

Tennessee Trial Court Vacancy Commission

Application for Nomination to Judicial Office

10/30/18

Name: **William Joseph Haynes, III**

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(including county) **511 Union Street, Suite 1600**
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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 ceesha.lofton@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.

I am a member of the law firm of Bone McAllester Norton PLLC, a Tennessee limited liability company. The Firm employs thirty-nine (39) attorneys. The Firm provides legal services in the areas of commercial lending, real estate, securities law, commercial litigation, labor and employment law, intellectual property, and general civil litigation. The Firm's client base includes national and state-chartered financial institutions; health care providers and practices; academic institutions; municipalities; and various manufacturers.

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

1995.

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.

| | |
|---------------------------|-------------------------|
| State: | Tennessee |
| BPR Number: | 017398 |
| Date of Licensure: | November 1, 1995 |
| Status: | 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).

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).

| | |
|------------------------------|--|
| Employer: | Wyatt, Tarrant & Combs, LLP |
| Position Held: | Associate |
| Dates of Employment: | September 30, 1996 – May 12, 2002 |
| Employer: | The United States Court of Appeals for the Sixth Circuit |
| Position Held: | Law Clerk, The Hon. Nathaniel R. Jones |
| Dates of Employment: | August 14, 1995 – August 16, 1996 |
| Business: | Renaissance Entertainment, LLC (Entertainment-Management) |
| Position Held: | Member |
| Dates of Involvement: | 2003-2007 |
| Business: | Namepeace Soulms, LLC (Publishing) |
| Position Held: | Sole Member |
| Dates of Involvement: | 2005-2008 |

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 currently represent a variety of businesses, institutions, health care providers and individuals in the areas of commercial litigation (15%), general business litigation (20%), labor and employment matters (employer 20%, employee 5%), administrative law (as counsel and administrative law judge (15%) and general corporate matters (25%).

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 counsel of record in state and federal trial courts throughout the State of Tennessee. I have tried several cases in chancery and circuit courts, as well as bankruptcy courts and general sessions courts. I have argued several cases before the Tennessee Court of Appeals and the Tennessee Supreme Court.

I have appeared as counsel of record in numerous administrative proceedings, included contested case proceedings, and represented employers in wage and hour investigations. I have represented management in arbitration proceedings pursuant to collective bargaining agreements. I have worked on transactions ranging from large telecommunications acquisitions to sales and transfers of medical practices.

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

I was counsel of record to Dr. Raymond A. Richardson, an intervening plaintiff in the landmark higher education desegregation case, *Geier v. Bredesen*, in the U.S. District Court for the Middle District of Tennessee. I served as counsel for Commissioners of the Tennessee Department of Commerce and Insurance in the Commissioners' capacities as receiver for insurance companies in liquidation and rehabilitation proceedings. As an Administrative Law Judge for the Nashville Electric Service, I have presided over, and issued decisions on, cases ranging from wrongful discharge to wage classification disputes.

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

I have served as a hearing panelist for the Tennessee Board of Professional Responsibility, and currently serve on the Board of the Tennessee Registry of Election Finance.

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

I applied for a seat on the Tennessee Court of Appeals in 2007, a seat in the Chancery Court for the State of Tennessee (20th Judicial District) (Part IV) in 2008, and more recently, for a Magistrate's position with the U.S. District Court for the Middle District of Tennessee, in 2016.

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.

The Johns Hopkins University, 1988-1992, Bachelor of Arts, Political Science.

Vanderbilt University Law School, 1992-1995, Juris Doctor.

PERSONAL INFORMATION

12. State your date of birth.

1971

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

I have lived continuously in the State of Tennessee all of my life with the exception of the following periods of time: 1988-1992 (attendance at The Johns Hopkins University in Baltimore, Maryland); 1994 (internship with Senator James Sasser, U.S. Senate Budget Committee, Washington DC) and 1995-1996 (judicial clerkship in Cincinnati, Ohio).

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

I have lived continuously in Davidson County, Tennessee from 1996 to the present.

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

I am registered to vote in Davidson County, Tennessee.

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.

Verneka Murphy, Tennessee Board of Professional Responsibility No. 37039-5-ES(B)/CL 32974: Dismissed.

Brenda Meekins, Tennessee Board of Professional Responsibility No. 36598-5-ES(B): Dismissed.

20. Has a tax lien or other collection procedure been instituted against you by federal, state, or local authorities or creditors within the last five (5) years? If so, give details.

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.

Yes.

Academy Square Homeowners Association v. Brianna M. Latham and William J. Haynes, III

Davidson County General Sessions Court No. 99GC12724

Suit to collect association fees due and owing in relation to a condominium unit I owned at the Academy Square condominium complex. The co-defendant had represented that she had paid the fees due and owing. I had no notice that my co-defendant had received service of process on my behalf, as I was not residing in the condominium unit at the time of the suit. The case was subsequently dismissed by agreement of the parties on September 7, 1999. No judgment was entered against me.

Beverly P. Barnes v. William J. Haynes, Jr. and William J. Haynes, III

Davidson County Circuit Court No. 94C2092

A suit was filed against me and my father alleging negligence in relation to a traffic accident in 1993. Case was subsequently settled via order dated October 5, 1994.

Aubaine M. Woods v. William J. Haynes, III, Christian County, Kentucky Family Court Docket No. 15-CI-00661

The plaintiff, my former spouse, filed a petition for divorce on July 2, 2015. The plaintiff was residing in Kentucky at the time of filing. A Marital Dissolution Agreement and Order of Dismissal were entered dissolving the marriage on October 9, 2015.

Amber Jones et al. v. William J. Haynes, III, et al., U.S. District Court (M.D. Tenn.) No. 3:16-cv-00677, U.S. Court of Appeals (6th Cir.) No. 17-5846

Upon my appointment to the Board of Tennessee Registry of Election Finance, I was named in my official capacity as a Defendant in this lawsuit, which alleged that a provision of Tennessee Campaign Financial Disclosure Act setting forth definition of and requirements for political campaign committees violated their

First Amendment rights of free speech and association and their Fourteenth Amendment rights of equal protection and due process, seeking both declaratory and injunctive relief. The district court, relying on established abstention doctrines, stayed the case pending the outcome of state administrative proceedings. The district court was reversed and remanded by the Sixth Circuit on a subsequent motion to amend (see Jones v. Coleman et al., 844 F.3d 744 (2017). Subsequent to the remand, the district court lifted stay and dismissed action for lack of subject-matter jurisdiction. (See Jones v. Coleman, 2017 WL 1397212 (M.D. Tenn. Filed Apr. 19, 2017). The Court of Appeals upheld the dismissal, on the grounds that that repeal of provision of act rendered parents' action moot. (See Jones v. Haynes, 736 Fed. Appx. 585 (6th Cir. 2018)

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.

Tennessee Justice for Our Neighbors, Board of Directors, 2017 – present.

Christ The King Catholic Church, Chair, School Board 2012-2014, Lector Coordinator, 2018-present.

Belcourt Theatre, Board of Directors, 2010-2015

Economic Club of Nashville (formerly Exchange Club of Nashville), 1998-present.

Knights of Columbus, 2015-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.

a. Knights of Columbus, 2015-present – the organization requires that its

members be male and in good standing with the Roman Catholic Church.

b. I do not intend to resign from this fraternal organization because it is intimately affiliated with my Catholic faith and provides charitable and humanitarian relief throughout the world to men and women of many different ethnicities and nationalities. Information can be found here: <https://www.kofc.org/en/>

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.

I have been a member of the following bar associations in the last ten (10) years:

Name: American Bar Association

Offices held: None

Name: Tennessee Bar Association

Offices held: Secretary, 2006 – present
Member, Racial Diversity Task Force, 2007
Board of Directors, Young Lawyers Division, 2001-2003
Board of Directors, TBA Leadership Law Alumni Council, 2006-2008

Name: Nashville Bar Association

Offices Held: Board of Directors, 2001-2004
Board of Directors, Young Lawyers Division, 1997-2000
(Chairperson, Public Service Division)
Nominating Committee, 2018

Name: Napier-Looby Bar Association

Offices Held: President Elect, 2001-2002
President, 2002-2003

Name: Lawyers Association for Women

Member, Board of Directors, 2001-2002

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 received the Enterprise Award from the Young Lawyers Division in 2001. I was selected for the Tennessee Bar Association's Leadership Law program in 2005, and I was also named a Fellow of the Nashville Bar Foundation in 2005, and a Fellow of the Tennessee Bar Foundation in 2013. I have also received recognitions for service from the Napier-Looby Bar Association, the Nashville Bar Association and other legal organizations.

I am AV® rated by Martindale-Hubbell, was named "Best of Bar" by the *Nashville Bar Journal* in 2008, and have been named to the *Best Lawyers In America* in the area of "Employment Law – Individual" since 2016.

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.

Tennessee Registry of Election Finance, Board (2017-present) (appointive)

Board Of Professional Responsibility, Chief Disciplinary Counsel (2012) (applicant)

ESSAYS/PERSONAL STATEMENTS

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

I am seeking this position because I believe it suits my professional experience, personal temperament, and desire to serve. I believe this position is very compatible with the model I have established for my practice, which is one based on solving problems, rather than creating them. The caseload of the Chancery Court matches my experience in civil and commercial litigation matters.

In addition, and perhaps more importantly, the position requires a citizen with broad perspective and a desire to promote the public good in the Davidson County community. I have those qualities, and my record of civic and community service speaks well of my desire to serve the citizens of Davidson County and the State of Tennessee.

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)*

While in essence a court of equity, the Chancery Court processes and adjudicates a wide variety of civil, commercial, and constitutional matters. The Chancery Court for the Twentieth Judicial District is the venue for judicial review of appeals from state administrative and regulatory bodies, and receiverships initiated by the Commissioner of Commerce and Insurance.

If selected, I would bring a broad and deep experience in all such matters to the Court. The diversity and richness of my professional career and personal background will be assets to the Court and the community it serves.

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)*

Our system of justice requires us to apply the facts to the law (statutory, regulatory, or case precedent) to determine the outcome of any given matter. I believe in this outcome-based approach to litigation, and would adhere to it as a Chancellor. I have had experience in this regard.

As an Administrative Law Judge for the Nashville Electric Service, I issued decisions in discharge cases involving workers that had experienced unfortunate circumstances in their lives. One such case involved a worker who had been seriously injured and faced serious physical and emotional struggles as a result. He was "preferred" for termination by NES for certain policy violations that were, in my view, a direct result of the pain he was experiencing.

In my Report and Recommendation, I noted all the mitigating factors for the employee that was admitted into the record. Ultimately, however, applicable NES codes and case precedent mandated that I uphold NES' preferred charge. While I did not personally believe the applicable law failed to account for these mitigating circumstances, I upheld the law, and termination of a career employee, all the same. I understand that such cases would be part of my calling as Chancellor, and I am prepared to undertake them.

REFERENCES

31. List five (5) persons, and their current positions and contact information, who would recommend you for the judicial position for which you are applying. Please list at least two persons who are not lawyers. Please note that the Commission or someone on its behalf may contact these persons regarding your application.

A. Hon. Nathaniel R. Jones (Ret.), Blank Rome LLP 1700 PNC Center, 201 East Fifth Street, Cincinnati, OH 45202 [REDACTED]

B. Charles W. Bone, Bone McAllester Norton PLLC 511 Union Street, Suite 1600, Nashville, Tennessee 37219 [REDACTED]

C. Harris A. Gilbert, Wyatt, Tarrant & Combs, LLP, AT&T Building, 333 Commerce St #1400, Nashville, TN 37201 [REDACTED]

D. Rev. Dexter Brewer, Pastor, Christ The King Catholic Church, 3001 Belmont Boulevard, Nashville, Tennessee 37203 [REDACTED]

E. Miltonette Cole, [REDACTED] Nashville, TN 37204 [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 Chancery Court for the State of Tennessee, 20th Judicial District, Part I, 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: November 13, 20 18.


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 Joseph Haynes, III
Print Name


Signature

13 November 2018
Date

017398
BPR #

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

Tennessee 017398
