

**Tennessee Judicial Nominating Commission**  
***Application for Nomination to Judicial Office***

*Rev. 22 December 2011*

Name: Brian K. Addington

Office Address: 1908 Bowater Drive, Kingsport, TN, 37660 Sullivan County  
(including county)

Office Phone: 423-224-1838 Facsimile: NA

Email Address: [REDACTED]

Home Address: [REDACTED]  
(including county)

Home Phone: [REDACTED] Cellular Phone: [REDACTED]

**INTRODUCTION**

Tennessee Code Annotated section 17-4-101 charges the Judicial Nominating 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 <http://www.tncourts.gov>). The Commission requests that applicants obtain the word processing form and respond directly on the form. Please respond in the box provided below each question. (The box will expand as you type in the word processing document.) Please read the separate instruction sheet prior to completing this document. Please submit the completed form to the Administrative Office of the Courts in paper format (with ink signature) *and* electronic format (either as an image or a word processing file and with electronic or scanned signature). Please submit fourteen (14) paper copies to the Administrative Office of the Courts. Please e-mail a digital copy to [debra.hayes@tncourts.gov](mailto:debra.hayes@tncourts.gov).

THIS APPLICATION IS OPEN TO PUBLIC INSPECTION AFTER YOU SUBMIT IT.

**PROFESSIONAL BACKGROUND AND WORK EXPERIENCE**

1. State your present employment.

I am currently employed as a Workers' Compensation Specialist IV in the Kingsport, Tennessee, office of the Tennessee Department of Labor and Workforce Development. This is an attorney position.

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

1993, BOPR # 015963

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 BOPR #015963

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).

1993 until 1995- Self-employed private practice attorney

1995 until 1996- Corporate Attorney for AECC

1996 until November 2004- Unemployment Hearing Officer II-Tennessee Department of Labor

and Workforce Development

2004 until present- Workers' Compensation Specialist IV, Tennessee Department of Labor and Workforce Development

6. If you have not been employed continuously since completion of your legal education, describe what you did during periods of unemployment in excess of six months.

Not Applicable

7. 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 the senior attorney in our Kingsport office. I issue Workers' Compensation orders on Temporary Benefits and Medical Benefits. I conduct informal conferences in which the parties submit information to prove or disprove claims. I review and approve or deny settlement agreements the parties submit for approval in conformity with the Workers' Compensation Statute. My employment with the State constitutes 99% of my practice. I have on occasion sought approval from the State to work on private matters for individuals not associated with the workers' compensation matters. This work has been estate work and has been pro bono. This would constitute 1% of my practice.

8. 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. In making your description, include information about the types of matters in which you have represented clients (e.g., information about whether you have handled criminal matters, civil matters, transactional matters, regulatory matters, etc.) and your own personal involvement and activities in the matters where you have been involved. In responding to this question, please be guided by the fact that in order to properly evaluate your application, the Commission needs information about your range of experience, your own personal work and work habits, and your work background, as your legal experience is a very important component of the evaluation required of the Commission. Please provide detailed information that will allow the Commission to evaluate your qualification for the judicial office for which you have applied. The failure to provide detailed information, especially in this question, will hamper the evaluation of your application. Also separately describe any matters of special note in trial courts, appellate courts, and administrative bodies.

When I first started private practice in 1993, I was involved in matters before Juvenile Court, General Sessions Court, Civil Circuit Court, Criminal Circuit Court, Chancery Court, and Municipal Court. I accepted private cases and appointed cases. I had a general practice for the

majority of time in private practice, but toward the end of my practice no longer accepted criminal cases. My greatest joy in private practice was representing two couples that adopted children. I did assist an attorney on an appellate brief in a criminal matter, but I did not personally handle any appellate work in private practice. I strived hard to represent clients to the best of my ability and did all I could to learn from the more experienced attorneys with whom I shared an office. I learned to work with the various clerks in the various jurisdictions to ensure my filing were appropriate for the jurisdiction. I was respectful to them and to the judges in whose courts I appeared.

As Corporate Counsel at AECC, it was my job to review FCC filings submitted by the FCC attorney. It was my responsibility to review the FCC filings from the FCC attorney and inform the FCC attorney of any mistakes or issues in his filings before submission to the FCC. I was involved in researching deeds, enforcing right of ways, and general real estate law questions associated with tower leases. I also assisted with human resources and in the preparation of filings with the State.

As an Unemployment Hearing Officer II, I was involved in the adjudication of unemployment claims at the Appeals Tribunal Level of the TN Department of Labor and Workforce Development. I conducted five to seven unemployment hearings each day. It was my responsibility to record the hearings, swear the witnesses, mark the exhibits, prepare an Order, and return all the file material to Nashville for processing. My office covered the Northeast Tennessee area. I heard cases in Kingsport, Johnson City, Mountain City, Talbott, Greeneville, and Morristown during my tenure. Prior to my tenure in the district, the stakeholders did not trust or respect the unemployment hearing officer. I worked hard to restore that trust and respect by being at work every day, even in bad weather, ensuring that my Orders were prepared each day, and sending files to Nashville each day. I received quality appraisal awards from my superiors for doing quality work according to Federal Guidelines. I worked with each office manager in whose office I had hearings not to interfere with their staff or operations and to field any complaints they had. I worked well with the Chief Hearing Officer to address any concerns he/she had with case proceedings in my district. I feel I left that office in much better shape than when I took the position.

In 2004 I accepted a position with the Workers' Compensation Division of the TDOL&WFD as a Workers' Compensation Specialist IV. This followed the 2004 Workers' Compensation Reform laws passed by the legislature. The Agency hired attorneys to approve permanent benefit settlements, mediate cases, issue orders, and review orders issued by other specialists. Further reforms have led to the current informal conference process where I rule on temporary disability benefits, medical issues, and Discovery issues. I still approve or deny permanent settlement agreements, but I no longer mediate claims. When I started with the Workers' Compensation Division, the reforms had just passed and I have worked with my supervisors to carry out the reforms passed by the legislature by offering suggestions, serving on committees, and speaking to the public about the reform changes.

9. Also separately describe any matters of special note in trial courts, appellate courts, and administrative bodies.

I served as guardian ad litem in a few cases in Sullivan County for minors and disabled adults in Chancery Court.

10. If you have served as a mediator, an arbitrator or a judicial officer, describe your experience (including dates and details of the position, the courts or agencies involved, whether elected or appointed, and a description of your duties). Include here detailed description(s) of any noteworthy cases over which you presided or which you heard as a judge, mediator or arbitrator. Please state, as to each case: (1) the date or period of the proceedings; (2) the name of the court or agency; (3) a summary of the substance of each case; and (4) a statement of the significance of the case.

I have mediated workers' compensation cases as part of my job with the Tennessee Department of Labor and Workforce Development. I mediated between the years of 2005 and 2011. I was involved in several death case mediations, and mediations for tens of thousands of dollars. In several cases it did not appear the parties would come to an agreement, but by talking to the parties about everyday life issues and finding out what the problem was that kept the parties from reaching an agreement, I was able to settle several cases. My main focus was to make sure the unrepresented claimant or the claimant that was wary of the process could feel at ease and make informed decisions about cases. Fear of the system or the opposing parties and misunderstandings of the facts or the purposes of mediation often kept people from settling cases. I used my life experiences and work experience to help them make an informed decision about their cases.

11. Describe generally any experience you have of serving in a fiduciary capacity such as guardian ad litem, conservator, or trustee other than as a lawyer representing clients.

I am currently a Trustee of First Baptist Church, Blountville, TN. My responsibility is to determine the income and expenses of the church and use that information to help arrange financing for projects if needed and to search for the best interest bearing accounts of monies held by the church.

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

While in law school I did volunteer my time to Legal Services in Johnson City, Tennessee. Also I clerked for an attorney in Kingsport and an attorney in Knoxville. These attorneys had contacted the Law School and requested a part-time clerk for specific issues. For the Kingsport Attorney, I researched case law concerning divorce cases. For the Knoxville Attorney, I helped her prepare for a deposition and video taped the deposition and updated her library.

13. List all prior occasions on which you have submitted an application for judgeship to the Judicial Nominating Commission or any predecessor commission or body. Include the specific position applied for, the date of the meeting at which the body considered your application, and whether or not the body submitted your name to the Governor as a nominee.

Not Applicable

**EDUCATION**

14. 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.

Pikeville College, Pikeville Kentucky (now the University of Pikeville) 1985-1989. Bachelor of Science in History/Political Science. Member in Phi Eta Sigma National Honor Society. Social Science Club member. Who's Who. President/Secretary of Delta Psi. Player's Award-baseball team.

University of Tennessee College of Law 1990-1993. Member of the Student Government Association. Officer of the Christian Legal Society.

**PERSONAL INFORMATION**

15. State your age and date of birth.

Age 45, Date of Birth August 1, 1967

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

24 years

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

24 years

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

Sullivan County

19. 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

20. Have you ever pled guilty or been convicted or are you now on diversion for violation of any law, regulation or ordinance? Give date, court, charge and disposition.

No.

21. 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.

22. If you have been disciplined or cited for breach of ethics or unprofessional conduct by any court, administrative agency, bar association, disciplinary committee, or other professional group, give details.

No.

23. 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.

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

No.

25. 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.

No.

26. 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.

Presbyterian Evangelical Fellowship-Member Board of Directors-2006 to present

Free Masons-Kingsport Lodge 688-November 2008 to present

First Baptist Church-Blountville Tennessee-2007-present

27. 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

28. 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.

Kingsport Bar Association- 2010-2011

29. 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.



Quality Appraisal Award-Tennessee Department of Labor and Workforce Development

I was offered the job of Chief Hearing Officer for the Appeals Tribunal, which I considered an honor. I declined the offer due to family obligations at that time.

30. List the citations of any legal articles or books you have published.

Not Applicable

31. List law school courses, CLE seminars, or other law related courses for which credit is given that you have taught within the last five (5) years.

Significant Case Law Developments in TN Workers' Compensation Law-I presented the statutory update and Administrative Law changes- March 8, 2011

Workers' Compensation Updates-I presented a general update on Workers' Compensation Law at the 2011 Annual Review and Ethics Seminar-TN Association for Justice-December 9, 2011

Worker's Compensation Statute and Administrative Changes and Case Summaries-I presented the statutory update and Administrative Law changes- February 14, 2012.

Is there a Strategy Involved in Settlement Agreements?-I presented 1/3 of the program and served as moderator. June 21, 2012

32. 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.

Candidate Sullivan County Commission 1995-County Commissioner-elective

Candidate TN House First District 1996-State Representative-elective

33. Have you ever been a registered lobbyist? If yes, please describe your service fully.

Not Applicable

34. Attach to this questionnaire at least two examples of legal articles, books, briefs, or other legal writings which reflect your personal work. Indicate the degree to which each example reflects your own personal effort.

I have attached two recent Orders that I issued in Workers' Compensation cases. We are required to use a certain format as shown in the Orders. The party listings, the section titles, the first intro paragraph, and the first paragraph of the Findings of Fact and Conclusions of Law are part of the format. In the Order for Benefits, bullet number two of what is ordered is part of the format. The remainder of the Orders is my personal effort.

**ESSAYS/PERSONAL STATEMENTS**

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

I am seeking this position as an opportunity to challenge myself and use my skills and experience to further serve the residents of the State of Tennessee. I think my background and years of making decisions on difficult administrative law matters constitute skills that an Appeals Court judge would use to perform his/her job. The State has entrusted me to make these decisions for years, and I want to challenge myself by applying my skills in an advanced position on the Court of Appeals.

36. State any achievements or activities in which you have been involved which demonstrate your commitment to equal justice under the law; include here a discussion of your pro bono service throughout your time as a licensed attorney. *(150 words or less)*

When I was in Law School, I was a student worker in the Legal Clinic at Law and also took the Legal Clinic class. As being someone who entered law school without any legal background, I felt like I could relate to those who could not afford or lacked understanding of the legal process. I feel it enriched my legal education to be in the clinic and help those who had obvious needs in their housing. I also volunteered time to Legal Aid as noted above.

After Law School, I served one year as a student coach in the High School Mock Trial competition as an effort to encourage children of all backgrounds to get involved in the legal process and feel comfortable doing so.

I have determined as much as possible to help those in need. I have offered my services, pro bono, for those with wills and estate matters, property questions, property questions, warranty matters, and even some criminal questions. In private practice, I represented some clients of Legal Services at a reduced rate.

37. 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 a Court of Appeals judgeship for the eastern section. There are four judges in the eastern section of the Court. The Court sits in panels of three. The East Grand Division covers thirty-three counties. The geographical area is defined in Tenn. Code. Ann. § 4-1-202. The Court of Appeals hears appeals from civil cases in trial court. It also hears appeals from certain state boards and commissions. I think my selection would impact the court in areas of Administrative Law. I have heard thousands of cases concerning unemployment and workers' compensation issues. Although I realize there is a "special panel" for workers' compensation cases, workers' compensation issues can arise in tort subrogation and divorce proceedings.

38. Describe your participation in community services or organizations, and what community involvement you intend to have if you are appointed judge? *(250 words or less)*

I have been involved as a coach for flag football with the Blountville Youth Athletic Association. I have served as an assistant coach and team dad for teams in the Blountville Baseball/T-Ball Association. I have served as an assistant coach and coach in the Blountville Upward Basketball for five years.

I am an active member, deacon, and Trustee of First Baptist Church Blountville. I have felt led to start some programs at the church that impact the community. I sponsor the Spring Garden Expo where we give free plants, seeds, and tools to those in the community. I sponsor the Fall Free Farmer's Market where we give free fresh fruits and vegetables to the community. I sponsor the Fall Men's Meeting of the church.

My wife and I have recently become Family Sponsors for a family in Blountville under Habitat for Humanity. This family has an obvious need as they are living in a substandard rental. We have helped her with decisions she has made about the home, and we will help her in the building of her home.

I intend to keep coaching and sponsoring these community activities if I am appointed.

39. Describe life experiences, personal involvements, or talents that you have that you feel will be of assistance to the Commission in evaluating and understanding your candidacy for this judicial position. *(250 words or less)*

I am a minister's son and from a young age have been exposed to a variety of people. I have been in what would be considered slum housing helping those in need to fine homes enjoying a nice meal. I learned at a young age the importance of work and being involved in the community from trash pick up, to food deliveries, to giving people rides to get groceries or to the hospital. I have enjoyed my church family and the many things we have been able to do and enjoy together.

I played baseball in college and learned to work with others as a team. We did not win often, but it was great to play together regardless of the outcome. I have used that experience as an adult to move forward even during times of disappointment, and I have been able to encourage others that

feel defeated. It helped me when I twice ran for office and lost.

I have coached families with financial problems. I learned to deal with these issues considering my former student loans, and have enjoyed helping others see that financial freedom is possible with hard work and dedication to fix their financial problems.

I like to hunt and fish. I enjoy taking nature walks with my family. We really like waterfalls. I collect soda bottles and coins. In collecting, detail analysis is important. An unseen flaw can make all the difference in a piece.

40. 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)

When I was a Hearing Officer with the TDOL&WFD years ago, there was a regulation change concerning drug tests. I did not feel there were enough safeguards in the law to protect the worker. As an attorney, I had serious questions about the application of the law. However, it was not my responsibility to change the law, but to review the facts of the case in light of the law. Drug testing cases are never easy, but the law serves an important public policy focus of deterring illegal drug use. I support that deterrence, but I was concerned then and now on occasion as a Worker's Compensation Specialist about violation of a claimant's due process rights and statutory rights under the law. When I have those concerns, I have requested more information from both parties about the case in order to make a more informed decision.

**REFERENCES**

41. 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. Clay Austin-Pastor-	[REDACTED]	Blountville, TN 37617
B. Attorney Tim Conner-	[REDACTED]	Knoxville, TN 37922
C. Attorney Mike Forrester	[REDACTED]	Kingsport, TN 37664
D. Commissioner Tommy Hulse-Mediator-	[REDACTED]	TN 37660
E. Attorney Fred L. Myers, Jr.-	[REDACTED]	Newport, TN 37822

**AFFIRMATION CONCERNING APPLICATION**

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

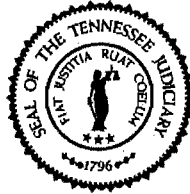
I have read the foregoing questions and have answered them in good faith and as completely as my records and recollections permit. I hereby agree to be considered for nomination to the Governor for the office of Judge of the Court of Appeals of Tennessee, and if appointed by the Governor, agree to serve 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: October 16, 2012.

  
Signature

When completed, return this questionnaire to Debbie Hayes, Administrative Office of the Courts, 511 Union Street, Suite 600, Nashville, TN 37219.



## TENNESSEE JUDICIAL NOMINATING COMMISSION

511 UNION STREET, SUITE 600  
NASHVILLE CITY CENTER  
NASHVILLE, TN 37219

## TENNESSEE BOARD OF PROFESSIONAL RESPONSIBILITY TENNESSEE COURT OF JUDICIARY AND OTHER LICENSING BOARDS

### WAIVER OF CONFIDENTIALITY

I hereby waive the privilege of confidentiality with respect to any information which 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 Court of 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 Tennessee Judicial Nominating Commission to request and receive any such information and distribute it to the membership of the Judicial Nominating Commission.

Brian K. Addington  
Type or Printed Name

*Brian K. Addington*  
Signature

10/16/12  
Date

015963  
BPR #

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

---

---

---

---

---

---

---

---

---

---