

Tennessee Trial Court Vacancy Commission

Application for Nomination to Judicial Office

04/13/16

Name: Charles Scott Justice

Office Address: 277-B West Old Andrew Johnson Hwy., P.O. Box 343, Jefferson City,
(including county) Jefferson County, TN 37760

Office Phone: (865) 475-1900 Facsimile: 1-855-472-0119

INTRODUCTION

Tennessee Code Annotated section 17-4-301 et seq. charges the Trial Court Vacancy 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 www.tncourts.gov). The Commission requests that applicants obtain the word processing form and respond directly on the form. Respond in the box provided below each question. (The box will expand as you type in the document.) **Review the separate instruction sheet prior to completing this document. Submit by the noon deadline date an original (unbound) completed application (with ink signature) to the Administrative Office of the Courts.** In addition, submit a digital copy with electronic or scanned signature via email to debra.hayes@tncourts.gov, or via another digital storage device such as flash drive or CD.

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

PROFESSIONAL BACKGROUND AND WORK EXPERIENCE

1. State your present employment.

I am a solo practitioner.

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

2006, 025496

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 is the only state that I have ever been licensed in.

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).

Since graduating law school, I have been exclusively practicing law as a solo practitioner. Prior to law school, I worked in the real estate and timeshare industry. Between graduation from college until working in the real estate industry, I worked as a manager at two different businesses and was a school teacher.

6. 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.

Around fifty percent or more of my current law practice is in the area of family law, which includes divorces, post-divorce custody proceedings, juvenile court custody proceedings, adoptions, and termination of parental rights. Around twenty to twenty-five percent of my practice involves representing criminal defendants in General Sessions and Circuit Courts throughout East Tennessee. A very small percentage of my practice involves immigration law, specifically dealing with family immigration visas, adjustment of status, and naturalization. Around five to ten percent of my practice is in the area of Wills and Estates. The vast majority of the remaining area of my practice involves civil litigation, which would include section 1983 civil rights law suits, general tort lawsuits, and contract disputes.

For the first half of my career, a large majority of my work was involved in juvenile courts, including dependency and neglect, termination of parental rights, and unruly and delinquency. For about three to four years I handled many cases as a guardian ad litem.

7. 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.

For the first several years of my practice, I was involved in juvenile courts representing indigent parents and defendants in various counties throughout East Tennessee. In addition, I have practiced throughout my career in front of Circuit and Chancery Courts with about half of my practice being in the nature of family law. The vast majority of the cases that I have tried in the trial courts of Tennessee were bench trials. In Criminal Court, both the General Sessions and Circuit Courts in Tennessee, I have represented hundreds of criminal defendants both as a private attorney and early in my career as appointed counsel for indigent defendants. In those cases, I would negotiate plea agreements for the defendants, conduct motion hearings, and try cases both before a jury and bench trials.

At the State Court Appellate level, the vast majority of my experience has been appeals in family law cases, specifically termination of parental rights and adoptions. I have also participated in appeals before the Federal Sixth Circuit Court involving § 1983 civil rights actions.

8. Describe any matters of special note involving your practice in trial courts, appellate courts, and administrative bodies.

In the late spring of 2007 I was appointed to represent an indigent mother in a termination of parental rights case that had been appealed to the Tennessee Court of Appeals. She had been represented by several other attorneys at the trial level and in previous dependency suits filed by DCS. After reading the trial transcripts and writing a brief, I was able to get the State to agree to a new trial.

When the case returned to the Juvenile Court, I was successful at getting the case dismissed. In addition I was able to have the underlying dependency petition dismissed. The State appealed that decision to the Circuit Court where we had the decision upheld.

For a period of over five years the State continued to try and terminate the mother's parental rights and filed at least two other cases. In the end I was able to get the State to enter an agreement that preserved my client's rights and protected the child.

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

I have volunteered helping on death penalty cases for appointed counsel to help ensure that the defendants received a defense.

10. List and describe all prior occasions on which you have submitted an application for any state or federal judicial position.

N/A

EDUCATION

11. 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 School of Law (2004-2006), JD 2006

Widener University Law School (2003-2004) I completed my first year of law school at Widener and then transferred to Vanderbilt University to complete my law degree.

Carson Newman College- I took classes toward receiving a Master of Arts in Teaching; however, I did not complete the degree as I had taken full-time employment. I believe that I completed two semesters, which I believe was in 1996 and 1997.

Carson Newman College (1995) Bachelor of Arts in History and Political Science

During law school, I received numerous "book" awards for having the highest GPA in the individual section of that class.

PERSONAL INFORMATION

12. State your date of birth.

May 4, 1972

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

I have lived in Tennessee since 1987. Prior to that, I had lived in Tennessee from my birth until 1980.

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

I have lived in Jefferson County for six years.

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

Jefferson County

16. 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.

N/A

17. Have you ever pled guilty or been convicted or are now on diversion for violation of any law, regulation or ordinance other than minor traffic offenses? If so, state the approximate date, charge and disposition of the case.

No.

18. 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.

19. Please identify the number of formal complaints you have responded to that were filed against you with any supervisory authority, including but not limited to a court, a board of professional responsibility, or a board of judicial conduct, alleging any breach of ethics or unprofessional conduct by you. Please provide any relevant details on any such complaint if the complaint was not dismissed by the court or board receiving the complaint.

I have never received a formal complaint.

20. 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.

I had a state lien that I was informed about this year for approximately \$22.00. I paid it when contacted. It was apparently for an underpaid amount.
My business has had two or three tax liens over the years. The amounts were disputed but were satisfied in full.

21. Have you ever filed bankruptcy (including personally or as part of any partnership, LLC, corporation, or other business organization)?

No.

22. 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.

Ashley Burnette Justice v. Charles Scott Justice, Jefferson County Circuit Court Docket No. 24,015, filed in June 2014. This was a divorce from that involved property divisions and custody of our minor children.
Scott Justice and Carl R. Ogle, Jr. v. Linda Gass, Grainger County General Sessions Court Docket

No. 2013-CV-55. This was a dispute over unpaid legal fees. Judgment was granted in my favor.

Scott Justice and Carl R. Ogle, Jr. v. Daryl Bible, Jefferson County Chancery Court Docket No. 10-6-086. This was a dispute over unpaid legal fees. Judgment was granted in my favor.

Scott Justice and Carl R. Ogle, Jr. v. David Elkins and Kathryn (Katherine) Elkins, Jefferson County General Sessions Court Docket No. 39905. This was a dispute over unpaid legal fees. Judgment was granted in my favor.

Charles Scott Justice v. Echota Resorts, LLC, 2002 This was a dispute over unpaid wages and a Judgment was granted in my favor.

There may have been a few other lawsuits that I do not recall early in my career where I sued for unpaid legal fees.

23. 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.

Masonic Lodge

The National Eagle Scout Association

First Baptist Church

24. 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.

Boy Scouts of America-At the time that I was a member, it was limited to only male scouts.

Order of the Arrow-When I first joined the Order of the Arrow, it was only open to male scouts. That policy has now changed and females are members as well.

Masonic Lodge-It is a fraternal organization that is only open to male members.

ACHIEVEMENTS

25. 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.

Jefferson County Bar Association- I was on a committee in 2007 or 2008 that dealt with establishing a law library

American Bar Association- I was a member for a couple of years around 2007

TACDL- I do not remember the dates

26. 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.

N/A

27. 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.

In 2014, I was a candidate for Circuit Court Judge, Division II in the Fourth Judicial District of Tennessee.

ESSAYS/PERSONAL STATEMENTS

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

I believe that with my background in both criminal and civil law that I have the experience to be an effective judge for the people of district. I also wish to ensure that the people of our district continue to have a judge who will treat the people that come before the Court with respect and who will expedite the cases.

29. 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 position is the Circuit Court Judge, Division I for the Fourth Judicial District, which includes Jefferson, Sevier, Cocke, and Grainger Counties. There are currently four Circuit Court

Judge positions in our district. This position handles both civil and criminal cases.

30. 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. Many times I have been appointed to cases where I did not agree with objectives of clients that I represented. However, under the law they were entitled to certain outcomes. I have always advocated for those laws to be upheld, even though the outcome was probably not the right outcome. Even though I would not have accepted those cases in my private practice, I never attempted to avoid any of those appointments.

REFERENCES

31. 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. Frank Nicely

B. Randall Pierce

C. Shawn Wilmoth

D. Jeff Greene, Attorney

E. Richard Dinwiddie

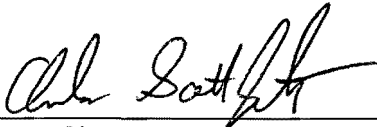
AFFIRMATION CONCERNING APPLICATION

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 _____ 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: July 31, 2017.



Signature

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



**TENNESSEE TRIAL COURT VACANCY COMMISSION
ADMINISTRATIVE OFFICE OF THE COURTS**

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 that 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 Trial Court Vacancy Commission to request and receive any such information and distribute it to the membership of the Commission and to the Office of the Governor.

Charles Scott Justice

Type or Print Name

Signature

7/31/17

Date

025496

BPR #

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

