

Tennessee Judicial Nominating Commission
Application for Nomination to Judicial Office

Rev. 26 November 2012

Name: Charles Patrick Sexton

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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 fourteen (14) 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.

Attorney at Sexton, Sexton, & Kazee, P.C. in Oneida, Tennessee

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

Licensed in 2001, Board of Professional Responsibility number 021683

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, 2001, BPR# 021683. My license is current and 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).

2001 – Present Sexton, Sexton, & Kazee, P.C., 425 Industrial Lane, Oneida, Tennessee 37841, Practicing Attorney.

1997 – 2001 Sexton, Sexton, & Kazee, P.C., 425 Industrial Lane, Oneida, Tennessee 37841, Law Clerk while attending Law School focusing on research, drafting of pleadings, interviews,

and title research for real property.

Other occupations:

1996 – 1997 Upper Cumberland Oil Company, 1901 North Washington Avenue, Cookeville, Tennessee 38501. I was employed as the head of the maintenance department allocating employees and materials to gas stations for the purpose of repairs and correcting other problems. Also, was involved in the direct relationship with customers for the purchase of bulk oils, gasoline distribution, and parts for gas distribution facilities.

1992 – 1994 Tennessee Technological University, Cookeville, Tennessee 38505. I performed services as a lifeguard at both swimming pools utilized by the University for students, high school, and the public.

1992 Town of Oneida, Oneida, Tennessee 37841. I was employed in the recreational department to operate and manage the swimming pool where I had direct contact with the public and with the Town of Oneida Government.

1988 Scott County Highway Department, Huntsville, Tennessee 37756. I was employed on the highway maintenance department cutting right of way, patching roads, building bridges, and other duties associated with the general maintenance of the roads in Scott County, Tennessee.

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.

I have been employed continuously since the completion of my legal education.

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.

I currently participate in a general law practice. Within the practice I am daily preparing for litigation through interrogatories, depositions, research, and interviews with clients and witnesses, my talents are utilized on differing areas as follows:

25% - Personal injury non-workers' compensation cases;

25% - Workers' compensation on behalf of the injured individual;

15% - Real property disputes concerning easements, boundary lines, and damages to real property;

15% - Domestic cases concerning divorce, co-parenting issues, and juvenile matters;

5% - Defense of individuals charged in criminal proceedings in the general sessions court and criminal courts;

10% - Representation of estates and conservatorship in probate court;

5% - Drafting of documents such as, will, trusts, contracts, deeds, pre-nuptial agreements and real estate closings.

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.

Since 2001, I have been able to practice law and represent clients in numerous different courts. I have preformed services for clients in the General Sessions Court for Scott, Campbell, Morgan, Blount, Fentress, and Anderson Counties for criminal matters which necessitated some preliminary hearings and civil matters including estates, divorce, debt collection and debt

defense, detainer actions and suits to enforce judgments. I have handled cases in the Circuit Court for Knox, Cocke, Anderson, Campbell, Cumberland, Rhea, Scott, and Morgan Counties. These cases have included domestic relations, car accidents with personal injuries, other personal injuries, damages to real property, breach of contract, debt collection and defense of debt collection, and workers' compensation. I have appeared in the Chancery Courts for Scott, Campbell, Fentress, Claiborne, Anderson, Cumberland, Putman, Morgan, and McMinn Counties handling workers' compensation matters, contract disputes, domestic relations, boundary lines, easements, road ways, clouds on title, and debt collection. Many times I had the opportunity to conduct trails in the Circuit and Chancery Courts mentioned. I have also practiced in the Federal Court system in the Eastern District for the State of Tennessee and the Eastern District for the State of Pennsylvania. The cases involved discrimination, insurance dispute over a fire loss, and breach of contract coupled with debt collection.

I have also had the opportunity to appear in the appellate courts for the State of Tennessee. I have appeared in the Court of Appeals for the Eastern District of Tennessee, Supreme Court for the State of Tennessee Workers' Compensation Division, and the Supreme Court for the State of Tennessee.

Handling numerous workers' compensation matters I have appeared many times at the Department of Labor for the State of Tennessee for Benefit Review Conferences representing the injured employee seeking benefits under the Laws of the State of Tennessee. I have become familiar and comfortable with the department of labor structure and procedures. I feel I have gained a vast knowledge of the laws concerning workers' compensation while utilizing the benefit review process.

I have learned that preparation is the key to success. I have applied myself to represent my clients to the utmost within the bounds of the law. This has included researching the law until I was comfortable with quoting it properly to the Courts and having the authority to evidence the position, preparing clients to properly present the most credible evidence to Courts, fully investigating claims through deposition, interrogatories, requests for admission, requests for production of documents, and interpreting records. Practicing in so many areas has allowed me to develop knowledge about the subject matter which has been entrusted to the jurisdiction of the chancery courts.

I have dedicated myself to the career path I have chosen. Typically I am the first to arrive and the last to leave. Often just to make sure there is something I am not overlooking that may benefit my clients. With each of my clients I was focused on them and would perform the major work that was necessary to prepare the case for trial.

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

I have always been a proponent of helping others. Representation of injured employees has

become a leading interest in my life. The most significant I can recall is a relation of two cases, *Trosper v. Armstrong Wood Products*, 273 S.W. 3d 598 (Tenn. 2008) and *Cloyd v. Hartco Flooring Co.* 274 S.W. 3d 638 (Tenn. 2008), both dealt with pre-existing conditions which were aggravated and advanced by a work related incident. From day one I was lead attorney on the Cloyd matter. The Trosper case was handled by Charles B. Sexton. Upon the Trail on the Merits the Chancellor found that both individuals had incurred a work related injury and awarded benefits. The defendants appealed both cases. I researched, prepared briefs, and presented oral arguments in the Workers' Compensation Panel and ultimately before the Supreme Court for the State of Tennessee. The Trosper case was overturned by the Panel. The Supreme Court overturned the Panel and interpreted the workers' compensation statutes to include advancement and aggravation of a preexisting condition when the advancement and aggravation is causally related to the work performed for the benefit of the employer. These two cases are significant developments in Tennessee Workers' Compensation Law.

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 have not served as a mediator, arbitrator or judicial officer.

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 currently serve as trustee on three trusts. One trust is a scholarship trust for the purpose of post high school education, the other two are real estate trusts which manage real property for the benefit of many.

I have served as a guardian ad litem on occasion for the juvenile court and chancery court. I undertook the challenge to properly investigate the best interest of the children I was appointed to protect, even to the point of challenging the parents and the Department of Children's Services in one particular matter in order to find the most appropriate placement for the juvenile I was appointed to protect.

I have been appointed by the Circuit Court for Scott County, Tennessee, as a receiver to protect the assets of a defendant in a wrongful death action from destruction, concealment, and transfer by individuals related to the defendant. With this appointment I was charged with compiling an inventory, monitoring the assets, and preparing the assets for public sale. Once the Plaintiff has received a judgment in their favor, I will be charged with conducting the sale and collecting the

funds for distribution to the Plaintiffs and the Court for all costs.

I have always sought to protect the interest of the party I was empowered to protect in my fiduciary role.

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

I have mentioned significant cases and representations of my legal experience. I have treated each client with the utmost respect and attempted to serve them as their attorney to the fullest extent under the law.

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.

I have not submitted any other application for judgeship.

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.

1990 – 1994 Tennessee Technological University, Bachelor of Science in Business Administration with a focus on Management Information Systems. The core of information systems is computer programming. Whereas computer systems are becoming important evidence in trials for the storing of documents and emails.

1995 – 1997 Tennessee Technological University, Master of Business Administration.

1997-2001 Nashville School of Law, Doctorate of Jurisprudence.

PERSONAL INFORMATION

15. State your age and date of birth.

I am 41, born November 18th, 1971.

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

I have lived in Tennessee 41 years.

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

I have maintained my domicile and residence in Scott County, Tennessee, my entire lifetime, however I lived in Putnam County, Tennessee, while in attendance at Tennessee Technological University from 1990-1994 and again in 1995-1997. I lived in Davidson County, Tennessee, from 1994-1995.

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

I am registered to vote in Scott County, Tennessee.

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.

I have no military service.

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.

I have never pled guilty to any criminal charge, nor am I on any diversion for any violation of any law. I recall two speeding citations in Fentress County, Tennessee, one in 1991 the other in early 2012.

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.

I am not.

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.

I have not.

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.

I have never been a party to any litigation.

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.

2003 - Present I serve as a Deacon at New Haven Baptist Church in Oneida, Tennessee. During my tenure I have served as Chairman of the Deacons for three one year terms.

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.

I have not.

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.

Scott County Bar Association 2001 - present

Tennessee Bar Association 2001 - present

Tennessee Association for Justice (Formerly the Tennessee Trail Lawyers Association) 2001-2006

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.

None.

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

I have none.

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.

I have not taught any classes.

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.

I have not held and public office.

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

I have never been a registered lobbyist.

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.

Attached to this questionnaire are briefs that I wrote for cases in the Supreme Court for the State of Tennessee and the Court of Appeals for the Eastern Section of Tennessee. I prepared each of the briefs in their entirety.

ESSAYS/PERSONAL STATEMENTS

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

Since 2001, after passing the bar exam I have preformed my services in the assistance of others. In doing so I have developed a passion to see that everyone is treated equally under the law. I have always respected the position of Judge or Chancellor since the beginning of my practice. I have had the great opportunity to try cases in the Courts of many Judges who felt equality under justice was important. I wish to continue the same foundations that have been laid before me as to allowing all individuals equality under the Laws of the State of Tennessee, just as the predecessor to this Chancellorship.

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)*

Living in Scott County, Tennessee, affords licensed attorneys with ample opportunities to provide services to those in need. Some of my most prominent pro bono service has come at the protection of children and mentally challenged. On numerous account I have undertaken the

challenge of representing individuals I knew had no opportunity to pay fees yet needed representations in actions against the Tennessee Department of Children's Services. My strive was to protect rights of parents that were being deprived by the governmental entity. No one person or entity shall be entitled to superior position just because of status, economic standard, or to who they are connected.

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)*

I seek the Chancellorship for the Eighth Judicial District for the State of Tennessee, which includes Union, Claiborne, Campbell, Scott, and Fentress Counties. The district is extremely rural and economically challenged. The district currently has two well qualified Judges which travel the complete district hearing cases.

Being from the same rural area on a permanent nature, I understand the socio-economic standards that have developed. Having the ability to connect with the individuals within the district would allow me to be compassionate to their condition, apply the law, and help each explain to individuals why the law dictates the outcome. This has occurred from the previous Chancellor and I wish to continue his touch with the people of the district. The ability to appear as "one of them" (similar in identity to the parties) relates a degree of comfort for the parties involved in the litigation, where this litigation means everything.

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 would continue all my community involvement which did not interfere with my ability to preside as the trier of fact and question my impartiality. I have applied my talents with Court Appointed Special Advocate (CASA) in fund raising, the Boys and Girls Club of Scott County as a youth basketball coach, as director of Big South Fork Youth League, as a baseball and Tee ball coach, assistant basketball coach for Oneida Middle School boys basketball, by helping the Oneida Lions Club with special projects (Schools in Scott County) by supporting, promoting, and participating a basketball game, active promotion in a "Stand in the Gap" march for uniting our community.

It would be my desire to continue active community involvement for the benefit of children. Reaching a child at an early age and being able to mentor and develop his or her life skills is crucial to a productive individual and benefit a productive society in the terms of crime, economics and social well being. I would continue assisting in any capacity possible which would benefit directly with the children of my county and the counties of the Eighth Judicial District.

As I currently serve as Youth Director at New Haven Baptist Church I would attempt to facilitate relationships with middle school and high school students. It is important to stay involved in

children's lives to assist them in their social development and their ability to adapt to conflict which arise in their lives.

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)*

As long as I can remember, the legal system has been part of my life. My great uncle was an attorney, my uncle was an attorney, my father is a former general sessions judge and is currently a practicing attorney. Through each of them I was challenged to see the entire picture concerning a legal matter before passing judgment. When a client presented his position I was instilled to be able to find the strengths of that position, as well as, open my eyes to see what the strengths of the opposing position may be. Studying both sides of an issue helped me understand which position was correct, understand the ruling from the Judge, and to counsel my client on how and why the ruling was correct.

I learned a lesson very early in the practice of law dealt with limiting personal involvement. I was retained in a dependant and neglect matter by the mother whose child was removed by a former step parent. The mother was of inability to pay, yet I continued representation through numerous hearings. I took many stands to protect her constitutional rights, just as many attorneys do, but upon each stand I would take each ruling more and more personal. Counseling from wiser attorneys, those previously mentioned, opened my eyes to the opposing side, removed my person interests from the matter, and helped me develop focus to utilize my client's strengths to achieve a positive result.

Lesson learned, and I know judges should have no personal involvement.

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)*

I will uphold the law even if I disagree with the substance of the law at issue.

It has to be hard to work in the Department of Children's Services and remove a child, but it is even harder when you file an emergency dependency and neglect petition for a grandparent against their own child for a grandchild, then know that upon the thirty day hearing that the parents cleaned up enough that it looks good on paper to return the child to them. Even when facts discontinue to support the position for dependency and neglect, sometimes it does not feel right to send a child back to the parents.

This has happened on more than one occasion. I have been on both sides of the issue as well. It is heartbreaking to know that the law does not support the removal any longer, when things in your gut just do not feel right. I have a job to do once hired. I cannot create facts or

misrepresent the conditions concerning the child. Sometimes, the law does not capture the grey area. The only solace I can find in the decision, is that I preformed my work to the best of my capabilities under the circumstances, and if in my mind it was not correct to return the child to my client I support the law and reason that I preformed as required by my oath.

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. Randall R. Boston, Attorney, 60 N Main Street, Crossville, TN 38555 [REDACTED]
B. Gary M. Brewster, P.O. Box 5237, Oneida, Tennessee 37841, [REDACTED]
C. Mike Slaven, [REDACTED] [REDACTED] [REDACTED]
D. Charles E. Sexton, Chief Manager, Human Outsource, LLC, 205 N Main Street, Oneida, Tennessee 37841 [REDACTED]
E. Philip A. Kazee, Attorney, P.O. Box 4187, Oneida, Tennessee 37841 [REDACTED]

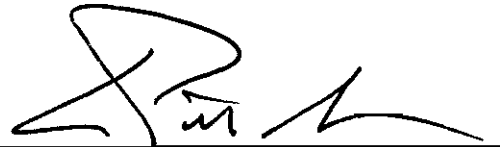
AFFIRMATION CONCERNING APPLICATION

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 Chancery Court for the Eighth Judicial District of Tennessee, and if appointed by the Governor, agree to serve that office. In the event any changes occur between the time this application is filed and the public hearing, I hereby agree to file an amended questionnaire with the Administrative Office of the Courts for distribution to the Commission members.

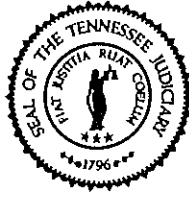
I understand that the information provided in this questionnaire shall be open to public inspection upon filing with the Administrative Office of the Courts and that the Commission may publicize the names of persons who apply for nomination and the names of those persons the Commission nominates to the Governor for the judicial vacancy in question.

Dated: DECEMBER 20, 2012.



Signature

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



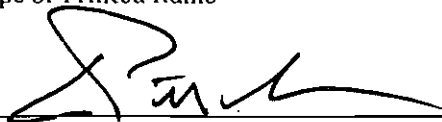
TENNESSEE JUDICIAL NOMINATING COMMISSION
511 UNION STREET, SUITE 600
NASHVILLE CITY CENTER
NASHVILLE, TN 37219

**TENNESSEE BOARD OF PROFESSIONAL RESPONSIBILITY
TENNESSEE BOARD OF JUDICIAL CONDUCT
AND OTHER LICENSING BOARDS**

WAIVER OF CONFIDENTIALITY

I hereby waive the privilege of confidentiality with respect to any information which concerns me, including public discipline, private discipline, deferred discipline agreements, diversions, dismissed complaints and any complaints erased by law, and is known to, recorded with, on file with the Board of Professional Responsibility of the Supreme Court of Tennessee, the Tennessee Board of Judicial Conduct (previously known as the Court of the Judiciary) and any other licensing board, whether within or outside the state of Tennessee, from which I have been issued a license that is currently active, inactive or other status. I hereby authorize a representative of the Tennessee Judicial Nominating Commission to request and receive any such information and distribute it to the membership of the Judicial Nominating Commission.

Charles Patrick Sexton
Type or Printed Name


Signature

DECEMBER 20, 2012
Date

21683
BPR #

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