

How I Got To The Business Court

By Chancellor Ellen Hobbs Lyle

Upon graduation from the University of Tennessee School of Law in 1981 at the age of 23, I went to work in Houston for the Texas law firm of Fulbright and Jaworski.

One late afternoon a team of the Firm's lawyers, returning from court, pulled another new, young lawyer and me into their case to perform emergency "all-nighter" research which in those days entailed combing through digests to locate and then read through case law (this was in the days before computers) on an issue that had surfaced in trial.

The case was between a domestic oil company (the Producer) and a foreign corporation (the Buyer) over whether a force majeure clause was triggered by the government of Muammar Gaddafi shutting off Libyan pipelines in an oil embargo. That case, with its contract interpretation issues, followed by other commercial cases I worked on in Texas, hooked me on business cases.

So, in 1995, having returned by that time to my native Nashville, I applied for an opening in Davidson County Chancery Court whose jurisdiction included business cases, and I obtained the position.

Twenty years later, after a judicial career of contract interpretation, accountings, shareholder litigation, mergers, acquisitions, rescissions, REIT lawsuits, noncompetition agreements, corporate dissolutions, shareholder derivative cases, to name a few, I am ecstatic about the Tennessee Supreme Court assignment as the trial judge for the Business Court Pilot Project.

My eagerness stems in part from the personal admiration I have for the initiative, resourcefulness, can-do attitude and work product of those in the business sector. To assist this endeavor by providing a good legal process is a privilege.

But the ultimate satisfaction for me is the work. I just simply enjoy doing the actual work: the detail, customization for each case, coring down into the facts and claims, the conflict management, the legal analysis, preparing meaningful instructions and verdict forms for jurors, and writing up my findings of fact and conclusions of law. Rolling up my sleeves alongside the court staff, the attorneys and the litigants to do this work to me is compelling.

My excitement about the Business Court Pilot Project is the opportunity to take my joy for and experience in the work and case management to develop and implement for business cases cost saving efficiencies in areas, like discovery, where oversight is effective, while maximizing court procedures that contribute to high quality outcomes.