

**APPLICATION FOR NOMINATION TO A  
TENNESSEE CONSTITUTIONAL OFFICE**

Name: David H. Lillard, Jr.

Office Address: 130 N. Court Avenue

Memphis, Tennessee 38103

Office Phone: 901-524-5176

Facsimile: 901-524-5024

Email Address: [REDACTED]

Home Address: [REDACTED]

[REDACTED]

Home Phone: [REDACTED]

Cellular Phone: [REDACTED]

Office Sought  
for Nomination: Tennessee State Treasurer

1. How long have you lived continuously in the State of Tennessee?  
**Fifty-Three (53) years, except two (2) years out of state in graduate school.**
2. How long have you lived continuously in the county where you are now living?  
**Fifty-Three (53) years, except two (2) years out of state in graduate school.**
3. State the county in which you are registered to vote and the date on which you registered to vote in such county.  
**Shelby County. Registered to vote on February 16, 1972.**

4. List all states in which you have lived since age 21 and the dates you lived in each state.

**Lived continuously in Shelby County except 1982 to 1983 when I resided in Florida during graduate school.**

5. State your age and date and place of birth.

**Age 55, Date of Birth November 23, 1953 at U.S. Army Hospital, Ft. Rucker, Alabama.**

6. Family Status:

a) State the full name and present address of your spouse and the date and place of your marriage.

**Patricia Lee Newton, 8396 Briar Creek Drive, Germantown, Tennessee 38139 and 8112 Stacy Square Court, Nashville, Tennessee 37221. We were married on December 29, 2007 in Shelby County, Tennessee.**

b) State your spouse's occupation and place of employment.

**Compliance Manager; Tennessee Department of Commerce and Insurance.**

c) If you have been married previously, state name of your former spouse; the date and place of the marriage; the date the marriage was terminated; if terminated by divorce, the date and place of the divorce, the name and location of the court.

**Previous spouse Holly M. Kirby. Married May 12, 1979 in Shelby County, Tennessee. Divorced October 2000, Circuit Court of Shelby County, Tennessee, Docket No. 162020-1.**

d) If you have children, state the names, ages, and present occupations.

**Rachel Newton, Stepdaughter;  
Scott Kirby Lillard, Age 21, full time student; and  
Brooke McKay Lillard, Age 18, full time student.**

7. Military Service: **Not Applicable.**

- a) Branch of Service: \_\_\_\_\_  
b) Service number: \_\_\_\_\_  
c) Dates of active duty: \_\_\_\_\_  
d) Rank/rate at separation: \_\_\_\_\_  
e) Decorations, honors, or achievements: \_\_\_\_\_  
\_\_\_\_\_

f) Was your discharge other than honorable? If so, explain.

8. Are you physically and mentally able to perform the essential duties of the office for which you are applying with or without accommodations? Please identify any accommodations you may need to perform the job.

**Yes, no accommodation needed.**

9. Have you, or any member of your household, ever pled guilty or been convicted or placed on diversion for violation of any law, regulation or ordinance? Give date, court, charge and disposition.

**No.**

10. To your knowledge, are you, or any member of your household, now under federal, state or local investigation for possible violation of a criminal statute? If so, give details.

**No.**

11. If you, or any member of your household, have been disciplined or cited for breach of ethics or unprofessional conduct by a court, administrative agency, bar association, disciplinary committee, or other professional group or regulatory body, give details.

**No.**

12. Has a tax lien or other collection procedure ever been instituted against you, or any member of your household, by federal, state, or local authorities or creditors? If so, give details.

**No.**

13. Have you, or any member of your household, ever filed for bankruptcy? If so, give details.

**No.**

14. Have you, or any member of your household, ever been a party in any legal proceedings? If so, give details including the date, court and docket number and disposition. Provide a brief description of the case.

**I am a defendant in a lawsuit brought by the Juvenile Court Clerk against me and the County Mayor in my official capacity as Chairman of the Shelby County Board of Commissioners, styled Stamson vs. Lillard, et. al. This is a suit concerning salary petition rights to establish new personnel positions in the office of the Juvenile Court Clerk. The lawsuit is pending in the Juvenile**

**Court of Shelby County, Tennessee, Docket No. U6657. No personal liability is asserted in this lawsuit.**

**I have in the past been a defendant in several lawsuits brought against me at various times in my official capacity as an Election Commissioner from 1993 to 2002 seeking various reliefs relating to elections and candidates in Shelby County, Tennessee. No personal liability was asserted in these suits. These cases have all been resolved. I have asked the County Attorney's office to research the details of these matters, including the docket numbers and the Court, and that request is pending.**

**Approximately 1989 I was one of multiple parties defendant in an arbitration and also a lawsuit in U.S. District Court for the Western District of Tennessee which were brought by former partners of the law firm of Borod & Huggins in connection with the dissolution of the law firm arbitration sought to determine issues regarding compensation of partners for their final year as partner. The arbitration and the lawsuit were settled and dismissed.**

**I was a defendant in a lawsuit filed in approximately 1990 against a dissolved law firm in which I had formerly been a partner, styled Sharon Bancshares, Inc., vs. Borod and Huggins, et. al., Circuit Court of Weakley County, Tennessee, Docket No. 1663. This action sought recovery for alleged professional liability by other partners of the law firm. I was a defendant solely because at the time of the alleged act I was a partner in the law firm which was a general partnership under state law. I had not performed any services for this entity and had no knowledge of the matter until suit was filed. I was dismissed from the case with no liability.**

**In 1989, my wife was a defendant in a lawsuit in the Circuit Court of Davidson County resulting from an accident involving her car while driven by her former husband. At the case trial, the jury found no negligence by her former husband. Docket number unknown.**

15. Are you now an officer or director of any business organization, or are you otherwise engaged in the management of any business enterprise?

- a) If so, give details, including the name of the enterprise, the nature of the business, the title or other description of your position, the nature of your duties, and the terms of your service.
- b) Do you consider continuation of such business involvement to be a conflict of interest?

**Except for the charitable organizations listed below, I have no positions in business organizations except Burch, Porter & Johnson, PLLC. If I am elected State Treasurer my membership interest in**

**that firm and my position in any charitable organizations that have business with the State of Tennessee would be terminated.**

16. List all organizations other than professional associations to which you have belonged within the last ten 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.

- **Lifelong Methodist. Active Member, Christ United Methodist Church, Memphis, Tennessee (1992 to present). Taught Sunday School at Christ United Methodist Church. Also previously served as a member of the Administrative Board of two other United Methodist Churches, including service as vice chairman of the Administrative Board and Stewardship Chairman.**
- **Finance Chairman, Memphis-Midsouth Affiliate of The Susan G. Komen Breast Cancer Foundation® sponsoring the Race for the Cure®, 2001 to 2003.**
- **Member, The Economic Club of Memphis, 1988 to present.**
- **President, Tennessee County Commissioners Association, 2006 to 2007.**
- **Member, Board of Directors of the Tennessee County Commissioners Association, 2002 to present.**
- **Member, Board of Directors of the Tennessee County Services Association, 2006 to 2007.**
- **President, University of Memphis National Law Alumni Association, 1998 to 2000.**
- **Member, Board of Directors of the University of Memphis Society, 1998 to 2000.**
- **Member, Board of Directors, Shelby Farms Park Conservancy, 2007 to present.**
- **Tennessee Intercollegiate Legislature Foundation, Member of the Board of Directors and Secretary 2003 to present.**
- **Tennessee Intercollegiate Legislature Foundation Endowment Fund, Chief Trustee, 1993 to present.**
- **Memphis Zoological Society.**
- **Frist Center for the Visual Arts, Nashville, Tennessee.**
- **Tennessee Historical Society.**
- **Tennessee Genealogical Society.**
- **Kentucky Historical Society.**
- **Kentucky Genealogical Society.**
- **National Genealogical Society.**
- **Tennessee Republican Party Shelby County Republican Party and various local Republican Clubs.**

17. Have you, or any member of your household, within the past ten years 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.

**No.**

- a) If so, list such organizations and describe the basis of the membership limitation.
- b) If it is not your intention, or a household member's 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 the reasons.

18. List each college and graduate school which you have attended, including dates of attendance, degree awarded, major and your reason for leaving each school if no degree was awarded.

**Degrees awarded:**

- **Master of Laws in Taxation, (LL.M. in Taxation) University of Florida College of Law, 1982 to 1983.**
- **Juris Doctor, University of Memphis College of Law, 1977 to 1980.**
- **Bachelor of Arts, University of Memphis, 1972 to 1977.**

19. List memberships and responsibilities on any committee of professional associations which you consider significant.

- **National Association of Bond Lawyers (NABL).**
- **Tax and Finance Practice Group, American Health Lawyers Association.**

20. List honors, prizes, awards or other forms of recognition which you have received since your graduation which are directly related to professional accomplishments.

- **Recipient of the Cameo Award given by The Susan G. Komen Breast Cancer Foundation® for outstanding service as Finance Chairman of the Memphis-Midsouth Affiliate, 2003.**
- **Recipient, Community Service Award given by the Shelby County Schools System. The award is the highest non-educator award given by the Shelby County Schools for outstanding contributions to education, 2004.**
- **Peer rated in multiple years by Martindale/Hubbell as "AV" attorney, the highest rating for legal ability and ethics.**

- **Designated by peers for inclusion in Best Lawyers in America for 2009 and multiple prior years.**

21. List presentations you have made to groups and organizations within the past five years.

**I have made multiple speeches as a Commissioner to civic groups and also to groups as an attorney dealing with various legal and operational issues.**

22. 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.

**Special Counsel to the Shelby County Trustee, 1990 to 1992. Representation and advising of the County Trustee with respect to County banking function, negotiation and clearance of warrants drawn on Shelby County and issues related to the treasury function of the office of County Trustee. Engaged by the County Trustee.**

**Assistant Town Attorney, Town of Collierville, Tennessee 1995 to present. Representation and advice on issuance of revenue bonds and economic development issues. Appointed by the Board of Mayor and Aldermen.**

**Public Member, Tennessee State Board of Accountancy 1995 to 1998. Appointed by the Governor.**

**Special Counsel to Shelby County Government on municipal financing issues and financings, 1998 to 1999. Engaged by the County Attorney.**

**Election Commissioner, Shelby County Election Commission, 1993 to 2002 (Commission Secretary 1994 to 2002). Appointed by the Tennessee State Election Commission.**

**Assistant City Attorney, City of Germantown, Tennessee. Representation and advice regarding revenue bonds issuance and economic development issues. Appointed by the Mayor.**

**Commissioner, Shelby County Board of County Commissioners, 2002 to present. Elected by the people of Commission District 4.**

**Chairman of the Shelby County Board of Commissioners 2007 to 2008. Elected by the Board of Commissioners.**

**Vice-Chairman and ranking Republican member of the Finance and Budget Committee of Shelby County Board of Commissioners 2002 to 2006. Appointed by successive chairs of the Board of Commissioners.**

**Member, Board of Trustees of the Shelby County Retirement System 2006 to 2007 (also member of the Investment Committee of the Retirement System). Appointed by Chairman of the Board of Commissioners.**

**Member, Tennessee Republican State Executive Committee, 2006 to present. Elected by Republican Primary Voters of Senate District 31.**

23. Describe any experience you have had with legislative or executive branches of government other than as an elected or appointed official.

**Legislative Assistant to Republican members of the House of Representatives of the Tennessee General Assembly, Second Regular Session (1974).**

24. Attach to this application a current resume.

**See Attached.**

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

**I seek the position because I have abilities in several key areas that demonstrate unique qualifications to be Tennessee State Treasurer and serve the General Assembly, the Governor, other state officials and the people of Tennessee. First, I have substantial professional and personal experience in municipal finance issues, securities, bonds and the oversight and investment of a large public retirement system. Second, I have substantial long term experience as a public official engaged in the formulation and execution of public policy on finance, budget and debt issues with respect to a large public budget that includes operating, education debt service and capital expenditures aggregating approximately one billion dollars annually. Third, my experience demonstrates a record of working closely with both state and local officials throughout Tennessee on issues of local and statewide concern. Finally, I am familiar with the operations of the General Assembly.**

26. State any other information which may reflect positively or adversely on you or which you believe should be disclosed in connection with your application for nomination. *(150 words or less)*

**Not Applicable.**

27. Describe life experiences, personal involvements, or talents that you have that you feel will be of assistance in evaluating and understanding your candidacy for this position. *(250 words or less)*

**My career has focused on legal and operational aspects of finance, economic development, healthcare and other business transactions, including securities. This includes work with applicable accounting standards**

**including industry specific standards. This has also included work with actuaries in the determination of liabilities of regulated entities.**

**I have also devoted a significant portion of my life to public service in Tennessee. During my public service, I have always demonstrated the highest honesty and integrity.**

**This combination of professional experience and public service gives me the technical ability and insight to perform the duties of the Treasurer. It also enables me to do so with a competence that protects the interests of the public.**

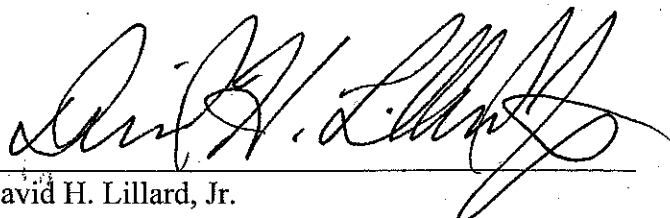
**The duties of the Treasurer include administration of the Tennessee Consolidated Retirement System and investment of the pension fund. I have served as Vice-Chairman of the Finance and Budget Committee of the Board of Commissioners with oversight responsibility for the Shelby County Retirement System and pension fund. In addition, I have served on the Board of Trustees of the Shelby County Retirement System and its investment committee. Duties included action on compliance policies, interviewing and selection of investment advisors, evaluation of compensation of investment advisors and other consultants, and review of presentations and offering documents of proposed investments and approval of investments.**

**The Treasurer also serves on key state boards and agencies. As a result of my previous long term experience on public boards, I have the insight and judgment to make sound decisions and properly implement public policy for the benefit of Tennessee and her citizens.**

28. 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 as a Constitutional Officer of Tennessee, and if elected, 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 Majority Leader of the Senate and the Majority Leader of the House of Representatives for distribution to the members.**

**Dated: December 5, 2008**

  
David H. Lillard, Jr.

## **David H. Lillard, Jr.**

8396 Briar Creek Drive  
Germantown, Tennessee 38139  
Home: (901) 751-3366; Office: (901) 524-5176

### **Personal:**

Date of Birth: November 23, 1953, at Ft. Rucker, Alabama  
Marital Status: Married to Patricia Lee Newton  
Children: Rachel Newton, Stepdaughter; Scott Lillard (Age 21); Brooke Lillard (Age 18)

### **Education:**

University of Florida, College of Law, Master of Laws in Taxation (LL.M. in Taxation), 1983,  
Graduating GPA 3.21/4.00  
University of Memphis, School of Law, Juris Doctor in Law (J.D.), 1980, Class Rank 34/155 or  
upper 22%  
University of Memphis, Bachelor of Arts (B.A.), 1977  
Memphis City Schools, Graduate of White Station High School, 1972

### **Professional:**

Admitted to the Tennessee Bar, 1980. Also admitted to the Bar of the United States Supreme Court, United States Court of Appeals for the Sixth Circuit; United States District Court for the Western and Middle Districts of Tennessee; United States Tax Court.

Peer rated in multiple years by Martindale/Hubbell as "AV" attorney, the highest rating for legal ability and ethics. Also, designated by peers for inclusion in the Best Lawyers in America for 2009 and multiple prior years.

Member, National Association of Bond Lawyers.

Member, American Health Lawyers Association Tax and Finance Practice Group.

President, University of Memphis Law Alumni Association, 1998 to 1999; Public Member, Tennessee State Board of Accountancy, 1985 to 1988. Appointed by Chief Judge Julia Gibbons as Attorney Liaison to the Bench/Bar Relations Committee of the Federal Bar Association; Member, Federal Bar Association; American Bar Association; Tennessee Bar Association and Memphis Bar Association.

**Employment:**

Senior Associate (1988 to 1990) and Equity Member (i.e. Partner)(1990 to present), law firm of Burch, Porter & Johnson, PLLC, 130 N. Court Avenue, Memphis, Tennessee 38103, February, 1988 to current. Areas of practice include municipal finance, mergers and acquisitions, healthcare, taxation and securities law.

Associate and subsequently Partner, Borod & Huggins, Memphis, Tennessee, 1983 to 1987. Practice in mergers and acquisitions, financial institutions, health care, taxation and securities law.

Full time student in Graduate Tax program, University of Florida College of Law, 1982 to 1983.

Associate, law firm of Russell & Warlick, Memphis, Tennessee, 1980 to 1982. General Civil practice including Federal Court and Chancery Court litigation for corporate clients including a major bank, a railroad and other clients. Experience included service as a Receiver and Special Master for the Chancery Court of Tennessee and the Chancery Court of Arkansas.

Law Clerk, Honorable Robert A. Hoffmann, Chancellor of the Chancery Court of Tennessee for the Tenth Chancery Division at Memphis, Part I, 1979 to 1980. Performed research for the Court and prepared drafts of Memorandum Opinions of the Court.

**Religious:**

Lifelong Methodist. Active Member, Christ United Methodist Church, Memphis, Tennessee (1992 to present). Taught Sunday School at Christ United Methodist Church. Also previously served as a member of the Administrative Board of two other United Methodist Churches, including service as vice chairman of the Administrative Board and Stewardship Chairman.

**Community Activities:**

Member, Economic Club of Memphis (current); Member, Board of Directors, University of Memphis Society, 1998 to 2000. Member, Board of Directors, Evergreen Historic District Association 1987 to 1989. Co-Chairman, Overton Park Committee, Evergreen Historic District Association 1989 to 1992. Finance Chairman of the Memphis-Mid South Affiliate of the Susan G. Komen Breast Cancer Foundation (The Race for the Cure) 2000 to 2002.

**Public Service/Political:**

Elected County Commissioner District 4; Position 3, Shelby County, Tennessee for a four year term beginning September 1, 2002 and reelected August, 2006; Chairman, Public Works Committee and Vice-Chairman, Finance and Budget Committee of the Shelby County Commission; Election Commissioner, Shelby County Election Commission, 1993 to 2002; Member, Board of Directors, Tennessee County Commissioners Association 2002 to present; Election Commission Secretary, 1994 to 2002. Chairman, Republican Primary Election Board of Shelby County, 1989 to 1991. Member, Republican Primary Election Board of Shelby County, 1977 to 1979. Assistant to Republican Members of the House of Representatives, 88th Tennessee General Assembly, 2nd Regular Session, 1974. Recipient of the Chairman's Award, Shelby County Republican Party, 2000 and 2002.

**Personal Activities of Note:**

Inline Skating (Rollerblade), Bicycler, and Hiker.

Recipient of the Cameo Award given by The Susan G. Komen Breast Cancer Foundation® for outstanding service as Finance Chairman of the Memphis-Midsouth Affiliate, 2003.

Recipient, Community Service Award given by the Shelby County Schools System. The award is the highest non-educator award given by the Shelby County Schools for outstanding contributions to education, 2004.

Assistant coach for two years for boys baseball and head coach two years for girls soccer.

Genealogist since 1968, studying the history of the Lillard Family and other Allied Families. Author of Lillard: A Family of Colonial Virginia, second edition, Volumes I and II (Greeneville, SC; Southern Historical Press, Inc., published 1991; 1,452 pages, 125 pictures and illustrations). Member, Tennessee Historical Society, Tennessee Genealogical Society, Kentucky Historical Society, Kentucky Genealogical Society, National Genealogical Society and the Virginia Genealogical Society.

Eagle Scout (with Bronze Palm) Boy Scouts of America, 1968. Brotherhood Member Order of the Arrow. Participant in two expeditions to Philmont Scout Ranch, Cimarron, New Mexico, 1968 and 1971. Also served as Neighborhood Commissioner (now Unit Commissioner).

Cadet in Reserve Officers Training Corps (ROTC) three years in high school. Highest Grade Cadet Lieutenant Colonel. Recipient of the Daughters of the American Revolution Scholarship and Leadership Medal. Continued in ROTC in college but did not pursue officers commission in the armed forces due to reduction in forces in the military.