


Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office


9/8/20

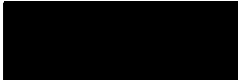

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(including county)

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(including county)

Home Phone:  Cellular Phone: 

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.

I am currently an attorney at Burch & Lockhart in Manchester, Tennessee.

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

I was licensed in Tennessee in 2013. My BPR number is #032227.

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 in the state of Tennessee and admitted to practice in the United States Federal Court for the Eastern District of 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).

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).

I was an attorney at the law firm of Morrison & Lockhart in Tullahoma from 2013 until 2016. I have been with the firm of Burch & Lockhart from August of 2016 until present. I have also been the City Attorney for Altamont, Tennessee since 2017.

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 general practitioner who practices in a wide variety of subject matters. The breakdown of my practice would be as follows: Criminal Defense 40%, Domestic/Family Law 20%, Personal Injury 15%, Probate & Estate 10%, General Civil Litigation 10%, Governmental Work on behalf of Coffee County 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.

Since becoming licensed in 2013 I have practiced at every level of court in Tennessee. This would include cases in General Sessions all the way to the Tennessee Supreme Court. All of my jury trial experience has been in the area of criminal law. I have handled misdemeanor cases as well as felony cases including multiple murder, attempted murder, and other A felony cases. I have also represented criminal defendants in front of the parole board.

Along with my criminal practice, I have tried numerous divorce/custody cases involving child custody and division of assets in both the General Sessions Courts and Circuit Courts in many counties across southern middle Tennessee. I have tried bench trials in personal injury cases as well as other civil litigation cases. Aside from my trial and litigation experience, through mediation and negotiation, I have settled numerous cases in the areas of divorce and custody, will contests, personal injury, business disputes and others.

I also regularly practice in Chancery Court and have handled numerous probates, will contests, and partition actions.

I have argued in front of the Tennessee Court of Appeals or Tennessee Court and Criminal Appeals approximately five times as well as the Tennessee Supreme Court on one occasion.

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

State v. Terry Ashley – Successfully defended an attempted aggravated burglary in a jury trial resulting in conviction of a lesser-included misdemeanor offense and a not guilty on all felony charges. *State v. Terry Ashley*, Coffee County Circuit Court Case 41,945.

State v. Leon Holmes Jr.- Attorney Eric J. Burch and myself successfully defended Mr. Holmes during a 2-day jury trial in which he was acquitted of two counts of attempted first degree. *State v. Leon Holmes Jr.*, Coffee County Circuit Court Case No. 42385.

In Re Cumberland Bail Bonding - I argued successfully to the Tennessee Court of Criminal Appeals in a case involving a unique question regarding the applicability of local rules to bonding companies. The Tennessee Supreme Court granted review. I was unsuccessful at the Tennessee Supreme Court however; the case clarified the relationship between the statutes regarding bail bonding law and the application and scope of local rules. *In Re Cumberland Bail Bonding*, 2019 WL 1076887 (Tenn. Court Crim. App. 2019); *In re Cumberland Bail Bonding*, 599 S.W.3d 17 (Tenn. 2020)

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

During law school, I had the opportunity to clerk for Circuit Court Judge Buddy Perry of the 12th Judicial District. During that time, I provided legal research, prepared briefs and legal memorandum, including appropriate suggestions and recommendations for Judge Perry, and conferred with Judge Perry concerning legal questions and construction of court documents. Most importantly, I was able to see what it took to be an effective Circuit Court Judge from a “behind the scenes” perspective. These practical observations and lessons including organization, attention to detail, and temperament have been invaluable in my law practice.

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.

Middle Tennessee State University 2006-2010. B.S. in Political Science, *cum laude*

Deans List each semester at Middle Tennessee State University
MTSU Academic Service Scholarship
Student Manager, Tennessee Miller Coliseum
Legislative Intern for State Representative Joe McCord

Deakin University, Melbourne, Australia Fall Semester 2007

University of Tennessee College of Law 2010-2013 Doctor of Jurisprudence

Transactions: The Tennessee Journal of Business Law, Member

PERSONAL INFORMATION

12. State your date of birth.

1988

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

Besides my brief study abroad in Australia, I have lived in Tennessee my entire life.

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

8 years

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

Coffee

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.

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

According to the Board of Professional Responsibility, in a letter dated April 9, 2021, I have received no formal complaints.

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.

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.

Not Applicable.

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.

Manchester Chamber of Commerce 2018-Present Parliamentarian and a member of Executive Committee.

Tulahoma Chamber of Commerce 2015-2016

Coffee County Republican Party 2013-Present

Coffee County Young Republicans Officer from 2019-2021. President 2020-2021.

Lakewood Golf & Country Club 2019-Present

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.

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 Association- Officer 2014-2021. President 2015-2021.

I am very proud of my work as an officer and President of the Coffee County Bar Association. During my tenure, our bar association started a scholarship fund giving a few thousand dollars in scholarships to local high school graduates, started a golf tournament to raise money for the scholarships, hosted local low cost CLEs, represented the bar association in front of the State Judicial Redistricting Task Force, and implemented an email list serve to allow better communication between the bar association as well as the judges and clerks offices.

Tennessee Bar Association 2013-Present

Tennessee Trial Lawyers Association 2016-2019

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.

I ran for the Tennessee House of Representatives 47th District in the Republican Primary in 2016. I finished second of three candidates receiving approximately 30 percent of the vote.

ESSAYS/PERSONAL STATEMENTS

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

I am applying for this position because I want to use my education and experience to serve the people of Coffee County. I believe I have the temperament, knowledge of the law, experience and leadership skills needed to effectively and efficiently resolve the disputes that would come before me. The judicial system can be a very overwhelming experience for litigants. I would strive for my court to be a place where each litigant would be able to have their cases timely heard and decided based on the facts and the law only.

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 14th Judicial District is a single county district with two circuit judges who also have chancery jurisdiction. Each judge hears every type of case for which they have jurisdiction whether that be through original jurisdiction or appeal from a lower court. I believe my active practice in essentially every aspect of the court would allow for continuity of the court. While it is impossible to be an expert on each subject, my diverse practice experience would lend itself to a shorter learning curve. My familiarity with each practice area would allow for me to keep the court efficiently hearing and disposing of cases. Further, with the huge challenge that our state and nation has faced with Covid-19, I believe that my leadership and organizational skills would help steer the court through the hopeful end of the pandemic as well as the large backlog of cases.

30. Will you uphold the law even if you disagree with the substance of the law (e.g., statute or rule) at issue? Give an example from your experience as a licensed attorney that supports your response to this question. *(250 words or less)*

In my view the number one role of a judge is to uphold and apply the law as written. The judicial branch of government is separate and apart for a reason and it is not within the role of a judge, especially a trial court judge, to attempt to legislate from the bench. The main scenario in which this comes to mind in my practice is with Tenn. Code Ann. 55-5-504. This statute makes driving on a revoked license either a class B misdemeanor or a class A misdemeanor. The criminal dockets are filled with individuals charged under this statute. Almost all of defendants' licenses were revoked for not paying fines or costs related to minor driving offenses. These people then lose their ability to go to work or school legally because in rural areas there is no mode of public transportation. By prosecuting and placing these folks on probation or in jail, it only makes the goal of getting their license back more unattainable and it becomes a cycle. However, although I disagree with substance of the law, I have advised many clients to plead guilty because just not agreeing with a law is not a valid defense. Due to the nature of the charge, it is a very easy case for the State to prove beyond a reasonable doubt. However, even though I disagree with the law, I would enforce the law as written and sentence individuals found guilty under the proper sentencing guidelines outlined in Tenn. Code Ann. 40-35-103.

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. Carter Lawrence
Tennessee Commissioner of Insurance
500 James Robertson Parkway
Nashville, Tennessee 37243

B. Rush Bricken
Tennessee State Representative 47th District
425 Rep. John Lewis Way N.
Suite 594 Cordell Hull Bldg.
Nashville, Tennessee 37243

C. Eric J. Burch
Burch & Lockhart
200 S. Woodland Street
Manchester, Tennessee 37355
[REDACTED]

D. George Hamilton
6741 Old State Hwy 28
Pikeville, Tennessee 37367
[REDACTED]

E. Hon. Justin Angel
Circuit Court Judge 12th Judicial District
P.O. Box 774
Pikeville, Tennessee 37367
[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 of the Circuit Court of the 14th 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: April 12, 2021.



Signature

When completed, return this questionnaire to Ceesha 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.

William Lockhart

Type or Print Name



Signature

April 12, 2021

Date

032227

BPR #

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