

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

04/15/16

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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 District Attorney for the 17th Judicial District

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

2004-Pursuant to Tennessee Supreme Court Rule 7, section 10.04, limited license to practice. Licensed in 2005. BPR# 024081

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 have only been licensed to practice law in the State of Tennessee. I was licensed in 2005. My BPR# is 024081 and is currently active.

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 suspended or placed on inactive status, however my first attempt in taking the bar exam was unsuccessful. The Tennessee Supreme Court did grant me the privilege to practice with a limited license.

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).

Subsequent to completing law school, and receiving my degree I began work with the law firm of Harwell & Plant in Lawrenceburg TN. My responsibilities included working on all types of legal issues such as Domestic/Divorce, Custody Issues, Wills and Estate Matters, Civil Debt Collections, Eminent Domain, Social Security and Disability claims, Juvenile Court cases and a

limited criminal case load.

My father, Mike Bottoms, was the District Attorney for the 22nd Judicial District, therefore, ethical guidelines limited my criminal practice. Moreover, state nepotism laws precluded me from working on my father's staff. After approximately one year in private practice, General Mike McCowan offered me an opportunity to join his staff as an Assistant District Attorney in the neighboring 17th Judicial District, which encompasses Bedford, Lincoln, Marshall, and Moore Counties. I applied for this position to gain more trial court experience.

Since August 2005 I have been an Assistant District Attorney for Mike McCowan, Charles Crawford, and Robert Carter. As part of my assigned duties, I manage cases throughout the entire 17th Judicial District in Juvenile Court, General Sessions Court, and Circuit Court. I have been the Child Investigative Protective Team (CIPT) leader for Marshall County from 2008-2014 and 2016-2017. I was assigned to the Child Fatality Review Team in 2016-2017 and represented the District Attorney's office in that capacity.

In short order, I was assigned to circuit court cases and trials throughout the 17th judicial district. I have successfully prosecuted all types of criminal cases that include cases in Circuit and General Sessions court, such as Homicide, Rape of a Child, A and B Felony Child Abuse and Neglect cases, Aggravated Assault, Burglary, Theft, and multiple Drug sale and possession cases, along with less significant misdemeanor crimes such as public intoxication and disorderly conduct charges.

Only after completion of my duties as an assistant District Attorney, from 2005 to today I have been employed in a janitorial service. Twice a week I assist in cleaning the USDA office buildings in Lawrenceburg, TN. Duties include emptying office trash cans, cleaning the restrooms, vacuuming the carpet and various other cleaning obligations.

From 2008-2010 my wife and I extended this business to include an Edward Jones office building, conducting the same type duties.

In addition, during my undergraduate years I became a certified mixologist/bartender and continued doing banquet and catered functions after obtaining my law school degree.

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.

At this time, my practice is 100% Criminal Law which involves cases in Circuit Court, General Sessions Court and Juvenile Court in all counties of the 17th Judicial District.

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 practicing law for 14 years however I have been involved in the legal community almost nonstop since 1998. I was employed as a clerk in the District Attorney General's Office for the 16th Judicial District while obtaining my undergraduate degree from 1998-2000. I assisted various ADA's in weekly court preparations for General Sessions Court. I also assisted with and observed criminal jury trials.

While Attending law School I interned after my first year with Neal and Harwell law firm in Nashville Tennessee working on various types of civil litigation. I was also granted a clerkship working for the Federal District Court Judge Tom Wiseman while he was sitting in Sr. Status for the second half of the summer in 2002.

The summer of 2003, I worked for the State Attorney General's Office in the Bankruptcy division and the Real Property division. I assisted State's Attorneys with the purchase and acquisitions of real property through eminent domain procedures for highway construction projects including the expansion of highway 43 in Lawrence County.

After Graduation, I spent a little over a year in private practice. These months were filled with multiple types of litigation such as Domestic/Divorce, Custody Issues, Wills and Estate Matters, Civil Debt Collections, Eminent Domain, Social Security and Disability claims and Juvenile Court cases.

From August 2005 to this point in my legal career, I solely handle criminal prosecutions for the District Attorney General's Office in the 17th Judicial District. I have prosecuted a wide array of criminal cases in each of the four counties from public intoxication to A and B Felony crimes such as murder, rape of a child, child abuse and neglect, robbery, burglary, theft, kidnapping, along with drug sale and possession cases.

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

While prosecuting an aggravated child abuse and neglect case, pursuant to Haley's law, TCA 39-15-402, the defense attorney filed a motion to challenge the constitutionality of the statute claiming the definition of severe bruising was vague, and defense counsel argued that this rendered the statute unconstitutional. The case involved a nine month old victim who entered the ER with multiple bruises on her head and face and a noted linear mark across the face. The defendant first reported that these injuries were from a chemical burn that occurred when the defendant had been washing and waxing his vehicle. From the ER the child was referred to Vanderbilt Children's Hospital where doctors determined that her injuries were not consistent with a chemical burn and did not occur the way the father had alleged. Defense counsel's motion sought a dismissal because, as counsel argued, the applicable portion of the definition of severe bruising had not been defined by statute or case law. After much research and preparation, I successfully argued that the terms severe bruising, while not defined like other

types of serious bodily injury, were terms of common usage and did not necessitate a legal definition. As a result of the outcome of this motion hearing, the defendant entered a negotiated plea.

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

I grew up in a family surrounded by attorneys and educators. Both have taught me a great deal about life. Family dinners were always spirited with legal and ethical conversations which fostered core family values that have helped to shape me. Whether it was my grandfather, uncle, father or sister who are all attorneys, or my mother and her three sisters who were all teachers, they all made a great impression on me. They instilled in me many life lessons both inside and outside the classroom. They taught me hard work, dedication, selfless service, how to deal with adversity and the importance for discussion and compassion. These are traits I believe to be essential in serving as an effective and impartial judge.

Within the legal community, I have been fortunate to have practiced with and against several talented attorneys from the 22nd Judicial District and the surrounding area. One such mentor is now the retired assistant district attorney Eddie Barnard. While he had a reputation for being a hard-nosed prosecutor, he impressed upon me to find my own style in the courtroom and just be myself. He also taught me there is no shortcut for preparation. These lessons have continuously guided me during my career which has consisted of approximately 35 jury trials.

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

This is my first time applying for a 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.

1997-2001- I attended Middle Tennessee State University in Murfreesboro, TN. I graduated with a bachelor degree in business management.

1998- I attended summer classes at Columbia State Community College at the Lawrenceburg, TN campus.

2000- I attended the Nashville School of Mixology. I became a licensed mixologist/bartender.

2001-2004- I attended Appalachian School of Law, in Grundy, VA and graduated with a doctorate of jurisprudence.

PERSONAL INFORMATION

12. State your date of birth.

██████████ 1978.

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

I grew up in Lawrenceburg, TN and have lived in TN since 1978 to the present (all my life except for time away for legal studies).

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

2004 to the present. I have lived in Lawrence county all my life except for time away for undergraduate and legal studies.

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

Lawrence

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.

I have not had the honor of serving in our country's military

17. Have you ever pled guilty or been convicted or are now on diversion for violation of any law, regulation or ordinance other than minor traffic offenses? If so, state the approximate date, charge and disposition of the case.

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, Not to my Knowledge.

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 never had a formal complaint that required a response.

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.

NONE

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.

Kiwanis Club of Lawrenceburg 2004 to present (Board Member 2010-2014)

Young professionals group 2007-2009

Member of the Ethridge Church of Christ

Lawrence County Gideon's Camp 2014 to Present

Wolf Pen Hunting Association 1995-Present

Ducks Unlimited-Judge Lee England Chapter (Board member 2008-2013)

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.

- a. The Kiwanis club prior to my joining was a male only organization. Shortly before my application and acceptance, female members were encouraged and allowed to join. Now, approximately 40% of club membership is female.
- b. I do not plan to resign from the Lawrenceburg Kiwanis Club. This is an extremely active organization donating over \$50,000 annually to approximately 24 child related groups within Lawrence County and the surrounding areas. A few of the major organizations the club supports are the Butterfly Foundation, the Key Club at the Lawrence County High School, Ingram Sowell Elementary School, A Kid's Place Child Advocacy Center located in Lawrence County and Babe Ruth Baseball. It is truly remarkable that our 56 member organization can raise these funds conducting multiple service projects throughout the year. I am very proud to be a member of the Lawrence County Kiwanis Club and to participate in the fund raising efforts for the youth of Lawrence County.

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.

Lawrence County Bar Association 2004-2005—I have intermittently attended meetings since 2005 but not as a dues paying member do to inability to regularly attend meetings because my job is out of the county and most meetings are weekday luncheons.

Tennessee Bar Association 2004-2006

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.

None

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.

2014 Ran for General Sessions Judge in Lawrence County against the incumbent and was unsuccessful.

ESSAYS/PERSONAL STATEMENTS

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

From a young age, I have had a desire to serve. My grandfather, Judge William A. Harwell started a legacy within our family of public service with an eye and a heart towards helping people. He was the reason my father and uncle became attorneys. Their continued service has inspired my desire to follow in their footsteps. I grew up in a family dedicated to public service with a strong sense of justice. Working as an assistant district attorney in a four county district of rural southern middle Tennessee has given me a unique perspective. Each county is different but all face many of the same problems. I have observed how to be a jurist from some of the best on the bench. I have learned how to administer justice while being fair and treating others with respect and compassion. This is my home. I want to make a difference.

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 judgeship consists of managing dockets in the four counties of Giles, Lawrence, Maury and Wayne, which make up the 22nd Judicial District. Statistics show caseloads for this district is

about 43% civil to 57% criminal. Currently there are four judges. Each is designated for one year to a county, in addition, each are working one week a month in their non-designated.

I'm no stranger to hard work. Currently, I manage multiple dockets in multiple counties in a given week. I have extensive criminal and domestic experience including custody cases. Living in Lawrence County makes me accessible to all counties quickly for emergency custody issues or late night search warrants. On occasion, I have assisted law enforcement in drafting search warrants. I believe this will be beneficial. I bring a strong work ethic to the table, but most importantly, I am a good listener with a calm demeanor and desire to be fair.

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)*

As a member of the legal community my obligation and my oath are to uphold the law even when personal beliefs or feelings may conflict with those laws. As a Judge this will be even more important as the courts should remain as free from prejudice and bias as possible.

One such example I have dealt with involves prosecution of child sex abuse cases. In my career as a prosecutor I have on several occasions been asked to look at an officer's case. In some of these situations, I have had to tell an officer the evidence collected was not sufficient enough to bring formal charges. My job as an assistant district attorney is to pursue the guilty but also protect the innocent. I know the hard work our law enforcement community faces, and as a parent of 3 young children I empathize with these cases. Even so, my first obligation is to pursue truth and justice and I have a duty to make sure the officers follow the law even when I might have personal feelings to the contrary.

I firmly understand that we are a state and nation of laws. I give you my pledge that I will always follow the law.

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. Robert Carter District Attorney General for the 17th Judicial District.

East Market Street, Fayetteville, TN [REDACTED]

<p>B. Honorable Forrest Durard Circuit Court Judge for the 17th Judicial District. 311 South Britton Street, Shelbyville, TN [REDACTED]</p>
<p>C. Honorable Joe G. Riley Criminal Court of Appeals Judge-Retired [REDACTED] Ridgley TN, [REDACTED]</p>
<p>D. Tim Pettus Vice Chairman of the Board of First Farmers Bank. [REDACTED] Lawrenceburg, TN [REDACTED]</p>
<p>E. Jerry Mansfield Executive Director of South Central Tennessee Development District 101 Sam Watkins Boulevard, Mt. Pleasant TN [REDACTED]</p>

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] 22nd 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: August 28th, 2018.


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.

William B. Bottoms

Type or Print Name

William B. Bottoms

August 28th 2018

Date

024081

BPR #

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