

**Tennessee Trial Court Vacancy Commission**  
***Application for Nomination to Judicial Office***

04/15/16

Name: Ricky A.W. Curtis

Office Address: 3229 Highway 126, Blountville, Sullivan County, TN 37617  
(including county)

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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](http://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 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](mailto: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.

Since 2006, I have operated my own office as a sole practitioner. Teresa Murray Smith, a retired Assistant District Attorney, in Sullivan County, TN maintains a presence in my office, *of counsel*.

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

I was licensed by the Great State of Tennessee in 1999. My B.P.R. # is 019761.

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 to practice only in Tennessee state courts, and my license is active. I am additionally licensed to practice in the United States District Court for the Eastern District of Tennessee and the United States Supreme Court, and my license is active in these Federal Courts.

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).

During law school at the University of Tennessee, I had the privilege of working as a law clerk for Toppenberg & Burke, P.C., one of the premier domestic relation firms in Knoxville. While clerking, I was offered the opportunity to join the firm as an associate, and did so upon graduation and passage of the bar. From 1999 until 2003, I served as an associate with Toppenberg and Burke, P.C., and am grateful for the experience I gained there. To this day, I make a point to visit Mr. Toppenberg's office on each occasion I travel to Knoxville. Ms. Burke now serves as a Social Security Judge, having obtained a Federal appointment.

In 2003, I became engaged. Both my fiancé and I were from the Tri-Cities, and she was both

graduating from the Masters in Accounting program at the University of Tennessee and accepting employment at Eastman Chemical Company in Kingsport, TN. Further, our parents and family resided in the Tri-Cities, such that we made the decision to return to Sullivan County from Knoxville. Because I had previously clerked for the Sullivan County District Attorney's office, I was offered a position as an Assistant District Attorney by H. Greeley Wells, Jr., then the District Attorney for Sullivan County, TN. I served as an Assistant District Attorney for Sullivan County from 2003 until 2006.

Gen. Wells had a long-standing office policy that any Assistant District Attorney seeking elective office must resign. Accordingly, upon my decision to seek election to Circuit Court Judge, Part 2, the position for which I am presently applying, I resigned from the District Attorney's office. Gen. Wells accepted my resignation by letter, commending me for the service I provided Sullivan County.

While I won the Republican nomination, the incumbent Judge, R. Jerry Beck, was re-elected in the general election. I opened my solo practice shortly thereafter, and continue to maintain the same.

As it relates to other businesses in which I have ever been employed, I mowed yards for ONA Properties during my high school years (1984-1989). ONA Properties was a rental property partnership in Sullivan County. Then, while attending E.T.S.U., I worked at Sears Telecatalog in Boones Creek, TN, a division of the Sears company (1989-1994). I was hired as an Associate answering catalog order calls. I was then promoted to "Specialist," wherein I resolved customer service issues. In 1992, I was promoted to "Supervisor," where my duties consisted primarily of managing a team of Associates and Specialists. Sears closed the Telecatalog division in 1994, shortly before my enrollment at the U.T. College of Law. As an aside, it is interesting to note that among my former colleagues from Sears Telecatalog include present Washington County Chancellor, John Rambo, and Mark Fulks, a former Tennessee Assistant Attorney General, now with Baker-Worthington. Sears must have had an eye for potential legal.

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.

Prior to opening my solo practice, I worked at a domestic relations firm, and then the District Attorney's office. Family and Criminal law continue to dominate my present practice. I estimate that forty (40%) of my practice involves domestic relations. Similarly, I estimate forty percent (40%) of my practice involves criminal defense. Just as these two areas constitute the vast majority of my practice, they also constitute the majority of Circuit Court, Part 2's, workload.

I also practice probate litigation, and estimate that probate practice constitutes ten percent (10%) of my practice.

The remaining ten percent of my practice involves general civil litigation, the remaining practice area over which Circuit Court, Part 2, exercises jurisdiction.

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.

During my entire career, I have steadily focused on domestic relations law and criminal law. I focus my practice on these two areas because they are each litigation extensive, and I have always enjoyed the opportunity to be a true trial attorney.

At Toppenberg and Burke, P.C., in Knoxville, I tried dozens of non-jury cases before the Knox County Fourth Circuit Court and the Knox County Chancery Courts. I appeared primarily before Judge Bill Swann and Chancellor John Weaver, but practiced in the entirety of East Tennessee. I continue to practice before many of these Courts. While in Knoxville, I was also primarily responsible for the firm's Appellate practice and had the opportunity to personally appear before the Court of Appeals on numerous occasions. I successfully argued appeals on various topics concerning family law, including the jurisdiction of Juvenile Courts as it relates to the Grandparent's Visitation statute (an issue of first impression at the time); the procedural irregularities associated with temporary custody hearings (a successful interlocutory appeal); the presumption of paternity for non-biological parents; and the definition of "reasonable purpose" and "approximately equal time" as it relates to Tennessee's Parental Relocation Act. One of my appellate cases during this time period (1999-2003) resulted in a published opinion dealing with the transmutation of marital property and equitable distribution of transmuted property in a short term marriage.

When I returned to Sullivan County and joined the District Attorney's office, I immediately began prosecuting cases in the Sullivan County Criminal Court, appearing before Judge Phyllis Miller and Judge Beck. During this time period (2003-2006), I prosecuted the majority of the County's D.U.I. cases, and handled the most active docket in Sullivan County's Criminal Court, including the County's serious vehicular offenses and several vehicular homicide cases.

According to statistics maintained by the Governor's Highway Safety Office, I prosecuted, as the lead prosecutor, more than 500 cases. I also had the opportunity to work closely with my immediate supervisor, now Court of Criminal Appeals Judge, Robert Montgomery, from whom I

learned a considerable amount concerning trial preparation and evidentiary issues. Because Judge Montgomery resigned for elective office shortly before I did, Gen. Wells initially promoted me within the District Attorney's office to handle Judge Montgomery's former case load and to lead Sullivan County's FIRST team, the team which investigates all traffic fatalities. I was also under the supervision of Barry P. Staubus, now the District Attorney for Sullivan County, Tennessee.

Upon leaving the District Attorney's office, my private practice continued to be litigation extensive. Judge Montgomery had been elected to succeed Judge Phyllis Miller, and he shortly appointed me to several serious felony cases. In 2008, I handled more appointed felony work in Judge Montgomery's court than any other attorney. I have been the attorney of record in three (3) murder cases as defense counsel. I have also defended other Class A felonies, recently representing a Defendant charged with Rape of a Child before Judge Beck in 2016. After jury trial, my client was completely acquitted.

I continue to maintain a steady family law practice, trying divorces, contested adoptions, and other matters, primarily in Chancery Court and in Circuit Court, Part 2. I also accept appointed child support contempt cases before Sullivan County's Child Support Magistrate, and regularly appear before Ref. Onkotz to assist the Court in that regard. (Because my office is in Blountville, it saves A.O.C. funding to appoint an attorney who does not have to travel from Kingsport or Bristol to appear before the Court on these cases.)

In short, I am routinely present before Judge Goodwin or Judge Beck on criminal matters on almost every Miscellaneous or Motion day, and appear before one of the three civil judges on a consistent basis on civil dates. I also appear before the General Sessions Courts in Sullivan County, and before the trial and sessions courts in all of our nearby counties.

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

During my entire tenure as an attorney, I have been fortunate to have been practiced litigation cases before the Courts of record. As indicated, at Toppenberg and Burke, P.C., I handled both trial level and appellate work, even though I was a newly licensed attorney. Thus, within five years of graduation from law school, I had participated in a published appellate opinion; successfully argued numerous cases before the Court of Appeals; and had participated in a million dollar jury verdict for one of my probate clients in a Will contest.

Upon opening my private practice in Sullivan County, it became evident that many of my former clients in Knoxville wished to continue to utilize my services. I additionally expanded my Northeast Tennessee practice well beyond Sullivan County. I have now practiced in over thirty (30) Counties across Middle and East Tennessee, and in the last twelve (12) months alone, I have appeared in over a dozen counties, stretching from Nashville to Mountain City. I greatly value this diversity of practice, as it has allowed me the opportunity, literally, to appear personally before more than one hundred (100) separate Judges. This unique perspective allows me the opportunity to observe, and learn. By practicing before so many Judges, I see what works, and what needs work.

By way of example, when I was hired as an Assistant District Attorney, the specific purpose of assigning me to D.U.I. and traffic cases was to reduce the amount of time that these cases remained "open," clogging up the Criminal Court docket. Prior to my hiring, these cases often remained open for a year or longer.

As Sullivan County's D.U.I. Prosecutor, I drastically reduced that amount of time. According to statistics maintained by the Governor's Highway Safety Office, after one year, these cases were concluded two months faster than they were prior to me joining the office. By the time I left the District Attorney's office, the average had dropped almost in half. Additionally, conviction rates for D.U.I. increased, largely due to the extensive training that I, and others in the District Attorney's office, provided local law enforcement. I was Sullivan County's first D.U.I. prosecutor, and the office continues to maintain that position. I believe the effort and results I generated, with the support and guidance of Judge Montgomery, Gen. Staubus, and others, laid the groundwork for the continuation of this successful program.

While I was with the District Attorney's office, I tried more jury trials than any other lawyer in Sullivan County, either civil or criminal. I additionally led the District Attorney's office each year in the number of jury trials conducted (2003-2006). Sullivan County Criminal Court statistics available as of May, 2014 demonstrate that from 2004 through 2014, I tried more criminal court jury trials than any other practicing private attorney.

Because of my experience in trying serious felony offenses, including 1<sup>st</sup> degree murder, I obtained my Rule 13 death penalty certification. Upon information and belief, I am presently the only Death Penalty certified private attorney in Sullivan County. I am also the only Sullivan County attorney who has both prosecuted and defended homicide cases.

Finally, due to my trial experience, I have been trusted by various Courts to serve in a judicial capacity. I was appointed Special Master by Judge Bill Swann to preside over Order of Protection trials in Knox County Fourth Circuit Court. Likewise, I have been appointed to serve as a substitute Judge in each of Sullivan County's four General Sessions Courts.

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

Because of my experience in domestic relations law and criminal law, I have often been asked to present for various legal organizations. I have taught family law CLE seminars for the National Business Institute and the Legal Aid Society of East Tennessee in Knoxville. In Sullivan County, I have taught classes for the Governor's Highway Safety Office, the Bristol, TN Police Dept., and the Sullivan County Sheriff's office. I have also presented on behalf of the TN District Attorney's General Office at numerous training events throughout the State.

I consistently fulfill my professional obligation to expand access to Justice. I participate in Sullivan County's *pro se* day, wherein private attorneys assist the local courts administer *pro se* divorces, Orders of Protection, and the like. I have also volunteered to accept *pro bono* work through Legal Aid Society of East Tennessee, and perform considerable Criminal and Appellate work on a *pro bono* basis.

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

In 2003, I applied for a position with the District Attorney's office for the Second Judicial District in Sullivan County, Tennessee. District Attorney General H. Greeley Wells, Jr., accepted my application and hired me as an Assistant District Attorney. I have applied for no other State or Federal position.

### 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 college at East Tennessee State University, commencing in the Fall of 1989, graduating in 1996. I received a B.S. in Political Science, with a minor in History. While in college, I was a member of the Sigma Chi fraternity, serving as historian, secretary, and President, and received the Balfour Award for Outstanding Senior for the East Tennessee Province, consisting of E.T.S.U., Tennessee Tech., U.T.C., and U.T.K. I was a member of numerous greek letter scholastic honor societies.

I was additionally active in student government, serving as a campus host for new students and as an academic advisor.

I was a Dean's List recipient, and taught several seminars through the sponsorship of the Student Government Association relating to student life and scholastic balance.

Thereafter, I enrolled at the University of Tennessee College of Law, graduating in 1998. While at U.T., I was selected to serve on the Moot Court Board. I was awarded an individual award for oral argument performance in U.T.'s annual Advocate's Prize Appellate Practice competition. I was invited to the U.T. College of Law Honors Banquet based upon my academic performance.

**PERSONAL INFORMATION**

12. State your date of birth.

August 24, 1971 (8/24/71)

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

Forever and ever, Amen.

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

I have lived continuously in Sullivan County since 2003. Prior to then, I lived in Sullivan County from 1973 until 1998, attending Bristol, TN city schools and eventually moving to the Piney Flats, TN area. I returned to Sullivan County from Knoxville in 2003 and have lived here thereafter.

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

Sullivan County, TN.

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.

In November of 1994, I pled guilty to reckless driving in Bristol, TN. I was subsequently hired by the same District Attorney's office that prosecuted this offense, after full disclosure of the same.



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.

As an attorney who handles emotionally charged family law and criminal law matters, I have had complaints filed against me with the Board of Professional Responsibility (or the C.A.P.), both from former clients and opposing parties, all of which have been dismissed. In the ~ five (5) years I practiced in Knoxville, I had one B.P.R. complaint filed against me by a client who I refused to accept money from to file an unnecessary lawsuit on her behalf.

In Sullivan County, I had two criminal clients (both charged with murder) file B.P.R. Complaints. Often, incarcerated clients are advised by "jailhouse lawyers" to file complaints in order to justify a post-conviction appeal. I have had two civil clients file formal Complaints, each of which has been dismissed. (One of these clients filed three complaints related to three different lawyers in a single divorce ).

I have had two cases dismissed by the C.A.P. prior to reaching the formal complaint stage, one from an opposing party who wished to harass me to the point that I would refuse to represent his former spouse. (I continue to represent his former spouse, and advised the C.A.P. that I believe this complaint to be a "badge of honor.")

In a recent case before the Court of Criminal Appeals, I advised the Court of Criminal Appeals that a client who had instructed me to file an appeal on his behalf had ceased to communicate with me, or fulfill his financial obligation. Nonetheless, I did not file a Motion to Withdraw with the Court of Criminal Appeals, because the filing of the Motion would result in a revocation of my client's bond and his immediate incarceration. I did not feel, as my client's attorney, that I should participate in any action which would subject him to jeopardy or incarceration. Because I did not file a brief within the time prescribed by the Court of Criminal Appeals, though, the matter was referred to the Board, and I provided the Board with all relevant information and have fully cooperated with the Board's investigation. I believe with the waiver attached hereto, the Commission can review the information provided to the Board and the Court of Criminal Appeals, and readily discern that despite the fact that my client has failed and refused to communicate with me or fulfill his obligation that I have fulfilled my obligation by continuing my representation of him before the Court of Criminal Appeals.

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.

Until opening my private practice, I had no experience in the operation of an ongoing business. Until that point in time, I had always been employed as a W-2 wage earner. Thus, during the operation of my private practice, like many small business owners, there have been occasions when a tax lien has been instituted. On these occasions, I have openly communicated with the appropriate authorities to determine wherein the problem lied, and the best manner in which to rectify the same. No present state tax lien exists.

As it relates to Federal taxes, a tax lien was instituted in 2014 owing to issues surrounding the 2014 divorce. I have worked closely with IRS Revenue Agent Shane Murray( Johnson City office) and we recently entered into a settlement agreement concerning the same. As of the 1<sup>st</sup> quarter of 2017, all Federal reports and returns were current, with the lien to be lifted upon satisfaction of the settlement agreement.

No other collection proceedings have been implemented.

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.

I was amicably divorced in 2014, in the matter of *Curtis v. Curtis*, Sullivan County Chancery Court, docket number C0017877. The divorce was based upon the grounds of irreconcilable differences, and my former spouse and I entered into an agreed Permanent Parent Plan and a Marital Dissolution Agreement. We have had no post-divorce litigation. For additional information, I was represented by Teresa Murray Smith and my former spouse was represented by Lisa Nidiffer Rice, presently serving as Criminal Court Judge for Washington County, TN. Despite the personal nature of this litigation, I would have no objection to members of this Committee contacting either my former spouse (now, Michelle Thomas Neshat) (423) 943-5266) or Judge Rice to verify the circumstances of this divorce.

In 2013, a former client and I engaged in a lawsuit centering around a fee dispute. The Complaint and Counter-Complaint were both voluntarily dismissed. *Curtis v. Johnston*, Sullivan County Circuit Court, No.: C 3607.

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.

Bristol, TN 911 Emergency Communications District Board (Legal Officer, 2007-2015)

Rocky Mount Historical Association (Board of Directors, 2012)

Sullivan County Republican Party Executive Committee (Member at Large, District Vice-Chair (2007-2013)

Bristol, Tennessee Republican Women (Associate Member)  
Greater Kingsport Republican Women (Associate Member)  
Blountville, TN Ruritan  
Bristol, TN High School Athletic Booster Club  
E.T.S.U. Alumni Association  
Zeta Omega Sigma Chi Housing Corporation

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.

As an undergraduate, I was a member of the Sigma Chi Fraternity, an all male, undergraduate, college Fraternity. This Fraternity, and other Greek letter, college Fraternities have been specifically recognized by Federal legislation as being exempt from certain non-discrimination statutes. As active membership is limited to active undergraduate students enrolled in a recognized college institution, I am--by definition-- no longer an active member.

### 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.

**Bristol, TN Bar Association**, Member, 2003 through present. **President**, 2012.

Local Rules Committee on Temporary Parenting Plan (Committee formed on my Motion)

**Sullivan County Criminal Court Local Rules Committee**, 2008 through present. (Asked by Criminal Court Judge Robert H. Montgomery to serve, re-appointed to committee by Judge James F. Goodwin.)

**Knoxville Bar Association**, Member, 1998 through 2014.

Section Member, Family Law Section.

Barristers (Young Lawyers Division of K.B.A.)

**Tennessee Bar Association**, Member, 1998 through present.

Section Member, Family Law Section, Criminal Law Section,  
Appellate Practice Section, Federal Law Section

**Federalist Society**, Member, 1998 through present.

**National Association of Criminal Defense Lawyers**, Member, 2015 through present.

**American Society of Legal Advocates**, Member, 2014 through present

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.

2015 American Institute for Criminal Law Attorneys, Top Ten Criminal Lawyers in Tennessee based upon client satisfaction.

2014 American Society of Legal Advocates, Top 100 Criminal Defense Attorneys in Tennessee.

2003-2006 Most Trials, Sullivan County District Attorney's Office.

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 2006, I was a elective candidate for Circuit Court Judge, Part 2, the position for which I am presently applying. I was the Republican nominee in the August, 2006 general election.

In 2014, I participated in the Republican primary in the election for Sullivan County Criminal Court Judge.

**ESSAYS/PERSONAL STATEMENTS**

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

In high school, I took advanced history. A friend and I selected that class because there were several pretty girls, and no other boys. The class competed in a Constitutional Bicentennial contest, so we studied the Constitution in great depth.

I fell in love. Not with one of the pretty girls, but with the Constitution. That affection dictated my career course. Thus, it pains me to see that some Judges no longer feel bound by the law, as evidenced by Judge Richard Posner's recent commentary on the role of the Judiciary. I believe the will of the Legislature and Constitutional principles are worth defending and deserve a zealous Judicial advocate. I believe this advocate must have diverse experience and a proper understanding of the role of the judiciary. In Sullivan County, I believe I am uniquely qualified to serve as that advocate.

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)*

Sullivan County is a county-wide judicial district, with courts in Blountville, Kingsport, and Bristol. Circuit Court, Part 2, is the **only** Court of record adjudicating civil and criminal cases. It handles one-third of the criminal docket, but criminal cases constitute two-thirds of Part 2's docket (985 of 1552 of cases in 2016).

The fact that Part 2 handles both Civil and Criminal cases limits the number of individuals who would be a successful Judge. I have prosecuted a busy criminal docket, and handle many civil cases on a weekly basis. I have appeared before the Court on behalf of the State, the Criminal Defendant, and the civil Plaintiff and Defendant. Thus, my selection would allow the continued presence of a lawyer who has considerable trial experience in both civil and criminal law and the ability to handle the present case load--effective as of day one.

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 firmly believe a Judge's role is to apply the law, as written. This conviction is so strong that I often take issue when we use the phrase, "interpret the law." Accordingly, a Judge's disagreement with the substance of the law does not constitute a valid reason to ignore, expand, or limit the law.

As an Assistant District Attorney, I prosecuted numerous cases even though I personally disagreed with the substance of the law. As a firm supporter of the Second Amendment, I disagree with the substance of Tennessee's "going armed" statute. I believe the statute interferes with our Constitutionally protected right to bear arms. The statute, however, was duly enacted and has been upheld many times by our Courts. Therefore, I prosecuted these cases when supported by the facts.

Similarly, in my civil practice, I argue the Sullivan County Local Rules as it relates to Domestic Relations cases are improper. I believe they contradict Tennessee's Parenting Plan statute, and place an undue burden on the citizens of Sullivan County *vis a vis* residents of neighboring counties. Suffice it to say, I disagree with the substance of these Rules. In one instance, I successfully appealed, by way of interlocutory appeal, the application of these Rules. To the extent, though, that the Local Rules remain in effect, I am compelled to comply with the same. Accordingly, I dutifully comply with the Local Rules, even though I disagree with the substance of the same.

**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.	<b>Hon. James F. Goodwin</b> , Criminal Court Judge, Second Judicial District. Sullivan County Justice Center.
B.	<b>Hon. Barry P. Staubus</b> , District Attorney General, Second Judicial District, Sullivan County Justice Center.
C.	<b>Hon. Teresa Murray Smith</b> , Esq.,
D.	<b>Mr. Tommy Kerns</b> , Circuit/Criminal Court Clerk, Sullivan County, TN,
E.	<b>Chief Blaine E. Wade</b> , Chief of Police, Bristol, TN ;

**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 **Circuit Court, Part, 2, Second Judicial District, Sullivan County, 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: April 17, 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.

\_\_Ricky A. W. Curtis\_\_\_\_\_  
Type or Print Name

  
\_\_\_\_\_  
Signature

\_\_04/17/2017\_\_\_\_\_  
Date

\_\_019761\_\_\_\_\_  
BPR

<p>Please identify other licensing boards that have issued you a license, including the state issuing the license and the license number.</p> <p>N/A</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
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