

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

04/15/16

Name: James R. Hickman, Jr.

Office Address: 140 Court Avenue, Sevierville, Sevier County, Tennessee 37862
(including county) _____

Office Phone: 865-453-0944 Facsimile: 865-453-0945

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 self-employed, practicing as a professional corporation.

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

I was admitted to practice in 1999; my BPR number is 020125.

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.

I am licensed only in Tennessee, (and admitted in the Federal Court for the Eastern District of Tennessee) with my bar number as above. I have never been licensed in any state other than Tennessee, nor have I ever applied for admission in any state except Tennessee.

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).

I have never been denied admission, suspended or placed on inactive status by the Bar of any State.

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).

From November 1999, at my admission to practice, until January 2005, I was self-employed as a sole practitioner. From January of 2005 until March of 2014 I was a partner in firm that usually had between two and four lawyers, practicing as a PLLC. From March of 2014 I have returned to practice as a sole-practitioner; just myself and a paralegal. In one type of office or another I have been in practice continually in the fourth judicial district of Tennessee since my licensure. I have never worked in any other kind of occupation or business, except for teenage and college student part-time jobs during those parts of my life.

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.

I am a small-town lawyer in a general practice. While it isn't an exhaustive list, I practice in multiple legal areas: juvenile, civil, criminal, domestic, property, probate, speeding tickets to homicide. I try to avoid personal injury and do not practice in medical malpractice or bankruptcy law. Generally, I do what happens in a small town courthouse. I am in my 18th year of practice and though a lot of lawyers at that degree of experience no longer do "appointed work," I relied on appointed work as a young lawyer and have always said that I would continue to take appointed cases if the courts need my help in this way. By my degree of experience now, I am commonly appointed to higher felonies (child sex crimes, homicide cases) and defendants with difficult personalities. I recently handled a homicide case in Judge Hooper's court.

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.

The legal areas in which I have practiced are roughly by percentage of what happens in my small-town court house. Likewise, I have filed and pursued appeals at about that same percentage—the percentage of cases where appeals are sought. I have handled several administrative matters but that is a rare occurrence—usually regarding state licenses, driving licenses or otherwise. I handle transactional matters but that is not a large percentage of my practice.

My practice typically involves having an 8 am consult or chambers conference, having several matters in court at 9 am—Sessions criminal matters, Circuit criminal matters, DCS cases, child support matters, and custody cases being the most common, with perhaps Rule 31 mediation in the afternoon or several consults. I draft most of my own documents—this happens between other things or often at home in the evenings.

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

While I have been involved in a number of high profile cases—such as First Degree Murder cases—the cases I think of as being of special note are the Department of Children's Services cases where children are allegedly abused and/or neglected and where the rights of parents to their children is at risk. While these cases are not generally treated in the legal field as being high-profile, I think they really are the most important. I know every county and jurisdiction is different, but in Sevier County these matters are done in a closed courtroom, the result of which being that the general public has almost no knowledge of these matters.

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

Perhaps the biggest educational experience I have ever had was the summer after my first year in law school wherein I was a student in Professor Gabor's summer "international law" program in Europe. In my case this was a month of school (four days a week) in Budapest, Hungary, with three day weekends for travel, as well as taking two weeks after school for travel. This was a huge eye-opening experience as to law, international law, international politics, and world cultures. I have a great deal of respect for Professor Gabor—and wish I had told him so before he passed away several years ago—but probably learned more outside of his class than in. I am sure he knew that the travel and cultural immersion was the real education more than the academic experience.

East Tennessee Radio Group: since the summer of 2011 I have been part of a call-in radio show on Saturday mornings. For most of the time the show has been on the air it has been two hours in length. While there is some limited discussion of politics and current events, the show is primarily for the purpose of giving limited free legal advice. This is some part advertising and some part public service, but is fun to do at its basic level.

Walter State Community College: I have for about the last six years taught a class in their paralegal program, in the business division, in "Criminal Practice and Procedure." While I enjoy teaching generally, and I love teaching law, I also find it very interesting to be part of those students' introduction to the legal system.

Lincoln Memorial University – Duncan School of Law: I taught "Remedies in Law and Equity" for DSOL for a semester as an adjunct several years ago. That year was their largest in terms of student body population and thus the need for additional adjuncts just that one year. I would love to teach for DSOL again if offered the opportunity.

Several years ago I took the training to be listed as a Rule 31 domestic mediator. I enjoy these cases—especially when a settlement is reached—both because of the utility to the court system and as a counterpoint to some other of my responsibilities in practice.

Subject to attending the appropriate seminars on a regular basis, I am qualified for capital defense as the "second chair" counsel. Although we have more homicide matters in this district than we used to, thankfully there are not many capital defense matters. There are not many lawyers in this district that are "death qualified," but I try to maintain this qualification so as to be available when needed.

I occasionally get asked to speak to one civic group or another on some topic or another and am always glad to do so—I will be speaking to the Sevierville Tuesday Breakfast Rotary Club on August 4, 2017, for example.

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

This is the first time I have submitted an application for any judicial position in any jurisdiction.

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.

I attended the University of Tennessee, at Knoxville, from the fall of 1992 until Christmas of 1995; I was awarded a Bachelor of Science in Political Science.

Gamma Beta Phi Honor Society, May 1993

I attended the University of Memphis, Cecil C. Humphreys School of Law from the fall of 1996 through the end of spring semester 1999; I was awarded a Doctorate of Jurisprudence.

Advanced Moot Court: Competition participant.

Freshman Moot Court: competed through four rounds.

International Law Society: Member, Participant in 1997 summer Program in Budapest, Hungary.

Mock Trial Competition: Participated at every opportunity.

Phi Alpha Delta Law Fraternity International: Member since 1996, Board of Officers 1997-1998. Attended International Convention Phoenix, AZ August 1998.

PERSONAL INFORMATION

12. State your date of birth.

I was born January 5, 1974.

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

I have been domiciled in the State of Tennessee from birth through the present date. I have never resided outside of this State except for trips as a tourist and a summer semester in Europe in law school.

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

I have lived in Sevier County continuously since January of 2008, approximately nine and one-half years. I have always practiced in Sevier County, but lived in Knox County for the first five years I was in practice.

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

I am registered to vote in Sevier 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.

Not applicable; I have never served in the military.

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.

Not applicable.

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.

Not applicable.

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.

The only complaints I have ever had were through the Tennessee BPR, and while I am not certain if a CAP referral is considered a formal complaint in the context of the question, I will describe those as well to be thorough. I have never had a complaint sustained against me. Over the last 18 years of practice, those complaints would be:

1. Bill Thurlby—Consumer Assistance Program—my response sent 9-3-02. I represented him on a Post-Conviction Relief matter and he was dissatisfied with my efforts. His complaints were resolved by a response to the CAP division.
2. Blake Moody—Disciplinary Board—my response was sent 11-10-04—the complaint was dismissed. Their greatest complaint against me is that the Court issued an interim order with which they do not agree—in other words, they blamed me for an adverse court decision on an interim order. I was discharged before a final hearing could occur.

3. Alice McCarter—Consumer Assistance Program—my first response was sent to the complainant on 11-29-04—the complaint was dismissed. This was a Juvenile Court matter which involved multiple parties with several complaints and cross-complaints. She did not seem to understand that the omnibus agreed resolution that including all parties included her as well.
4. James Daniels—Disciplinary Board—my response was sent 11-16-05—complaint dismissed. I was appointed to represent him. He did not feel that I had come to see him fast enough. By the time I received the complaint I had already been to visit him.
5. Jerry Richards—Disciplinary Board—my response was sent 8-30-07—complaint dismissed. His complaint was made a long time after the representation ended but just after I took steps to collect my remaining fees for services.
6. Karen Karup—Consumer Assistance Program—my response was sent 4-4-08—I did not hear back further. Her complaint about my conduct in the matter was made approximately sixteen months after the last substantive order was entered, but exactly two months after I took action to collect the remainder of my court-ordered fee for my time as Guardian ad Litem for her child.
7. David Nelson—Consumer Assistance Program—I responded 11-18-08 although no response was requested of me and CAP referred the client to the fee dispute committee. He failed to respond from that date and took no action with the fee dispute committee.
8. David Way—CAP—I responded on March 30, 2009. He was incarcerated and didn't think I came to visit often enough and didn't think the case was being resolved fast enough.
9. The estate of Freda C Rector, Knox County Probate Court, a complaint was made by one of the heirs—I responded 3-19-12 and 4-2-12. (dismissed Sept. 2012) He complained that I threatened the heirs that had taken distributions from the estate that they might have to contribute back to satisfy tax obligations.
10. Bobby Dockery – CAP referral. He was incarcerated and complained that I only wrote him one letter for every 20 he sent me. I kid you not.
11. Sam Veals – CAP referral. He was incarcerated and complained that I was not resolving his charges and getting him out of jail fast enough.

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.

Approximately 3.5 years ago I left an office that had tax issues; I am still making payments on obligations from that time but have had no liens filed against me since that time. I am glad to

provide more details but would rather not do so on the public record, this out of respect for my late former partner.

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

Not applicable.

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.

The only two answers that apply per the question are as follows:

1. I was sued for malpractice by a client in prison for whom I was appointed in a post-conviction matter. At this point I don't recall his name and I believe that this might be 15 years ago now. He didn't think I was getting him out of prison fast enough. Obviously that suit was summarily dismissed.
2. I was sued for malpractice by a client who had retained me in a child support matter and then did not show up for the child support hearing—he had bought tickets to fly to Las Vegas for a long weekend and decided to do that instead. This was more than 10 years ago. I was in court for the hearing and although he was found to have an arrearage, I convinced the judge not to issue a warrant for his arrest for failing to appear. Obviously the suit against me was dismissed.

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.

Boy Scouts of America—I was awarded the Eagle Scout award as a teenager and have been continually registered as an adult leader—Troop 25 in Fountain City in Knoxville—since I turned 18.

My family attends First United Methodist Church in Sevierville.

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.

Not applicable.

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.

I have been a member of the Sevier County Bar Association and the Tennessee Bar Association since I was admitted to practice in Tennessee in the fall of 1999. I have never been an officer or committee member for either.

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.

I have not been asked to accept any awards, except of the commercial sort, nor have I sought any recognition.

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.

I have never held a public office, nor have I ever applied for or ran for public office.

ESSAYS/PERSONAL STATEMENTS

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

My maternal grandfather was a lawyer in Knoxville for almost 50 years and retired when I was in grade school. While he never encouraged me to pursue a career in law, he certainly was supportive and did not discourage me. He had vision damage later in his life and I remember reading the Tennessee Bar Journal to him when I was probably eight or nine years old. In part

from his influence I have always felt the law as a calling. I get to help people and that is a bonus, but my love is for the law itself. Helping people is good, getting to untangle legal puzzles is good, doing legal problem-solving is good, pursuing the legal knowledge, experience, and experiences is good, but the real reason I am here is that I am called to be here. Applying for an opportunity to serve as a member of the judiciary seems a logical next thing to do. I would have the opportunity to be involved in more cases and maybe more involved in helping the profession and the law itself as the entire process moves forward.

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 impending vacancy for which I am applying is Circuit Court Judge in the Fourth District—Sevier, Jefferson, Cocke, & Grainger. We have four Circuit Judges in four counties. They each do a share of civil in each county and they each do criminal but divided differently. Judge Hooper does the greatest majority of criminal in Cocke County. My practice has been mostly in Sevier County and I reside in Sevier County, but I am certainly willing and able to shift my focus to Newport if called to do so.

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)*

I would uphold the law as it presently exists even if I disagreed with that element in the law. When I was a young lawyer I heard a judge tell a party that he was ruling against them as to some element in their case—I don't remember what that detail was—and that he disagreed with the law, he hoped that they took an appeal, and that he hoped that the higher court changed the law and that he was overturned. This captures my view precisely on the right was to handle the law as a judge; I must follow it, even though I may hope that it changes.

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. Ben W. Hooper

B. Rita Ellison

C. Patti Swearingen
D. Gary R. Wade
E. David Zavona

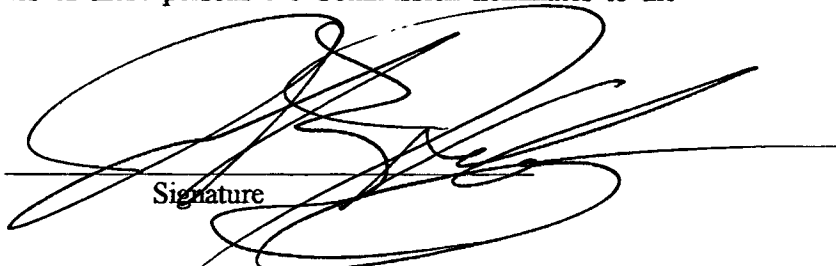
AFFIRMATION CONCERNING APPLICATION

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 in and for the Fourth 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: July 21, 2017.



 Signature

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



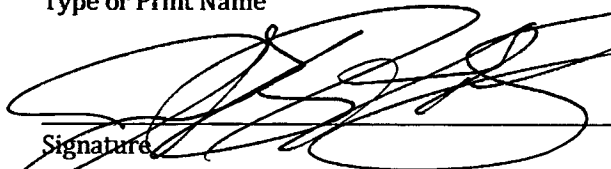
TENNESSEE TRIAL COURT VACANCY COMMISSION
ADMINISTRATIVE OFFICE OF THE COURTS
511 UNION STREET, SUITE 600
NASHVILLE CITY CENTER
NASHVILLE, TN 37219

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.

James R. Hickman, Jr.
Type or Print Name


Signature

7-21-17
Date

020125
BPR #

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

Not applicable.
