

Tennessee Trial Court Vacancy Commission

Application for Nomination to Judicial Office


9/8/20

Name: Jason Lyndol Huskey

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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 Microsoft Word 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 Microsoft Word 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 ceesha.lofton@tncourts.gov, or via another digital storage device such as a flash drive. See section 1(g) of the application instructions for additional information related to hand-delivery of application packages.

THIS APPLICATION IS OPEN TO PUBLIC INSPECTION AFTER YOU SUBMIT IT.
PROFESSIONAL BACKGROUND AND WORK EXPERIENCE

1. State your present employment.

Attorney at The Huskey Firm, 514 Hillsboro Blvd., Manchester, TN 37355

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

2006 BPR # 025472

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 BPR # 025472

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).

Attorney at The Huskey Firm

Assistant Tax Attorney for Coffee County, TN

Volleyball referee for Arnold Air Force Base, TN

Assistant Volleyball Coach at Covenant Academy (Lady Lions), Morrison, 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.

Practice primarily focuses on domestic law (divorce, custody, etc.) - 50%

Criminal Defense – 10%

Wills and Probate – 5%

Civil Plaintiff's Counsel – 20%

Civil Defense Counsel – 10%

Business Litigation, Landlord/Tenant Issues and Mediation – 5%

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 handled cases in Sessions, Circuit and Chancery Courts, primarily in Coffee County, but also in other nearby counties including Rutherford, Franklin, Warren, Grundy, Lincoln, Bedford, Moore, Cannon, and Wilson. I have tried cases in front of the Middle Section Court of Appeals as well as the Federal District Courts, Eastern Division and Middle Division. I also have had cases in front of appointed attorneys for the handling of TennCare billing issues.

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

I was not given a word limitation so please see attached.

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

As the son of a long time practicing attorney I began working in a law office off and on by the time I was thirteen, doing everything from copying to research to serving subpoenas to witness coordination, as well as following through the trial as a second pair of ears in larger or major trials. Also, on a limited basis I have lobbied the legislature on certain proposed bills (largely in association with the Tennessee Trial Lawyers).

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

I have not submitted an application for any state or federal judicial 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.

Middle Tennessee State University, Murfreesboro, Tennessee

Dates of Attendance: Fall 1995 – 2000

Degree Awarded: Bachelor of Science with a Major in Criminal Justice and Minor in Psychology with an emphasis in Political Science

Nashville School of Law, Nashville, Tennessee

Dates of Attendance: Dec. 2002 – May 2006

Degree Awarded: Doctor of Jurisprudence

Passed the Bar in July 2006

PERSONAL INFORMATION

12. State your date of birth.

1977

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

All my life (43 years)

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

43 + years

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

Coffee 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.

No I have not.

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 I am not.

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. You may wish to request a report from the appropriate supervisory authority (or authorities) for a complete history.

I was named as a defendant in some action in 2008 brought by the mother of a criminal defendant whom I was appointed to represent briefly and I do not remember if it was in the same document, but she also sued the Assistant District Attorney who had handled her son's case, her son's probation officer, someone else possibly his other appointed counsel and maybe the Judge. I was appointed to represent her son, Lillard Hines, Jr., in some kind of domestic violence charge and during my brief time with the case his mother had repeatedly complained that the Assistant District Attorney was buddies with his wife, hanging around with her and taking her out to lunch, none of which was true. Then I learned that my wife had been friends with his wife when they were in high school and although I didn't know her from Adam (or Eve) given what I had seen out of his mother I felt it would be best if I was excused as counsel and I was granted that by the Court. The suit filed against all the defendants was dismissed on the front end by Judge Lee for, I believe, lack of standing. Other than that I don't know of anything.

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.

No, none of which I'm aware.

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

No I have not.

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 one that I'm aware of is the one described in the answer to Question 19. My parents had a auto accident when I was a baby so I might have been included as an et al in that matter.

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.

I attend First Baptist Church in Manchester, Tennessee and am a member of the choir.

Last year I began volunteering as an assistant coach for the Lady Lions Volleyball team at Covenant Academy in Morrison, Tennessee.

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.

No I have not

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.

Coffee County Bar 2006 – Present

Tennessee Trial Lawyers Association 2013 – 2015

Tennessee Association of Tax Professionals 2013 - 2019 (approximately)

Tennessee Bar Association 2017 – 2020

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 would say a happy client or a good result in a case is the main prize or award one obtains in this profession.

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 served officially as the assistant Delinquent Tax Attorney for Coffee County, Tennessee for approximately 4 years from 2015 to 2019 (I filled this same position unofficially for 2-3 years prior to 2015. I ran for Sessions Judge in Coffee County in 2014 and 2020.

ESSAYS/PERSONAL STATEMENTS

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

My job as an attorney is to advocate the best legal and/or equitable position for my client to the court, but when alone with a client, my job is not to tell them what they want to hear, but rather to look at the applicable law, facts of the case, equitable concerns where appropriate, and give them realistic expectations of what a judge is likely to do. Simply, it is my job to try to play judge when dealing with my clients in private. It is like family, you can disagree between yourselves, but when it comes to dealing with anybody on the outside you are going to fight for them. I think it is the natural evolution for a trial attorney and anyone would be lying if they did not think it would be a better position to have for your family compared to the rat race of practice.

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)*

I am seeking the Circuit/Chancery Judgeship, Fourteenth Judicial District in Coffee County. It covers virtually all types of state level cases including, but not limited to, Domestic, Criminal, Probate, Contracts and Personal Injury. Coffee County has two judges who serve for both Circuit Court and Chancery Court and two Sessions Judges. I think one of the strengths I would bring to this position would be temperament which if you have ever sat through a trial you know clients and attorneys can really stretch that in a judge and having a good manner and patience for dealing with all the high emotions going through a courtroom is crucial. This position is to replace the Honorable L. Craig Johnson who may have the best judicial temperament of any judge I have ever been before. I feel that I could continue that strength through calm that he has exhibited over the years.

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)

The simple answer is absolutely. I don't think you can have a general law practice and deal with clients of all sorts if you aren't capable of doing that. I frequently represent people that have done things that I not only don't agree with, but may find reprehensible. I can think of a few very on point situations that deal with my religious and political views which I don't feel is appropriate to go into any further as far as the specifics of what those are, but suffice to say I handled the cases for those clients the same as I would someone who sits across the auditorium from me at church. Attorneys aren't specifically in a position to uphold the law that we disagree with because we are not sitting judges, but I'll defend and get the best result possible for a client who was charged with and probably was dealing drugs because regardless of my feelings on the matter that is my job and it is his/her constitutional right to have that representation.

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. Gary Shockley – Partner at Baker Donelson, Nashville, TN, [REDACTED]

B. Judd Matheny – Former State Representative for Coffee County, [REDACTED]

C. Shannon Martin – Guidance Counselor at Coffee County High School, [REDACTED]

D. Richard Ian Gray – Professor/Radiologist, University of Tennessee Medical School, [REDACTED]

E. Wanda Trussell Bell – Retired, [REDACTED]


AFFIRMATION CONCERNING APPLICATION

Read, and if you agree to the provisions, sign the following:

I have read the foregoing questions and have answered them in good faith and as completely as my records and recollections permit. I hereby agree to be considered for nomination to the Governor for the office of Judge for the Circuit and Chancery Court for the Fourteenth 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: 4-12, 2021.


Signature

When completed, return this questionnaire to Cecelia Lofton, 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.

Jason Huskey
Type or Print Name


Signature

4-12-21

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

Date

025472

BPR #

Attachment for Question 8

I.

A case stands out the most to me because it had such a significant effect both in my decision to practice law and the experience and education it provided. It had two (2) parts. It began with a criminal trial in U.S. Federal Court, Eastern District and subsequently resulted in a civil case in State Court in Wilson County. My father was hired to represent the nurse/entrepreneur/business owner who was charged in criminal court. She was charged in Federal Court with a 33-count indictment all stemming from three (3) main areas of fraud she was alleged to have committed against a major insurance company. This case arose shortly after I graduated college, but prior to my deciding to go to law school.

The nuts and bolts of the case came down to our client who was a registered nurse had started a daycare that was staffed completely by nurses, nursing assistants and physical therapists that worked in house providing for medically fragile children. This was a very unique business that had originally been funded by the State of Tennessee. Our client's business started in Nashville and had been very successful and over the years she had opened facilities in Nashville, Knoxville, Chattanooga, Memphis and just prior to the investigation had opened four (4) facilities in Florida. In 1994 with the TennCare Act coming into play the State initially continued to cover a lot of those bills directly, and as you can imagine, facilities strictly for medically fragile children, being staffed completely by nurses and therapists, was very expensive. In 1996 the State of Tennessee went to the insurance companies and informed them that the State had been covering for them, in part, and that now the insurance companies would have to start picking up the bill. Then the problems started.

Facts came to light at the criminal trial showing through internal communications within the insurance company that they wanted to get rid of this particular provider because of the costs it generated. Through their discussions they felt that politically they would have a lot of problems if they simply voided the contract as this was providing a service for medically fragile children that was not offered really anywhere else in the same manner or to the same degree; however, if there was some sort of criminal investigation that would give them some cover. There was further communication about some possible reasons for cause that they could raise. They came across three (3) issues, but internal documentation shows that they knew these were actually being done correctly or in other situations the insurance company had no policy on the matter and the provider had continually asked for guidance on those issues. Despite them knowing there was no wrongdoing, their Chief Investigating Officer at the time proceeded to make contact with the government alleging fraud on the part of this provider and more specifically the owner.

At the time the investigation began the owner had an offer on the table to purchase her company for around Six Million Dollars (\$6,000,000.00), but once the investigation got underway, became publicly known and the insurance company started stonewalling and withholding payments on claims, our client ended up having to sell netting about Two Hundred Thousand Dollars (\$200,000.00). Our client received annual Christmas phone calls from the U.S. Attorneys' Office prior to her indictment saying that they were still investigating her. I began working with my father on this case doing research, going through rooms full of documents and proposed exhibits from the prosecution, and serving subpoenas. The trial spanned over two (2) weeks where I did witness coordination and provided a second pair of ears

during the examinations. At the conclusion of the criminal trial, our client was acquitted on all thirty-three (33) counts.

In August of that year, 2002, we filed a malicious prosecution and breach of contract action against said insurance company, and I was admitted to law school. This case was very slow moving over the next two (2) or three (3) years, but then around the time I was graduating law school, depositions really started taking place. They deposed our client for four (4) days. We took depositions, I'm guessing, somewhere in the neighborhood of twenty (20) to twenty-five (25) in Nashville, Chattanooga, Knoxville, Manchester, Atlanta and I'm kind of thinking Birmingham. I took a 2-day road trip around the state serving subpoenas in this case. You have to recognize the case itself was dealing with thousands of medical records and billings, not the normal things we run across in everyday practice in a small town. We deposed the President of this extremely large insurance company and we interviewed TBI agents and the U.S. Attorney who had prosecuted the criminal trial. We went through preliminary motions, including multiple Summary Judgment motions. At that point the defense counsel filed for an Interlocutory Appeal on the Summary Judgment issues. It was denied; they then filed an Extraordinary Appeal several weeks prior to trial. The Court of Appeals did not respond to take up the matter. On the Saturday before the trial was set to begin we were prepping at our office and received a call from defense counsel. They had just found a disk full of information that had been provided previously and once they got into it they realized there was no way they could get through it prior to trial and on a conference call they asked the Judge for a continuance. She granted a continuance that bumped the case out about two (2) months.

After being granted the continuance, defense counsel sent notice to the Court of Appeals and advised that the case had been continued. About two (2) weeks later after the trial would

have been concluded, the Court of Appeals granted the Extraordinary Appeal. The Tennessee Attorney General's Office filed an Amicus Curia Brief on behalf of the defendant and came to the Court of Appeals where the Court expected them to address the Court on the intent of the law in question, but they were not prepared to address that issue, but rather to basically argue that you could not have insurance companies held liable for making false reports to the State for fear that it would stop companies from reporting legitimate concerns for fear of liability. The Court ultimately, and I feel incorrectly, chose to apply a law that went into effect one (1) month prior to the civil case being filed and giving retroactive immunity to the conduct that had occurred six (6) years prior on the part of the insurance company, eliminating the malicious prosecution portion of the suit.

The case proceeded forward for a couple of years on a breach of contract action. The matter then ended in about a 2-week trial which involved massive amounts of paperwork, and an untold amount of contacts with different people within said insurance company. The defendant had an expert witness who as of the time of trial, prior to testimony, had billed the insurance company \$700,000.00 prepping for the trial. There was also a significant amount of agency issues where different insurance companies in different cities in Tennessee were listed as maybe a separate company, but existed for the purpose of doing the bidding of the defendant company or they were listed to be in partnership for the administration of services in that geographic area. For example, "Insurance East" who handles the Defendant's insured in East Tennessee sent an email to the Defendants saying, *Mrs. (Plaintiff) visited here today asking about delays in payments. I was as vague as possible. Hope that was right.* I argued and got these type statements admitted as admissions against interest of a party opponent. It's just not the normal type thing and provides a different perspective and set of experiences than most cases would.

This case spanned about a decade in one form or another and went from helping me decide to go to law school to me participating in trying the case. It exposed me to so many different aspects of practice, from the massive amount of depositions to the nature and substance of the case, at the criminal, civil and appellate levels.

II.

The same client referenced above hired us again shortly thereafter . As some of you may remember, about ten (10) years ago, an investment agent for a very well known investment firm had been embezzling from a number of his clients and then committed suicide. That gave rise to her litigation with that investment firm. That put us on a path for binding arbitration dealing with FINRA and resulted in us working with some very high dollar mediators who work exclusively in that field and had trained a number of the FINRA arbitrators.

III.

A part of another case that really stood out to me was in a tractor/trailer wreck case in Rutherford County where I cross examined the expert witness hired by the trucking company to challenge the medical bills from our clients' doctor. Their expert basically contended that the doctor was overbilling. On cross examination I established that where there was a conflict between the medical bills and the medical treatment records that, in fact, the doctor had under billed. That case involved about Five Hundred Thousand Dollars (\$500,000.00) in medical bills collectively.