

Tennessee Judicial Nominating Commission
Application for Nomination to Judicial Office

Rev. 22 December 2011

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INTRODUCTION

Tennessee Code Annotated section 17-4-101 charges the Judicial Nominating 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 <http://www.tncourts.gov>). The Commission requests that applicants obtain the word processing form and respond directly on the form. Please respond in the box provided below each question. (The box will expand as you type in the word processing document.) Please read the separate instruction sheet prior to completing this document. Please submit the completed form to the Administrative Office of the Courts in paper format (with ink signature) *and* electronic format (either as an image or a word processing file and with electronic or scanned signature). Please submit seventeen (17) paper copies to the Administrative Office of the Courts. Please e-mail a digital copy to debra.hayes@tncourts.gov.

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

PROFESSIONAL BACKGROUND AND WORK EXPERIENCE

1. State your present employment.

Magistrate for the Juvenile Court of Rutherford County

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

1998; BPRN 019178

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, BPRN 019178. Date of licensure: May 6, 1998. License is 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).

1998-99: Feeney & Murray, PLLC, Nashville, Tennessee

1999-2007: Sole Practitioner in association with Ken Burger, Rodney Scott, and Ben Hall McFarlin, III, Murfreesboro, Tennessee

2002-03: Judge *pro tem*, Cannon County General Sessions & Juvenile Court

2002-04: Special Judge, Rutherford County Juvenile Court

2004-07: Part-time Referee, Rutherford County Juvenile Court

2005-07: Part-time Child Support Referee, Rutherford County Circuit and Chancery Courts

2007-Present: Magistrate, Rutherford County Juvenile Court

Aside from summer jobs during high school (working for my father and grandfather) and college (waiting tables and working in a drive-through at Corky's BBQ), I have had no other occupations.

6. If you have not been employed continuously since completion of your legal education, describe what you did during periods of unemployment in excess of six months.

Not Applicable.

7. 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.

Not Applicable. I wrapped up my law practice upon becoming a full-time member of the Judiciary in 2007.

8. 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. In making your description, include information about the types of matters in which you have represented clients (e.g., information about whether you have handled criminal matters, civil matters, transactional matters, regulatory matters, etc.) and your own personal involvement and activities in the matters where you have been involved. In responding to this question, please be guided by the fact that in order to properly evaluate your application, the Commission needs information about your range of experience, your own personal work and work habits, and your work background, as your legal experience is a very important component of the evaluation required of the Commission. Please provide detailed information that will allow the Commission to evaluate your qualification for the judicial office for which you have applied. The failure to provide detailed information, especially in this question, will hamper the evaluation of your application. Also separately describe any matters of special note in trial courts, appellate courts, and administrative bodies.

I believe that I can bring a broad base of experience and knowledge to the Circuit Court bench. Moreover, my work history (as Chancery Court Law Clerk, attorney, and Magistrate) has allowed me to develop a complete, well-rounded perspective -- from both sides of the bench -- of how a Court should be operated.

At the conclusion of my one-year clerkship with Chancellor Robert E. Corlew, I accepted a position with an insurance defense firm in Nashville. As the junior associate, my duties

consisted primarily of working on discovery responses and attending occasional docket calls. I missed being in the courtroom environment, so I left the Nashville firm and returned to Murfreesboro to “hang out a shingle.”

Luckily, just as I was preparing to return to Murfreesboro, attorney Ken Burger was completing renovations on a newly-purchased office building on the Public Square. I had always admired and respected Ken, so I leaped at the chance to rent office space in his building. Once I opened my practice, I did not limit myself to one area of the law; rather, I took on all types of cases, including both civil and criminal matters. I regularly appeared in the Sixteenth Judicial District trial courts, and argued several cases at the Tennessee Court of Appeals. Additionally, I made numerous appearances in various trial courts located in the surrounding counties, as well as the Federal Courts in Nashville and Winchester. The majority of my civil cases were domestic relations matters, but I also handled bankruptcy, contracts, personal injury, probate, and Social Security Disability cases. My criminal law experience was accumulated from various cases that I handled in General Sessions, Circuit, and Juvenile Court. I mention Juvenile Court here because, unbeknownst to some laypeople, the statutes with which juvenile delinquents are charged are the exact same criminal statutes used to charge adults in General Sessions and Circuit Court. In addition to my litigation practice, I periodically drafted Wills, Power of Attorney documents, and business contracts for clients.

When I first started practicing law in Murfreesboro, my strategy was to take as many Court-appointed cases as I could, in order to get a lot of courtroom experience as quickly as possible. Plus, I viewed appointed work as my duty to the Courts and the community. This strategy worked well, as I found myself in Court early and often, and gained a tremendous amount of litigation experience. Even after my practice began to thrive, I continued to take many Court-appointed cases; in fact, I took pride (and still do) in the fact that I never tried to turn down a Court-appointment, and never asked to be removed from "the list" of attorneys willing to take those cases. One of my biggest disappointments upon becoming Juvenile Court Magistrate was discovering that many attorneys ask to be taken off of the appointment list once their law practices become successful.

Throughout the nine years that I practiced law, I took tremendous pride in my preparation and attention to detail. I never walked into a courtroom feeling unprepared, because not only was my personal reputation on the line, but the quality of my clients' lives was also at stake. I viewed the appearance, style, and content of my pleadings as critical to the success of my practice. Dating back to my days as an English Major at Vanderbilt and my time as Editor-in-Chief of the *Georgia Journal of International and Comparative Law*, I have always paid very close attention to my written works; I carried this practice over to my pleadings as an attorney, because in most cases, the Court's first impression of a case is derived through a review of the pleadings. I have listed Chancellor Robert E. Corlew, III, as a reference on this application, as he can attest to my level of preparedness and competence as an attorney.

9. Also separately describe any matters of special note in trial courts, appellate courts, and administrative bodies.

Thinking back over the years of my law practice, many cases stand out in my memory. While some cases garnered large fees, and others involved novel legal arguments, the cases that are truly of "special note" in my mind are the ones that impacted the lives of children, the most vulnerable among us. One case that I will never forget involved a mentally-challenged seventeen year-old boy who was charged with arson in connection with the burning of a local warehouse. I was appointed by Judge Donna Scott (now Davenport) to defend the minor. After meeting with my client, it became apparent to me that he was not mentally equipped to understand the nature of the proceedings; by way of illustration, he repeatedly asked me whether he could give the Judge a hug during the preliminary hearings. When I asked him why he started the fire that burned down the warehouse, he responded, "because I was cold." Ultimately, I located an expert witness who determined that my client had the intellect of a six year-old, and that he was not mentally competent to stand trial. Although Judge Davenport agreed with my expert, she then *sua sponte* committed my client to a state-run mental health facility, which I believed to be contrary to the requirements of the Juvenile Code. Therefore, I filed a *habeas corpus* action in Circuit Court, which was heard by Judge Don Ash. The State opposed my petition, but Judge Ash agreed with me, and ordered the release of my client. Ultimately, on remand, the Juvenile Court placed my client in foster care, where the State was able to provide him with the counseling and treatment that he needed. Luckily for me, Judge Davenport did not hold a grudge against me for taking the *habeas corpus* petition to Circuit Court...she eventually appointed me as her Referee and Magistrate. Judge Davenport is listed as a reference on this application, and she can attest to my abilities as both an attorney and a member of the Judiciary.

Another noteworthy case of mine involved a lady who hired me because the child support payments that the Chancery Court had ordered her ex-husband to send her were unilaterally cut in half -- without a hearing -- by an administrative order issued by the Department of Human Services ('DHS'). The abrupt reduction in the child support payments contributed to my client's eventual bankruptcy, as she relied heavily on the child support to make ends meet. Upon looking into the facts of the case, I discovered that the ex-husband had contacted DHS and provided an affidavit stating that he had lost his job and needed a reduction in his child support payments. DHS then issued the administrative order reducing his support, without contacting my client and allowing her to be heard. As it turns out, there was a statute in effect at that time that authorized DHS to take such actions! I filed suit in the Chancery Court, challenging the constitutionality of the statute, and serving the Attorney General with the required notice. Following a bench trial, the Chancellor dismissed my case, but I appealed his decision and prevailed at the Court of Appeals, with that Court finding the statute to be unconstitutional. This case was noteworthy because, not only did it involve complex constitutional arguments, but it also helped somebody in need. Once again, the justice system did what it is supposed to do: help the most vulnerable among us. My appellate brief from this case is attached as one of my writing samples.

10. If you have served as a mediator, an arbitrator or a judicial officer, describe your experience (including dates and details of the position, the courts or agencies involved, whether elected or appointed, and a description of your duties). Include here detailed description(s) of any noteworthy cases over which you presided or which you heard as a judge, mediator or arbitrator. Please state, as to each case: (1) the date or period of the proceedings; (2) the name of the court or agency; (3) a summary of the substance of

each case; and (4) a statement of the significance of the case.

I currently serve as full-time Magistrate of the Rutherford County Juvenile Court, a position that I have held since 2007; I served in this capacity on a part-time basis from 2004 until 2007, while maintaining my law practice. As Magistrate, I am an appointed member of the Judiciary with statutory authority to preside over any case that falls within the jurisdiction of the Juvenile Court. Since my appointment to this position, I have presided over thousands of hearings in a wide variety of cases, including juvenile delinquency, truancy, unruly children, traffic violations, child support, dependency and neglect, child abuse, paternity, custody and visitation, parental relocation, and grandparent visitation matters. As discussed above, juvenile delinquency cases involve violations of the same criminal statutes that are used in adult criminal cases. Sadly, we deal with extremely serious violations in Juvenile Court; for example, within the last year and a half alone, I have presided over hearings for children charged with robbery, aggravated assault, rape, and conspiracy to commit first degree murder. During my eight years on the bench, I have developed a very calm, even-tempered judicial demeanor, which seems to be helpful in the otherwise emotionally-charged courtroom environment. Additionally, I would respectfully point out that if the Commission and Governor deem me worthy of this Circuit Court appointment, I will be ready to devote my full attention to the job on day one; I have no law practice to wrap up, and the learning-curve will be negligible.

While all cases involving children are important in my estimation, relatively few end up being reported cases with great legal significance. However, I recently presided over what is believed to be a case of first impression in Tennessee. On June 17, 2011, a paternity action was filed in our Court by the presumed father prior to the birth of a child conceived in Tennessee; the pre-birth filing was unusual, but not unheard of. However, the mother in question moved to Indiana and filed her own paternity action in that state approximately one month after the father's Tennessee action was filed. The mother then gave birth in Indiana. So, the question was which state had jurisdiction to decide the paternity, custody, visitation, and support issues. There is a uniform statute (the Uniform Child Custody Jurisdiction and Enforcement Act, or 'UCCJEA') enacted in both Tennessee and Indiana, which addresses interstate jurisdictional disputes in custody cases. However, the UCCJEA is unclear as to which state has priority when a pre-birth action is filed in one state, followed by the mother's relocation and delivery of the child in another state. After analyzing the UCCJEA and persuasive authority from Courts in other states, I found that Tennessee had jurisdiction. My ruling was reviewed and upheld by the Juvenile Court Judge, and to my knowledge, the parties subsequently settled the case. With today's ease of mobility and high rate of children born out of wedlock, I would be surprised if this issue does not arise again soon in some Tennessee Court. My November 4, 2011 Opinion Letter from this case is attached (with the parties' names blacked out due to the confidentiality rules of our Court) as one of my writing samples.

In addition, I regularly preside over the Juvenile Court's *pro se* docket, which consists solely of cases where the parties are representing themselves. While some might question my inclusion of this docket in this section pertaining to "noteworthy" cases, I mention it here because a growing segment of our population is unable to afford an attorney, and these people are filing *pro se* lawsuits more and more often. Of course, everyone has the right to represent themselves in Court, but the challenge is ensuring that these cases are decided on their merits regardless of

the substantive shortcomings of the written pleadings. With the help of our excellent Juvenile Court Clerk's office, I am able to preside over a full docket of these cases twice per month, and folks who cannot afford lawyers are able to obtain Orders to receive child support, visit with their children, and essentially co-parent with an otherwise uncooperative individual. I find that some people just like to "tell their side" in Court, and regardless of the outcome, they feel better after they get some things off their chest. Indeed, although these *pro se* cases will never be seen in the South Western Reporter, they are noteworthy to the people who matter the most: the families who cannot function without the assistance of the Court.

I take my role as a Magistrate very seriously, because I am keenly aware of the impact that my decisions have on children and families. I carefully review every Court file prior to the trials and motion hearings, and I take detailed notes of all testimony and arguments. Additionally, I have personally created or amended almost every official form that is used in our Court; many of these forms can be downloaded from the Court's website and used by the public. I worked closely with the county's Office of Information Technology to design our website, which can be found at www.rutherfordcountyttn.gov/juvenilecourt. I have listed James Farris, Chief Deputy Clerk of the Rutherford County Juvenile Court, as a reference on this application. Mr. Farris can attest to my dedication, temperament, and work ethic in connection with my judicial duties.

Prior to my appointment as Juvenile Court Magistrate, I periodically sat by appointment as Special Judge of the Rutherford County Juvenile Court and Judge *pro tem* of the Cannon County General Sessions Court. These appointments occurred between 2002 and 2004, during times when the Judges of those Courts were unavailable. The Juvenile Court dockets over which I presided consisted of the same types of cases as those over which I currently preside, as described above. The General Sessions dockets included both civil and criminal cases.

11. Describe generally any experience you have of serving in a fiduciary capacity such as guardian ad litem, conservator, or trustee other than as a lawyer representing clients.

I served as guardian ad litem for many children in Juvenile Court throughout the years of my law practice. Additionally, I served as guardian ad litem for disabled adults on several occasions in Chancery Court conservatorship cases. Further, I once served as a Court-appointed Receiver in a complex lawsuit involving the dissolution of a business partnership.

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

On December 3, 2002, I was admitted to practice before the United States Supreme Court. I appeared before the Court that morning and Justice John Paul Stevens administered the Oath. The experience of standing before the highest Court in the land was overwhelming, and it remains the high point of my professional career. While visiting the Supreme Court building, I purchased a small gold lapel pin at the gift shop. I wear the lapel pin, which bears the Supreme Court Seal, on my judicial robe while presiding over Juvenile Court. By keeping that pin on my

robe, I am constantly reminded that, although I may rank as the lowest judicial official in the county, I must always conduct myself in accordance with the highest judicial standards. If the Commission and Governor deem me worthy to serve on the Circuit Court bench, I will take my lapel pin, and my high standards, with me.

13. List all prior occasions on which you have submitted an application for judgeship to the Judicial Nominating Commission or any predecessor commission or body. Include the specific position applied for, the date of the meeting at which the body considered your application, and whether or not the body submitted your name to the Governor as a nominee.

In June of 2004, I applied for Circuit Judge, Sixteenth Judicial District, Division I. The Judicial Selection Commission met on July 12, 2004. My name was submitted to the Governor as a nominee.

EDUCATION

14. 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.

Vanderbilt University (1990-94): Bachelor of Arts; English major

University of Georgia School of Law (1994-97): Juris Doctor, *cum laude*

- Editor-in-Chief, *Georgia Journal of International & Comparative Law*
- Student Representative, Academic Affairs Committee

PERSONAL INFORMATION

15. State your age and date of birth.

Age 40 (DOB 12/10/71).

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

15 years

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

12 years

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

Rutherford

19. 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.

20. Have you ever pled guilty or been convicted or are you now on diversion for violation of any law, regulation or ordinance? Give date, court, charge and disposition.

No, aside from speeding.

21. 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.

22. If you have been disciplined or cited for breach of ethics or unprofessional conduct by any court, administrative agency, bar association, disciplinary committee, or other professional group, give details.

Not Applicable.

23. 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.

24. Have you ever filed bankruptcy (including personally or as part of any partnership, LLC,

corporation, or other business organization)?

No.

25. 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.

Yes. I once filed suit against a former client who refused to pay my attorney's fees; I prevailed by default, and my client eventually paid the judgment. The case was filed in the General Sessions Court of Rutherford County on March 7, 2005 (No. CV-136877).

In addition, although I was not technically a party, I attempted to intervene in one lawsuit. In 2006, I ran for Circuit Judge, and was the runner-up in the election. Tragically, the winner of the election passed away before taking the oath of office. The incumbent Judge, who finished third in the voting, then filed a declaratory judgment action in Chancery Court, seeking an Order declaring that he was entitled to remain in office until the next general election. I filed a Motion to Intervene in that case, along with a request that the proceedings be stayed and referred to the Tennessee Supreme Court for the appointment of a temporary substitute Judge, but the Chancery Court denied my motion. I chose not to appeal, because I did not wish to embroil the Circuit Court in a prolonged legal dispute. The Complaint in that cause was filed in the Chancery Court for Rutherford County on August 30, 2006 (No. 06-1373CV).

26. 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.

Murfreesboro Lion's Club: First Vice-President, 2009

Murfreesboro Noon Lion's Club

27. 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.

No, aside from a fraternity in college.

ACHIEVEMENTS

28. 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.

American Bar Association, 1998-Present

Tennessee Bar Association, 1998-Present

Rutherford/Cannon County Bar Association, 1999-Present

- President (2007); Vice-President (2006); Secretary (2005); Treasurer (2004)

- Member of Bench-Bar Committee, which facilitates communication between Judges and attorneys in the Sixteenth Judicial District

Nashville Bar Association, 1998-99

Andrew Jackson American Inns of Court, 2000-10

Tennessee Council of Juvenile & Family Court Judges, 2004-Present

29. 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.

Admitted to practice before the United States Supreme Court

Law Clerk for Chancellor Robert E. Corlew, III

President, Rutherford/Cannon County Bar Association

Member, Andrew Jackson American Inns of Court

Contributing Author, *Great American Judges, An Encyclopedia*, ABC/CLIO (2003)

Contributing Author, *Great American Lawyers, An Encyclopedia*, ABC/CLIO (2001)

30. List the citations of any legal articles or books you have published.

Does International Law Reflect International Opinion? French Nuclear Testing in the Twentieth Century, 26 Ga. J. Int'l & Comp. L. 187 (1996).

Contributing Author, *Great American Judges, An Encyclopedia*, ABC/CLIO (2003).

Contributing Author, *Great American Lawyers, An Encyclopedia*, ABC/CLIO (2001).

31. List law school courses, CLE seminars, or other law related courses for which credit is given that you have taught within the last five (5) years.

Within the last five years, I have taught Juvenile Court law twice at the annual Fall CLE program for the Rutherford/Cannon County Bar Association. In addition, I once taught Juvenile Court Law at a CLE seminar for the Rutherford County Juvenile Justice League. Further, from 2007-10, I was a member of approximately three separate group presentations for CLE credit at the Andrew Jackson American Inns of Court.

32. 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.

Referee/Magistrate, Juvenile Court of Rutherford County (appointed, 2004-present)

Child Support Referee, Circuit & Chancery Courts of Rutherford County (appointed, 2005-07)

Candidate for Circuit Judge, Sixteenth Judicial District (2006)

Applicant for Circuit Judge, Sixteenth Judicial District (2004)

33. Have you ever been a registered lobbyist? If yes, please describe your service fully.

No.

34. Attach to this questionnaire at least two examples of legal articles, books, briefs, or other legal writings which reflect your personal work. Indicate the degree to which each example reflects your own personal effort.

See Attached. These works were 100% of my own personal effort.

ESSAYS/PERSONAL STATEMENTS

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

Simply put, Circuit Judge is my calling. I believe that, in this life, each one of us has to figure out how he or she can best have a positive impact on those around us. When I was in high school, I was blessed with the opportunity to intern for Frank Cheatham, a Judge in Savannah, Georgia. Judge Cheatham, a man of compassion and integrity, touched the lives of many people in his courtroom. As I am not by nature a very outgoing person, I quickly realized that becoming a Judge would be the perfect way for me to help people. So, I charted my course for law school.

Some people might view this position as just another political office on the way to loftier aspirations. Others might view it as a type of semi-retirement after a long career as an attorney. For me, Circuit Judge is the ultimate destination.

36. State any achievements or activities in which you have been involved which demonstrate your commitment to equal justice under the law; include here a discussion of your pro bono service throughout your time as a licensed attorney. *(150 words or less)*

While in private practice, I regularly volunteered to take Court-appointed cases and *pro bono* cases from the Legal Aid Society of Middle Tennessee. A high percentage of my *pro bono* clients were victims of domestic abuse in divorce cases who could not afford an attorney. Without a volunteer attorney, these spouses could have been denied equal justice under the law. Many of my Court-appointments were as guardian ad litem, where I advocated for the best interests of minor children. Without having such an advocate, children could be denied equal justice under the law, as their voices might never be heard.

As Magistrate, I have taken a personal interest in litigants who cannot afford attorneys. I have worked to make the Court's website "*pro se* friendly," and I frequently waive filing fees so that indigent parties can file petitions. I always appoint attorneys to represent indigent parties whenever the law allows.

37. 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)*

The Circuit Court for the Sixteenth Judicial District serves Rutherford and Cannon Counties.

There are four Judges, along with one Chancellor who regularly sits by interchange, on the Court. As a Court of general jurisdiction, Circuit Court handles civil and criminal cases, along with appeals from Juvenile, Municipal, and General Sessions Courts.

My selection will impact the Court because, although I am prepared to hear either civil or criminal cases, I will volunteer to hear exclusively domestic relations matters. I have always enjoyed presiding over domestic cases, as I find it very rewarding to help children and families through the judicial process. It is my understanding that the new Circuit Judge will be asked to hear mostly domestic relations cases; after presiding over very similar issues for the past eight years in Juvenile Court, I stand ready to bring my judicial experience to the Circuit Court bench.

38. Describe your participation in community services or organizations, and what community involvement you intend to have if you are appointed judge? *(250 words or less)*

I am currently a member of the Murfreesboro Noon Lions Club, which is part of Lions Club International. Perhaps best known for its work supporting sight programs and providing eye care services to those at risk of losing their sight, Lions Club International actually provides a multitude of additional services around the world to help communities in need.

I recently transferred into the Noon Lions Club from the Murfreesboro [Evening] Lions Club, where I previously served as an officer and board member. The Noon Club proved to be a better fit for me, due to its lunch-time meeting schedule, as my evenings are now free for family time. During my time in the Murfreesboro Lions Club, I volunteered every year at the Club's annual fish-fry fundraiser, which takes place during the city's "Uncle Dave Macon Days" festival. Typically, my wife and I (along with our two semi-willing teenaged girls) worked in the serving line or in the kitchen.

In addition, I have been a supporter of CASA (Court Appointed Special Advocates) of Rutherford County for many years. CASA consists of volunteers who advocate for the best interests of children in Court matters involving abuse and neglect. Specifically, I have trained CASA volunteers about Juvenile Court law, and my wife and I donate to CASA on an annual basis.

If I am appointed as Circuit Judge, I plan to continue my work with these excellent organizations. They are both worthy causes, and will not interfere with my dockets.

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

I have felt a calling to be a Judge since my judicial internship in high school. That was my first glimpse at the legal system, and ever since then, I have felt at ease working within that system. The legal system appeals to my sense of order in an otherwise chaotic world. We know

what to expect in a Court of law, and we know how cases should be presented. I derive a certain comfort from working in our system of precedential case law, statutes, and courtroom procedure.

With regard to talents, anybody who knows me will tell you that I am an even-tempered, easygoing person. It takes a lot to push me to emotional extremes. While this may not exactly be a "talent," it certainly is a trait that is needed to be a Judge. Additionally, I believe that my ability to research and analyze the law is one of my strengths. I have always been a good writer, and a true student of the law. As a Judge, I would always strive to apply the law properly and fairly. If I am appointed to the Circuit Court bench, I will pour my heart and soul into the job.

I am attaching a passage from Gibson's Suits in Chancery, describing the proper deportment of Chancellors towards that Bar. I have always thought that this passage should serve as a guide for those holding any judicial office.

40. 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)*

Yes. During my tenure as Juvenile Court Magistrate, I have found myself in this situation many times. I firmly believe that a Judge's role is to apply the law as written by the Legislature, not to "make law" from the bench. One example from my experience occurred last year when I was presiding over a juvenile delinquency case. A police officer had pulled over a vehicle because he believed that the driver's temporary license tag was improperly displayed. During this traffic stop, the defendant was arrested and charged with criminal conspiracy and possession of a weapon by a convicted felon. The defendant, a passenger in the vehicle, had a gun and ski mask in his possession; he admitted that he was planning to rob someone. The defense attorney filed a Motion to Suppress, arguing that the search of the vehicle was the product of an unlawful stop.

After analyzing the case law, I concluded that the license tag was properly displayed, and that it was therefore my duty to grant the Motion to Suppress. I strongly disagreed with the outcome of this case, because the defendant was on his way to commit a robbery when he was stopped. Nonetheless, it was my duty to follow the established constitutional law regarding search and seizure, and I did so to the best of my ability. My Order from this case is attached (with the parties' names blacked out due to the confidentiality rules of our Court) as one of my writing samples.

REFERENCES

41. 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. Chancellor Robert E. Corlew, III
Chancery Court for the Sixteenth Judicial District

[REDACTED]
[REDACTED]

B. Judge Donna Scott Davenport
Juvenile Court of Rutherford County

[REDACTED]
[REDACTED]

C. James Farris
Chief Deputy Clerk, Juvenile Court of Rutherford County

[REDACTED]
[REDACTED]

D. Susan McGuigan
Executive Director, CASA of Rutherford County

[REDACTED]
[REDACTED]

E. Chad C. White, Attorney-at-Law
Associate General Counsel, Brookdale Senior Living, Inc.

[REDACTED]
[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 [Court] Circuit Court, 16th Judicial Dist. 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: 7/30, 2012.



Signature

When completed, return this questionnaire to Debbie Hayes, Administrative Office of the Courts, 511 Union Street, Suite 600, Nashville, TN 37219.