

Tennessee Judicial Nominating Commission
Application for Nomination to Judicial Office

Rev. 26 November 2012

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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.

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

PROFESSIONAL BACKGROUND AND WORK EXPERIENCE

1. State your present employment.

I am a Partner in the law firm of Slagle & Finney.

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 1990. My Tennessee Bar Number is 014307.

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.

In Tennessee Only.

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).

Not Applicable.

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).

Thomas E. Cowan and Associates - (Associate 1990 - 1991)
Assistant District Attorney for First Judicial District - (1991 - 2005)
Mark D. Slagle & Associates - (Associate 2005 - 2009)
Slagle & Finney- Law firm Partner (2009 - Present)

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 presently employed as a partner in the law office of Slagle & Finney. There are two partners, myself and Mark D. Slagle, and one associate, Johnathan A. Minga. My law practice consists of both State and Federal practice. I practice primarily 75% criminal law, 20% domestic law and 5% personal injury law that makes up my total practice. The majority of my practice is here in the First Judicial District.

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.

My career began in Elizabethton, Carter County, Tennessee in a small practice with one owner, Tom E. Cowan, and two other associates. There I worked on several different types of cases for the other attorneys within the first year of my legal career. I assisted one of the associates in a Class A felony trial. It was there that I began to have a hands-on experience with criminal procedure and trial strategy. I also handled my own criminal cases both retained and appointed. These were both felonies and misdemeanors throughout the First Judicial District, in both General Sessions Court and Criminal Court. I also practiced in the areas of domestic law and juvenile law in both Circuit and Chancery Court throughout the First Judicial District. I was a solo practitioner during this first year of my career within the above stated law office.

At the end of my first year I was approached by David Crockett, District Attorney General for the First Judicial District, about the possibility of a job opening in Carter County, my home county. With this information, I readily pursued this appointment and General Crockett eventually offered me the position of Assistant District Attorney General. I worked as an Assistant District Attorney General from 1991 to 2005 under District Attorney General David Crockett and his successor, Joe Crumley. I remember being sworn in with my parents by my side and immediately being sent to General Sessions Court to begin my career as an Assistant District Attorney. There I handled felony preliminary hearings, misdemeanor bench trials, and plea negotiations. I also worked as an Assistant District Attorney General in Juvenile Court. At trial or in plea negotiations, I worked with citizens either as victims, witnesses or both. I would investigate with officers, interview officers, negotiate with defense attorneys and present the State's case.

Also, during my career as an Assistant District Attorney, I started practicing in Criminal Court due to an unforeseen illness of one of the other Assistant District Attorney's child. I had the responsibility for both General Sessions Court and Criminal Court at different times. During this period I was responsible for all felonies and misdemeanors in Carter County Criminal Court along with General Sessions Court. These included preparing indictments, drafting motions, answering motions, investigating cases with officers, interviewing witnesses, trial preparation, plea negotiations, eventually trials and sentencing. When my co-worker returned to the office, we worked together on many cases in both General Sessions and Criminal Court.

In 1997 I was moved to Washington County Criminal Court as a prosecutor in, now retired, Judge Arden Hill's Court. I had primary duties pertaining to his Criminal Court preparing indictments, motions, plea negotiations, investigating with officers, trial preparation, jury trials including capital work and sentencing. I remained in this position until March of 2005 when I left the District Attorney's Office. By the end of my career with the State of Tennessee I had become the lead Assistant District Attorney for Washington County under then District Attorney Joe Crumley. I had the honor of trying Judge Arden Hill's last case on the bench and Judge Robert Cupp's first trial as a Criminal Court Judge.

In March of 2005, I chose to leave the District Attorney's Office for private practice. I went to work with Mark D. Slagle & Associates. I have practiced criminal law, domestic law and personal injury law since this move. Now as a defense attorney in criminal matters I interview clients, witnesses, investigate cases, draft pleadings, motions, briefs and argue same before the courts of the First Judicial District along with Sullivan County and other surrounding counties in which I have been retained or appointed cases. In all of these courts I have had numerous bench trials and jury trials. During my tenure as an attorney in private practice, I have defended three individuals with crimes wherein the death penalty was sought. In capital cases, I have defended clients charged with the death penalty twice in Sullivan County and once in Cocke County.

In domestic cases, I interview clients, witnesses, prepare pleadings, motions, actually take part in mediation and also try matters such as custody hearings, paternity and divorces. I have practiced in all Civil Courts, Circuit and Chancery throughout the First Judicial District.

In personal injury cases I have interviewed my client, the injured party, prepared complaints, completed and prepared interrogatories, deposed parties, witnesses and physicians, reviewed medical reports and bills, mediated cases and tried personal injury cases.

Criminal cases make up the vast majority of my private practice both retained and appointed.

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

One distinguishing element of my career is that I have actually participated in capital cases both as an Assistant District Attorney and as a defense attorney. A death penalty case involves the most serious crimes that the State can prosecute and a defense counsel can defend.

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.

Not Applicable.

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 presently serve as the representative payee on both my parent's social security checks. I also maintain their medical, nursing home and daily bills.

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

One of the most important things I do is to defend the legal system in which I practice to the general public with whom I come in contact and my family especially my children and their friends. I am proud of what I do and strive to explain the workings of justice to those who have questions.

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.

East Tennessee State University: (1979 – 1980)
I left for employment with Sprint Telephone to earn money for school.

East Tennessee State University: (1982 – 1985)
B.S. in Political Science

Memphis State University, Cecil C. Humphreys School of Law (1986 – 1989)
Juris Doctorate

PERSONAL INFORMATION

15. State your age and date of birth.

I am 51 years old. My date of birth is August 29, 1961.

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

My entire life with the exception of 3 months when I lived in Florida.

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

I have lived in Washington County, Tennessee for twenty years.

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

I am a registered voter in Washington 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.

Carter County General Sessions Court
Simple Assault - Guilty 12/12/1980
6 months suspended for good behavior; \$25.00 fine
I was 19 years old and got in a fight with another young man. The Judge made us shake hands. Since that time we have been in a wedding together and snow skied together.

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.

I was Divorced on June 13, 1986 in the Chancery Court for Sevier County, Tennessee.
Case No. 86-4-171
Irreconcilable Differences; No children

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.

First Presbyterian Church, Johnson City, Tennessee
Blackthorn Club, Jonesborough, Tennessee

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.
- If so, list such organizations and describe the basis of the membership limitation.
 - 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.

Tennessee Association of Criminal Defense Lawyers -- (2005 to present)
Tennessee District Attorneys Conference -- (1991-2005)

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.

Employee of the Year - (2002)
First Judicial District Assistant District Attorney

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.

Ethical Considerations in Criminal Discovery CLE
April 9, 2010

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.

Not Applicable.

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

No.

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.

Attached are two Motions and Briefs in Support thereof:

1. Motion for Bill of Particulars and Brief
U.S. District Court – Eastern District of Tennessee
2. Motion to Dismiss for Double Jeopardy and Brief
Cocke County Criminal Court

Both of these were written by myself and reviewed by participating members of my firm.

ESSAYS/PERSONAL STATEMENTS

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

Throughout my twenty-two year career as a litigator, I have seen many types of Judges with many different talents, levels of ability and temperaments. I have always desired to serve my community in a way that will serve the public good. This judgeship would accomplish that end for my family and I. I believe that I have the qualifications, legal experience, work ethic, temperament and drive to be a successful, fair and evenhanded judge. That is why I am seeking this position.

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)*

I have prosecuted crimes for the State of Tennessee and have zealously represented the people of Tennessee against defendants that have committed some very heinous crimes. I have prosecuted these individuals through trial and sentencing.

I have also represented citizens who have been charged with crimes, both misdemeanors and felonies. Many of these defendants were eventually exonerated or received lesser sentences. I represented them with the same zealous representation to protect all Tennessee citizens' rights while also defending both the United States and Tennessee Constitutions.

As to the second part of this question about pro bono service, there is not a day that goes by that I don't help someone with a legal question or advise on a multitude of different legal subjects free of charge.

I have represented many individuals free of charge or have taken appointed cases that have involved far more work than pay by the State.

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)*

The Judgeship that I am seeking is for the First Judicial District, which comprises the counties of Carter, Johnson, Unicoi and Washington. This Court handles criminal matters from misdemeanors to felonies. This Court also handles appeals from General Sessions Court, Juvenile Court, post conviction writs and violations of probation.

If appointed to this position, having worked with all the agencies and Clerk's offices within the district for over twenty (20) years, I will have an impact by immediately being able to take the bench and hit the ground running. I will furthermore work with the other Criminal Court Judge, the Chancellor and the other two Circuit Court Judges to effectively streamline scheduling to serve the citizens of the First Judicial District.

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 presently work with the Johnson City Parks and Rec's organization along with Little League baseball in coaching children both in soccer and in baseball. My wife and I have children who participate in both, and as such I have coached from the time they were in tee-ball to date both for girls and boys. I do so not only for my children but other children and their teams as well.

Prior to going into private practice I was a member of the Johnson City Morning Rotary and actively participated with the Children's Advocacy Center for the First Judicial District. I intend to become further involved in the community by re-joining the Rotary and becoming re-involved with the Children's Advocacy Center in a fund raising capacity. I will also continue to coach youth sports here in Washington County.

When I was an Assistant District Attorney I was invited to speak at many different forums. I have spoken to multiple law enforcement agencies, the Johnson City Medical Center Hospital and other programs involving high schools in the four counties making up the First Judicial District. I was the keynote speaker for a youth academic banquet for all of the high schools, both city and county, within the four counties about how kids from rural communities could get their education and follow their dreams. I would love to continue such speaking engagements if I am appointed to take the bench.

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)*

My mother was a High School math teacher and my father worked for Sprint Telephone Company, both for over forty years. We supplemented our income by raising cattle. I was introduced to farm work at a young age. It was through my parents that I learned what hard work and determination meant. I know my parents instilled this virtue in me, and I use this every day in my law practice. My parents helped make me the person I am today, and through their help I have the life experiences and education to apply for such a position.

Throughout college I worked part time and was an active college student, serving as a Senator in the Student Government Association, and as a delegate for the Inter Fraternity Counsel. I was very involved in charity events sponsored by the University and Sigma Chi Fraternity.

While I was an Assistant District Attorney I worked with every law enforcement agency within the First Judicial District. I believe these agencies still have a high regard for me as an attorney and person.

During the past eight years I have defended citizens and the Constitution to the best of my ability and believe these citizens would also have high regards for my professional abilities.

I believe with my background of having worked both sides, State and defendant, or plaintiff and defendant, and coming from a well-rounded middle class background reflects life experiences, personal involvements and talents that will help the commission effectively evaluate my candidacy.

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)*

I will without question uphold the law even if I disagree with the substance of the law. When I was a prosecutor I had to deal with defendants whom had lost their licenses but were now charged with felony habitual motor offender. These defendants were charged merely for driving to work with no alcohol and/or drugs in their system. I had to pursue these crimes as felonies because these specific defendants had lengthy past records. Even though I did not agree with the circumstances of the present offense being a felony.

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.

Judge Lynn W. Brown, Criminal Court Judge for the 1 st Judicial District 713 E. Elk Avenue, Elizabethton, TN 37643 [REDACTED]
Judge Robert E. Cupp, Criminal Court Judge for the 1 st Judicial District 108 W. Jackson Boulevard, Suite 1185, Jonesborough, TN 37659 [REDACTED]
Mr. Mark D. Slagle, Attorney, 302 Sunset Drive, Suite 111, Johnson City, TN 37604 [REDACTED]
Mr. Joseph LaPorte, III, Chairman and CEO of Citizen's Bank 300 Broad Street, Elizabethton, TN 37643 [REDACTED]
Mr. Kevin Ward, Carter County School Superintendent 305 Academy Street, Elizabethton, TN 37643 [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 1st Judicial District Criminal 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: Jan. 9, 2013.


STEVEN R. FINNEY

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 BOARD OF JUDICIAL CONDUCT

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 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 Tennessee Judicial Nominating Commission to request and receive any such information and distribute it to the membership of the Judicial Nominating Commission.

Steven R. Finney

Type or Printed Name

Steven R. Finney

Signature

1-9-13

Date

TN 014307

BPR #

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