

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

04/15/16

Name: Keith E. Haas

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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.

Assistant Public Defender for the Fourth Judicial District for the last 14 years, handling Cocke county felony court and part of criminal sessions and juvenile court.

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

1998 BPR # 19207

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.

Indiana BPR# 16729-82, license issued Oct 26, 1992. Currently on good standing, inactive list due to no longer residing in Indiana. Moved to TN at the end of 1997 and transferred my license to TN at that time via reciprocity. Transfer was approved on April 29, 1998 and was sworn in to practice in TN, BPR # 19207 - active good standing.

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 nor been suspended, but my Indiana license is currently on inactive status, in good standing. This is because I don't have an office in the state of Indiana.

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).

1. Law Clerk and Court Commissioner for Vanderburgh County Circuit Court, Evansville,

IN for Hon. Richard L. Young (now the Southern District of IN federal judge) 1992-93.
(1 year appointment after graduation and taking of bar exam)

2. Solo practice of law (general practice) at 1421 North Main Street, Evansville, IN 47711 from 1993-97. Shared space with my father, Stephen C. Haas, Esq.
3. April 1998-Oct 1998: Solo general practice in Sevier Co., TN
4. 1998-2001: Joined Jerry K. Galyon as an associate, handling a general practice of law. 119 Court Ave., Sevierville, TN 37862
5. 2001-2003: Solo practice of law at 202 Park Rd, Fountain Park Business Center, Sevierville, TN 37862
6. 2003-present: Assistant Public Defender, 219 E. Broadway, Newport, TN 38721
7. East TN PTO: For the last several years, I have run local tournaments for the Pokemon Co International as a premier tournament organizer on a few weekends a year. My sons have played the trading card game competitively for a number of years and this was a way to keep the program going in East TN.

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.

Criminal defense 100%

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.

I have been a litigator for the entirety of my legal experience outside of my first year, where I served as law clerk and court commissioner. As law clerk and court commissioner, I researched for the Circuit Court Judge and Magistrate, sat in on hearings, presided over some preliminary matters and arraignments and child support enforcement actions. In private practice, in Indiana and in Tennessee, my practice was a general practice of law with a primary focus on criminal defense, personal injury and civil/family law. I have tried all manners of lawsuits, including bench trials and jury trials (about 80 jury trials to verdict); written briefs, argued and won appeals in Indiana and Tennessee in Court of Appeals, Court of Criminal Appeals and Tennessee Supreme Court. I have tried one criminal case in the Federal Courts of East TN (Knoxville). During my time as the assistant public defender in the Fourth Judicial District, the Drug Recovery Court was started in Jefferson and Cocke Counties. I sit on both staffs, am on the Board of Directors, and occasionally fill in for Judge Hooper and Judge Slone when they are

unavailable to handle the court portions of the recovery court.

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

I have participated in a number of jury trials over the years, winning my fair share along the way. On the cases that ended in convictions, I have appealed many cases to the Court of Criminal Appeals and the Supreme Court of Tennessee. Although it is harder in my opinion to garner a reversal at those levels, I have had some success over the years on appeals, resulting in new law or having current law explained better or altered to assist others down the road. One of the more recent cases was the Josh Parker opinion from a few years ago where the issue of lesser included offenses was decided and discussed on what the trial court needs to assess before giving certain lesser-included offense instructions.

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

As the law clerk and court commissioner for Judge Young in Indiana, I did his legal research on civil and criminal cases, wrote memos, and provided caselaw analysis to him. I also sat in on hearings and conducted some preliminary hearings from the bench for him when he was unavailable. This included arraignments and child support enforcement. I was also responsible for setting up and following through on plea bargain meetings between the attorneys and the prosecutors prior to plea days.

Going forward to my current position, I am on the drug recovery court staff and board of directors. Having done this for the past six years or so has provided me insight on the drug addiction problem in this country. Working hand in hand with Judge Slone and Judge Hooper has allowed me to have a better understanding of their responsibilities on the bench in helping the participants through their journey to sobriety. In doing so, both judges have asked me to fill in for them on the bench and staffing when they are unavailable for whatever reason. I have been fortunate to sit in for both a number of times, and it is always a humbling experience to take their spot on the bench. It is just a great way to give back to the community, to see the progress of each of our participants, and to encourage them onward and upward on their path to sobriety. Also, in the same vein, there are times when a participant stumbles and we need to give a sanction. I have had to give sanctions to some of our participants. It is always important to explain what the sanction is from the bench, why it is being given, and then to continue to lift them up so that they can continue on the correct path.

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

Not applicable

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.

1. Indiana University, Bloomington, IN, BA in Math, minor in Political Science. Dates attended: August 1985 to August 1989.
2. Cecil C. Humphries School of Law, Memphis State University (now University of Memphis), Memphis, TN. Dates attended: August 1989 to May 1992. JD awarded May 9, 1992.

PERSONAL INFORMATION

12. State your date of birth.

April 10, 1967

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

January 1998 to present

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

January 1998 to present (Sevier County)

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

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

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.

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 had a few complaints to the Board over the years but all have been dismissed without any findings. I don't recall the number, but as an assistant public defender for the last 14 years, one is bound to have a client or two that is not happy with their situation in life and who end up filing a complaint with the Board. Of course, every one of those complaints were answered timely and were dismissed.

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.

Not applicable

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.

Chancery Court Sevier Co., Docket # 13-9-280 (Divorce 2013, finalized on July 25, 2014); Knox General Sessions Docket # @556042, filed Aug 31, 2001, Dismissed on May 29, 2002 after a preliminary hearing (Possession Controlled Substance).

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.

Board of Directors for the 4th Judicial District Drug Recovery Court (2013); Fraternal Order of the Eagles, Aerie 2698 (June 21, 2016); support Curefinders (CF group in Sevier Co., since 2005 or 2006); 1st United Methodist Church in Sevierville is the church I attend most often.

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.

NADCP (since 2010). TACDL & NACDL (don't recall when I joined, but it has been some time back), Cocke Co. Bar Association (since 2003), Sevier Co Bar Association (1998), TBA (dates

unsure)

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.

Not applicable

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.

Not applicable

ESSAYS/PERSONAL STATEMENTS

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

I have been an assistant public defender for fourteen years now serving the indigent citizens of Cocke county and I would like to continue to serve all the citizens of the 4th District as their newest Circuit Court Judge. With twenty-five years of experience as a litigator handling criminal and civil cases, I can step right in and keep the Court moving forward without a hiccup. It would be an honor and a privilege to serve the great citizens of the State of Tennessee and the Fourth Judicial District. I believe I have a lot to offer to the bench and to the District as the newest Circuit Court Judge. Judge Hooper has been a great judge for our area and I would like to add to the legacy of this position.

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 4th District serves Sevier, Jefferson, Cocke, and Grainer counties. Judge Hooper's seat handles all the felony cases in Cocke county and then rides the four county circuit for civil cases. There are four Circuit Judges currently, although we are short-handed with Judge Vance's illness. I have handled the public defender caseload in Cocke county for fourteen years. I am very familiar with how the criminal docket runs in Cocke County and can step right in with all my criminal law experience, including over 70 criminal jury trials to verdict under my belt. I also had a general practice of law before joining the Public Defender's office in 2003, wherein I handled family/divorce cases, and other civil cases including contract disputes, personal injury, and adoptions. I am familiar with both criminal and civil cases so I can assist the other Judges in taking on the caseload and going forward from day one. Twenty-five years of experience as a litigator is a great benefit that I can bring to this position.

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. One statute that I have an issue with, but would follow the law on, is the loss of driver's license for non-payment of child support. If you take away the driver's license of a parent, you lessen their ability to work. If the whole purpose of the enforcement of child support is to get the custodial parent money to assist in raising the child(ren), aren't we better served in making sure the non-custodial parent has as many means as possible to be employed? Transportation, especially in a rural area like much of the 4th District, requires one to have a car to get to work, school, etc. I know there are programs and ways to assist someone in getting a driver's license or returning them to those affected persons, but it seems strange to take away their primary mode of transportation as a way to "spur" them into action. Use the other tools at our disposal to "encourage" them to work and pay their child support i.e the use of our contempt power to put them in jail briefly, to get their attention and use garnishments, when available.

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. Hon. Ben W. Hooper II.
B. Hon. O. Duane Slone
C. Lonnie Deator
D. Brian Papworth
E. Ed Miller, Esq.

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] Fourth Judicial District 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 25, 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.

Keith E. Haas

Type or Print Name



Signature

July 25, 2017

Date

19207

BPR #

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

Indiana State Bar # 16729-82

Tennessee #19207