, *Newsletter Editor*  
LaTonnsya Burney, *Newsletter Editor*  
Kyonzte Hughes-Toombs, *Newsletter Editor*  
Jennifer Lankford, *Newsletter Editor*  
Nikki Smith-Bartley, *Immediate Past President*

### Committee Co-Chairs

#### Breakfast Committee

Erin Palmer Polly/Sara Anne Quinn  
Breakfast/Banquet & Sponsorship Committee

#### Community Service

Kristen Cass/Samantha Simpson

#### Diversity

Maria Campbell/Corletra Mance

#### Domestic Violence

Shaina Thompson/DarKenya Waller

#### Health & Wellness

Paige Ayres Nutini/Grace Stranch

#### Judicial Appointments & Elections

Shellie Handelsman/Emily Warth

#### Law School Outreach

Nina Kumar/Joyce Safley

#### Legislation & Litigation

Raquel Bellamy/Brenda Gadd

#### Membership

Brooke Coplon/Lynn Lawyer

#### Mentoring/Member Development

Chambre Malone/Jenny Moreno

#### Networking

Hannah Lanford Bernard/Courtney Orr

#### Practicing Parents

Kathryn Barnett/Anne Martin

#### Programs

Laura Baker/Rebekah Baker/

Kimberly Veirs/Gulam Zade

#### Publicity/Social Media/Technology

Caroline Hudson

#### 2017 Marion Griffin Women's Symposium

Meera Ballal/Laura Smith

#### Executive Director

Melanie Gober Grand

LAW Matters is a monthly publication of the Lawyers' Association for Women, Marion Griffin Chapter, P. O. Box 210436, Nashville, Tennessee, 37221-0436. Voicemail: 615.708.1827; Fax: 888.834.7370; [www.law-nashville.org](http://www.law-nashville.org).

May Issue Editor: LaTonnsya Burney, [lburney@tnstate.edu](mailto:lburney@tnstate.edu)

LAW's Wellness Committee, headed by Paige Nutini and Grace Stranch, in addition to partnering with the Networking Committee for wellness focused networking events, continued LAW's highly popular book club. Members gathered throughout the year to discuss both non-fiction and fiction books, including *A Gentleman in Moscow* by Amor Towles and *Missoula: Rape and the Justice System in a College Town* by Jon Krakauer.

LAW's Community Service Committee, led by Samantha Simpson and Kristen Cass, organized and provided opportunities for our members to give back to the community throughout the year. LAW was represented by a team at the annual Lawyers for Littles event benefitting Big Brothers Big Sisters of Middle Tennessee, collected books for Book'em, participated in Hands On Nashville's Day of Service, and collected items for the Dress for Success program and the Nashville Rescue Mission Women's Department.

Working behind the scenes, but deserving of public recognition, are LAW's incredibly hard-working Judicial Appointments, Elections, and Awards Chairs Shellie Handelsman and Emily Warth, who throughout the year nominated LAW's members for awards, in addition to spearheading the selection process for the Martha Craig Daughtrey Award and the Rising Star Award which will be presented at our upcoming annual banquet.

Our Diversity Committee, chaired by Maria Campbell and Corletra Mance, continued LAW's essay contest asking local students to engage in a Creative Writing Contest on a social justice topic. The Committee also partnered with the Wellness Committee for the upcoming May Book Club featuring the book *The New Jim Crow* by Michelle Alexander on May 10th.

LAW's Domestic Violence Committee, led by DarKenya Waller and Shaina Thompson, partnered with LAW's Community Relations Committee to collaborate with the American Muslim Advisory Councils (AMAC) and the Tennessee Alliance for Legal Services (TALS) to conduct a domestic violence legal clinic AMAC Annual Empowering Women Conference.

LAW's Legislation and Litigation Committee Chairs Raquel Bellamy and Brenda Gadd took the lead in planning LAW's annual Member Appreciation CLE. Our members were provided with not only two hours of free CLE, but also provided with a preview of the Tennessee Legislature's legislative session and an overview of legal ethics. They were also instrumental in the adoption of LAW's formal policy nonpartisan civic engagement.

In March, LAW Membership Chairs Lynn Lawyer and Brooke Coplon, organized a successful kick-off to next year's membership year with a fun and well-attended Membership Drive at the Bradley Law Firm, in addition to other recruitment efforts throughout the year. I'm happy to report that LAW has had one of its best membership years yet, which should be credited to not only to our membership chairs, but also to all of the committee chairs who have worked throughout this year to provide events and programs that showcase the benefits of LAW membership.

The Practicing Parents Committee, which was led by two LAW Past Presidents Kathryn Barnett and Anne Martin, organized both fun events such as a picnic at Edwin Warner Park, and also informative lunch and learn programs for LAW members on school choice and discussing body image with your children.

LAW's phenomenal newsletter editors, Tracy Alcock, LaTonnsya Burney, Kyontze Hughes-Toombs, and Jennifer Lankford made sure that our members were up to date and informed on LAW's events, highlighted our members and our board in spotlights, and provided interesting and informative content in our LAW Matters newsletter. Special recognition should also be given to LAW member, Jane Salem, who contributed numerous articles throughout the year, and LAW board member, Kimberly Faye, for her continued contribution of the Culinary Docket column. Social Media Chair Caroline Hudson worked behind the scenes updating LAW's various social media accounts to keep our members informed of LAW events and other happenings in the legal community.

I want to thank our incredible LAW officers and directors, Secretary Christen Blackburn, Treasurer Mandy Floyd, Directors Kimberly Faye, Camille Steward, Lynne Ingram, Susan Neal Williams, and Archivists Leigh Ann Ness and Marnie Huff, and Immediate Past President Nikki Smith-Bartley for their guidance, support, and many hours dedicated to this organization throughout the past year. Lastly, I want to thank Melanie Grand, for all of her continued hard work for this organization. I am not sure there is anyone who loves this organization more than her, which is demonstrated by her commitment to this organization and its members.

I have been incredibly honored to serve as President of this organization that I love. As I have stated many times over the past year, I truly believe that LAW is special because of the many passionate individuals who are a part of and support LAW and its various endeavors. One such individual will move into the role of LAW President at our annual banquet on April 26<sup>th</sup>. As many heard last year when Ashonti Davis received the LAW Rising Star award, she brings energy and commitment to the issues and causes that she cares about. I look forward to her leadership for LAW and all that she will accomplish in her year.

## *Upcoming Monthly Membership Meetings*

*May 15 2017—One Hour General Credit CLE\**

*The Price of Criminal Justice: A look at the Current Bail System*



*June 19, 2017—One Hour General Credit CLE\**

*Annual Legislative Update*

*More Details to Follow!*

*\*Pending Accreditation*

# **Membership Renewals**

Email reminders will be delivered on May 1st via email. Log into your account and completely update your information. Contact the LAW office if you need a new password issued. In order to offer an accurate directory to the membership we need you fill out all fields.

Pay with



or generate an invoice and pay with a check.



# March Luncheon Recap: Hot Topics in Employment Law

By LaTonnsya Burney

On Tuesday, March 20, LAW had the pleasure of hosting four attorneys with experience and knowledge in different areas related to employment matters. The speakers were Rachel Rosenblatt, Shareholder at Littler Mendelson P.C., Melanie Bradsher, Director of EEO, State of Tennessee Department of Human Resources, Charlotte Wolfe, Director, Human Resources Line Manager Advisor (Americas), UBS, and Anne Martin, Member, Bone McAllester Norton, PLLC. Each presentation covered a unique employment law topic. There were four unique topics covered at the luncheon.

## **Sexual Harassment in the Workplace in Light of the Me Too Movement.**

Rosenblatt presented a video ad ran by the New York Times showing that “he said he said” will no longer cut it as it relates to sexual misconduct in the workplace. She discussed the Me Too movement, Harvey Weinstein allegations, and current events within the entertainment industry. She gave a detailed overview of the federal and state laws related to sexual harassment. It was interesting to hear the reasons why sexual harassment is bad for an employer.

We often invest our time in the personal stories, but the employer faces possible decrease in morale, attendance, increase in costs and complaints. In 2006, the EEOC reported that is collected 230 million dollars from all complaints. Since then, the number of charges has only seen a slight increase, but the dollar amount has almost doubled. There is an increase in the amount of settlement costs paid. This increase in costs could be motivation behind employers being more deliberate and involved in sexual misconduct education for their employees. In light of the Me Too movement, there seems to be a pendulum shift where people may be over correcting in order to protect entities from these increasing costs and other issues with claims. However, Rosenblatt believes there will be a natural equilibrium to even out the shift where workplaces may be more welcome and inclusive.

## **Termination of State Employees since the Pressley Decision**

Bradsher discussed polices regarding employment action appeals for state employees. The TEAM Act that revamped the state employee process was signed into law by Governor Haslam in 2012. The purpose of the act is to recruit, retain, reward and shape the best workforce in an efficient manner. The act separate state employees into Executive Service and Preferred Service. Preferred Service employees can appeal disciplinary actions showing the law, rule, or policy was misapplied. There are three steps for filing an appeal of the disciplinary action.

Bradsher introduced the Pressley<sup>1</sup> case to the audience. The Department of Correction terminated Pressley in 2014 and he appealed the decision. There were a number of appeals in the process and the Supreme Court heard the matter. The Tennessee Supreme Court held state employees did not have a property interest in their employment. The reasons mentioned were that state employees can be terminated for more that cause and the TEAM act does not expressly confer a property interest as it had under the predecessor civil service act.

The Supreme Court determined that the petitioner has the burden of proof at the step three process of the appeal. There is current legislation, however, House Bill 2595, if passed, requires state agency to prove by a preponderance of evidence that the employee violated the law, rule, or policy prior to taking any action. This legislation is in contrast with the analysis of the Pressley decision. This legislation is important to follow as it relates to a number of employment matters.

## **Reasonable Accommodations and Rise of Paid Leave Laws**

Wolfe introduced employment topics from the in-house perspective. She presented the challenge for attorneys that monitor the employment actions of companies with offices multiple states to implement company policies that are relevant when the laws are not the same. There are a number of places with mandated paid sick leave. Different jurisdictions have notice and record keeping requirements that make it more difficult to remain compliant for companies with different records and filing systems. Wolfe addressed the potential costs with management and tracking systems for compliance.

In addition to paid sick leave, some jurisdictions provide paid safe time laws which grants leave for issues related to issues such as domestic violence and stalking. Another employment issue that companies have to balance deal with reasonable accommodations for employees. Currently, twenty-two states and D.C. each have their own pregnancy accommodation laws. There are very specific requirements for pregnancy and nursing accommodations that are not always easy to comply with in such a broad scope of work environments. The role of counsel is making sure to advise the client on the needs of the business that will identify and minimize risks as well as implementing policies that are compliant with the laws.

## **Restrictive Covenants: Non-Compete and Post-Employment Restrictions**

Martin’s presentation did a great job explaining what courts are looking for in restrictive covenants. Generally, they must be reasonable, narrowly tailored to the former employer’s business appropriate for the type of employment. Courts are reviewing cases

and documents that address any unfair advantage and a reasonable duration for the restriction. Three situations that create an unfair competitive advantage are (i) specialized customer relationships; (ii) access to confidential information; and (iii) investment in employee training.

There are different types of restrictive covenants (i) Non-compete, which restricts where an employer can work when they leave a business; (ii) Non-solicitation, where a former employee can't solicit employees or customers of their previous employer; and (iii) Confidentiality agreements. Martin provided the importance of looking at the work history of the individual employee and the area of work when reviewing non-compete documents. She also discussed the importance of making sure customer restrictions are specific when drafting and evaluating restrictive covenants. Restrictions should be limited to someone an employee had a meaningful sales engagement and not just anybody that may be interested in the product you are selling. Creating thorough and reasonable in Agreements are beneficial to all parties because they are more difficult to deal with once issues arises. Clarity in the documents help those that fear the chance of litigation for violating the terms of any agreement.

The employment law discussion was informative for the members of the audience as employees and advisors. It provided a great deal of information about current hot topics and how the handle them in the future.

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<sup>1</sup>Tennessee Department of Correction v. David Pressley No. M2015-00902-SC-R11-CV- Filed September 14, 2017



*LaTonnsya is a 2017-1028 Newsletter Editor. She is the Director of Contracts/Assistant University Counsel , Tennessee State University.*



*March Program Speakers, from left, Melanie Bradsher, Charlotte Wolfe, Anne Martin and Rachel Rosenblatt.*

# May Primary Election

By LaTonnsya Burney

I am sure you can tell by your mailboxes, inboxes, and advertisements that it is election time in Nashville. There are a number of races that are important to the judicial system. In order to make sure you are making an informed decision, we are providing you with the candidates for legal related positions that will be on the May 1, 2018 primary ballot. There are a number of LAW members running!

## **Nashville Public Defender**

Martasha Johnson is running unopposed in the Nashville Public Defender race.

## **Register of Deeds**

Richard Exton  
Councilwoman Karen Johnson  
Pam Murray

## **Juvenile Court Clerk**

Jeff Crum  
Tyese Hunter  
Rep. Sherry Jones  
Michael Joyner  
Lonnell Matthews, Jr.

## **Sherriff**

Daron Hall  
Kenny Hardy

## **County Clerk**

Brenda Wynn is running unopposed in the Davidson County Clerk race.

## **Criminal Court Clerk**

Howard Gentry  
Steven Murff

## **Trustee**

Charlie Cardwell is running unopposed in the Metro Trustee race.

## **Circuit Court Clerk**

Richard Rooker is running unopposed. In the Davidson County Circuit Court Clerk race.

## **Chancery Court Judge, Part 2**

Anne Martin\*  
Joy Sims  
Scott Tift\*

## **Criminal Court Judge, Division 2**

Judge Angelita Blackshear Dalton\*  
Joy Smith Kimbrough

### General Sessions Judge, Division 3

Ana Escobar\*  
Sheryl Guinn  
Newton S. Holiday, III  
Judge Nick Leonardo

### General Sessions, Division 10

Judge Sam Coleman  
Frank Mondelli  
Tillman Payne, Sr.  
Joyce Grimes Safley\*

The election is scheduled for May 1, 2018. Early voting locations will be open from April 11- April 26, 2018. You can find the information for early locations on the [nashville.gov](http://nashville.gov) site.

\* Denotes LAW member.

# KUDOS

. . . to all persons who held offices, or chaired committees on the 2017-2018 Board for a job well done!

. . . to Nancy Krider Corley on becoming the 2018 ATHENA Award recipient.

. . . to Gulam Zade on being elected vice president/president-elect of The Mid-South Commercial Law Institute.

. . . to Tyler Yarbrow on being named the managing partner of Dodson Parker Behm & Capparella PC.

. . . to DarKenya Waller on being named executive director of the Legal Aid Society of Middle Tennessee and the Cumberland.

. . . to the LAW members recognized by the *Nashville Business Journal's* Best of the Bar, Parts 1 and 2: Anne Arney, Laura Baker, Kathryn Barnett, Margaret Behm, April Berman, Martha Boyd, Miranda Christy, Sherie Edwards, Jason Epstein, Leesa Hinson, Lela Hollabaugh, Jenny Howard, Lynne Ingram, Lauren Kilgore, Ed Lanquist, Anne Martin, Marlene Moses, Pat Moskal, Barbara Moss, Andrea Perry, Erin Palmer Polly, Carolyn Schott, Laura Smith, DarKenya Waller, Emily Warth, Gulam Zade

# TENNESSEE SUPREME COURT RULES METRO NASHVILLE MUST HOLD SPECIAL ELECTION TO ELECT MAYOR BETWEEN MAY 21-25

By LaTonnsya Burney

Former Nashville Mayor, Megan Barry resigned from her position as Mayor on March 6, 2018. After her resignation, the Davidson County Election Commission met to set a date for a special election to fill the vacancy. The Commission voted to hold the special election on August 2, 2018. On March 12, 2018, Ludy N. Wallace, filed a Petition for Writ of Certiorari and Writ of Mandamus to the Chancery Court of Davidson County alleging the action to set the election date on August 2<sup>nd</sup> contravened the Metropolitan Charter. Wallace also alleged that it was arbitrary, capricious, and illegal for the special election to occur in August. The Chancery Court granted the motion for an expedited hearing for March 14, 2018 and ultimately issued a ruling that Wallace was not entitled to the relief sought on March 16, 2018. In the order, the court concluded that the Election Commission did not err in setting the mayoral election for August 2, 2018 as a general election was already scheduled. On March 15, Wallace filed a notice of appeal and requested that the Tennessee Supreme Court assume jurisdiction pursuant to Tenn. Code Annotated § 16-3-201(d)(1) and Rule 48 of the Rules of the Tennessee Supreme Court.<sup>1</sup>

The appeal presented two issues before the Tennessee Supreme Court: does Section 15.03 of the Metropolitan Charter authorize the Commission to set the election in August 2018, and if not, should a special election be scheduled to fill the vacancy? Section 15.03 states, “There shall be held a Special Metropolitan Election to fill a vacancy for the unexpired term in the office of mayor and in the office of district council member whenever such vacancy shall exist more than twelve (12) months prior to the date of the next general metropolitan election.” In light of the language of Section 15.03, the appeal hinged on whether the election scheduled for August 2, 2018 constitutes a “General Metropolitan Election” as defined by the Metropolitan Charter.

After noting the Metropolitan Charter’s intent to draw a distinction between “ , “General Metropolitan Elections” and other “general elections,” the Supreme Court held that General Metropolitan Elections were a unique type of election within the broader category of general elections that refer to elections of the Mayor, Vice-Mayor, Councilmembers-at-Large, and District Councilmembers in August of each fourth odd-numbered year. As a result, the Supreme Court concluded that the Metropolitan Charter is unambiguous and requires a special election be set immediately because the next general metropolitan election will not occur until August 2019 – well beyond the twelve-month period of vacancy.

With the Supreme Court’s analysis of the Metropolitan Charter and in accordance with Tenn. Code Ann. § 2-14-102(a), the Davidson County Election Commission was ordered to set a special election. Under the statute, the special election must occur no less than seventy-five (75) days and no more than eighty (80) days after the Administrator of Elections received notice of the vacancy. Alternatively, the Commission, at its discretion, may set the special election to coincide with the regular or primary general election. But, due to the Commission’s previous vote against setting the special election for May 1, 2018, the special election must be held between May 21 and May 25, 2018.

Currently, fourteen candidates have entered Nashville’s Mayoral race. The special election will be held on May 24, 2018.

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<sup>1</sup>*Ludy N. Wallace v. Metro Gov’t of Nashville and Davidson Cnty, et al.*, No. M2018-00481-SC-RDM-CV (Tenn. Apr. 10, 2018).

# LAW Committee Corner

## *Upcoming Events*

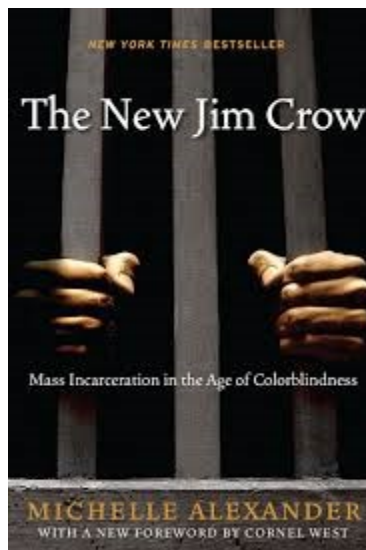
*Practicing Parents Spring Outing  
10:00 am, Saturday, April 28, 2018  
Owls Hill Sanctuary  
545 Beech Creek Rd., Brentwood, TN*

Parents and kids of all ages are invited to meet up at Owl's Hill Sanctuary in Brentwood for their upcoming Free Hike day, on Saturday, April 28th. Bring your own picnic lunch. We will meet there at 10:00 a.m. to hike, and then enjoy lunch together afterwards. Contact Jesse Morris ([jesseleemorris@gmail.com](mailto:jesseleemorris@gmail.com)) or Amanda Bradley ([amanda.bradley@tncourts.gov](mailto:amanda.bradley@tncourts.gov)) if you have any questions.

[Register Here!](#)

*Health & Wellness Committee/Diversity Committee  
6:00 pm, Thursday, May 10, 2018  
Richmeade Place Clubhouse  
401 Bowling Avenue  
Nashville, TN 37205*

On May 10th, the Health & Wellness Committee is partnering with the Diversity Committee. The selection is New Jim Crow: Mass Incarceration in the Age of Colorblindness by Michelle Alexander and Cornel West. The group will meet at Richmeade Place Clubhouse 401 Bowling Avenue, Nashville, 37205. Please take your favorite beverage and an appetizer to share.



**Thank you to our Sustaining Members who support the programs,  
mission and purposes of LAW above and beyond the Sliding Income Scale categories.**

Blind Akrawi	Brenda Dowdle	Susan McGannon	Melissa Smith
Anne Arney	Jennifer Dusenberry	Elise McKelvey	Yanika Smith-Bartley
Kristi W. Arth	Kathryn Edge	Lori Metrock	Abby Sparks
Katherine Austin	Sherie Edwards	Paige Miller	Jillian Sparks
Laura Baker	Jessica Ehsanian	Wendy Miller	Joycelyn Stevenson
Rebekah Baker	Jason Epstein	Amy Mohan	Camille Steward
Sarah Baker-Daugherty	Amy Everhart	Brianna Montminy	Mariam Stockton
Andrea Barach	Ember Eyster	Cynthia Moon	Judge Jane Stranch
Erika Barnes	Amy Farrar	Valerie Moore	Megan Sutton
Cindy Barnett	Kimberly Faye	Jesse Morris	Sarah Tally
Kathryn Barnett	Mandy Floyd	Marlene Moses	Allison Thompson
Margaret Behm	Shana Foncesbeck	Patricia Moskal	Nesrin Tift
Jodie Bell	Ellen Forrester	Barbara Moss	Scott Tift
Raquel Bellamy	Victoria Gentry	Margret R.T. Myers	Elizabeth Tipping
April Berman	Jessica Gichner	Karen Neal	Annie Tipps
Julian Bibb	Elizabeth Gonser	Leighann Ness	Martha Trammell
Julian Bibb, Jr.	Dana Haas	Judge Alistair Newbern	Judge Aleta Trauger
Judge Cheryl Blackburn	Amy Hampton	Amanda Nichols	Byron Trauger
Christen Blackburn	Sarah Hannah	William O'Bryan, Jr.	Robert Tuke
Judge Melissa Blackburn	Laura Heiman	Ashley Odubeko	Rachel Upshaw
Chancellor Claudia Bonnyman	Gina Helou	Tony Orlandi	Vanessa Vargas-Land
Jan Bossing	Lisa Helton	Andrea Perry	Erica Vick
Martha Boyd	Candy Henry	Erin Polly	Emily Warth
Kitty Boyte	Jessica Hill	Sara Anne Quinn	Elizabeth Washko
Dewey Branstetter	Leesa Hinson	Sharon Ramos	Malaka Watson
Hunter Branstetter	Lela Hollabaugh	Allan Ramsaur	Susan Neal Williams
Mary Katherine Bratton	Jenny Howard	Jimmie Lynn Ramsaur	Charlotte Wolfe
Chloe Bremer	Lynne Ingram	Sally Ramsey	Luther Wright, Jr.
Lori Brewer	Lauren Jacques	Candice Reed	Amanda Young
Josh Burgener	Jessica Jernigan-Johnson	Donna Roberts	Jane Young
Jean Byassee	Judy Johnson	Lauren Roberts	Gulam Zade
Karla Campbell	Michele Johnson	Jennifer Robinson	Rachel Zamata
Tracey Carter	Denise Jones	Linda Rose	
Margaret Casey	Judge Kelvin Jones	Rachel Rosenblatt	
Kristen Cass	Judge Lynda Jones	Abby Rubenfeld	
Kay Caudle	Brendi Kaplan	Jennifer Rusie	
Justice Connie Clark	Anne Marie Kempf	Joyce Safley	
Elizabeth Clippard	April Knox	Maria Salas	
Nancy Corley	William Koch, Jr.	Julie Sandine	
Patricia Cottrell	Nina Kumar	Carolyn Schott	
Nancy Crawford	Edward Lanquist, Jr.	Kara Shea	
Chase Cunningham	Lynn Lawyer	Cynthia Sherwood	
Judge Angie Dalton	Nicole Lytle	Dianna Shew	
Margaret Darby	Haverly MacArthur	Marietta Shipley	
Carrie Daughtrey	Alexandra MacKay	Emily Shouse	
Judge Martha Daughtrey	Nancy MacLean	Beth Sims	
Ashonti Davis	Chambre Malone	Liz Sitgreaves	
Dawn Deaner	Anne Martin	Laura Smith	
Rebecca Wells Demaree	Peggy Mathes	Lucinda Smith	
Jackie Dixon	Carol McCoy	Mary Dohner Smith	