

Fred Gx
2-20-15

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

STEPHEN MICHAEL WEST, *et al.*,)
)
Plaintiffs-Appellees,)
)
v.)
)
DERRICK SCHOFIELD, *et al.*,)
)
Defendants.)

No. M2014-02478-SC-R10-G
Davidson County Chancery Court
Case No. 13-1627-I

FILED
2015 FEB 23 AM 8:43
APPEALS COURT CLERK
NASHVILLE

MOTION TO APPEAR PRO HAC VICE

COMES NOW the undersigned, and moves this Court, pursuant to Tennessee Supreme Court Rule 19(d), for permission to appear *pro hac vice* on behalf of the plaintiffs, Stephen M. West, Nicholas T. Sutton and David E. Miller in the above-styled matter. In support of this motion, movant has attached an affidavit containing the information required by Tennessee Supreme Court Rule 19(d) (Attachment A) and a copy of the certificate of good standing from the Supreme Court of the State of Wyoming (Attachment B).

Pursuant to Tennessee Supreme Court Rule 19(f), movant has filed with the Board of Professional Responsibility of the Supreme Court of Tennessee a copy of this motion along with the supporting documentation. Movant has paid all fees required by this Rule in connection with the motion for admission *pro hac vice*.

Further, pursuant to Tennessee Supreme Court Rule 19(g), undersigned counsel is associated in this proceeding with Helen Susanne Bales, "a lawyer licensed to practice law in Tennessee, in good standing, admitted to practice before

the Supreme Court of Tennessee, and who resides in and maintains an office in Tennessee.”

Respectfully submitted,

FEDERAL DEFENDER SERVICES
OF EASTERN TENNESSEE, INC.

BY:



STEPHEN M. KISSINGER, *Pro Hac Vice* pending
Assistant Federal Community Defender



HELEN SUSANNE BALES, BPR# 017868
Assistant Federal Community Defender
800 S. Gay Street, Suite 2400
Knoxville, TN 37929
Phone: (865) 637-7979
Fax: (865) 637-7999

CERTIFICATE OF SERVICE

I, Stephen M. Kissinger, hereby certify that a true and exact copy of the foregoing document was sent via Fed-Ex for overnight delivery to:

Jennifer Smith
Deputy Attorney General
500 Charlotte Avenue
Nashville, Tennessee 37243-1401
Phone: (615) 741-3487
Facsimile: (615) 532-4892
email: Jennifer.Smith@ag.tn.gov

this the 20th day of February, 2015.



Stephen M. Kissinger
Asst. Federal Community Defender

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

STEPHEN MICHAEL WEST, *et al.*,)
)
Plaintiffs-Appellees,) No. M2014-02478-SC-R10-CV
)
v.) Davidson County Chancery Court
) Case No. 13-1627-I
DERRICK SCHOFIELD, *et al.*,)
)
Defendants.)

AFFIDAVIT OF STEPHEN MICHAEL KISSINGER

STATE OF TENNESSEE)
)
COUNTY OF KNOX)

I, Stephen Michael Kissinger, first being duly cautioned and sworn, state the following to be true:

1. That I reside in Knoxville, Tennessee and my office address is: 800 S. Gay Street, Suite 2400, Knoxville, Tennessee 37929.
2. That I am an attorney licensed to practice law in the States of Wyoming, No. 5-2342 and Florida, No. 0979295 (inactive).
3. That I seek to represent Stephen M. West, Nicholas T. Sutton and David E. Miller in the above-styled matter.
4. That I am a member in good standing of the following courts:
 - a. Wyoming State bar, No. 5-2342, admitted 4/7/86;
 - b. Florida State bar, No. 0979259, admitted 9/4/93 (inactive);
 - c. United States Supreme Court, admitted 6/17/91;
 - d. United States Court of Appeals for the Sixth Circuit, admitted 1/30/98;

- e. United States District Court for the Eastern District of Tennessee, admitted 1/8/99;
 - f. United States District Court for the Southern District of Ohio, admitted 2/4/14;
5. That within the preceding three years, I have been admitted *pro hac vice* in the following matters in the courts of the State of Tennessee:
- a. *Stephen Michael West, et al. v. Derrick Schofield, et al.*, Tennessee Supreme Court No. M2011-00791-SC-R11-CV, by Order entered August 17, 2012 (case is closed);
 - b. *State of Tennessee v. David Earl Miller*, Tennessee Supreme Court No. E1982-00075-SC-DDT-DD, by Order entered October 25, 2013 (execution date set);
 - c. *State of Tennessee v. Nicholas Todd Sutton*, Tennessee Supreme Court No. E2000-00712-SC-DDT-DD, by Order entered October 25, 2013 (execution date set);
 - d. *Stephen Michael West, et al. v. Derrick Schofield, et al.*, Davidson County Chancery Court No. 13-1627-I, by Order entered February 19, 2014 (case is the subject of this appeal);
 - e. *Stephen Michael West, et al. v. Derrick Schofield, et al.*, Tennessee Court of Appeals, No. M2014-00320-COA-R9-CV, by Order entered April 10, 2014 (on appeal);

- f. *Stephen Michael West, et al. v. Derrick Schofield, et al.*, Tennessee Court of Appeals, No. M2014-00320-SC-R11-CV, by Order entered December 9, 2014 (oral argument completed).
6. That I have never been denied admission *pro hac vice* or had an admission *pro hac vice* revoked by any court in any jurisdiction.
 7. That I have never been disciplined or sanctioned by any bar or Board of Professional Responsibility nor is any such action pending.
 8. That I am familiar with the Tennessee Rules of Professional conduct and the rules governing proceedings before this Court.
 9. That I consent to the disciplinary jurisdiction of the Board of Professional Responsibility of the Supreme Court of Tennessee and the courts or agencies of Tennessee in any matter arising out of my conduct in the proceeding.
 10. That I agree to be bound by the Tennessee Rules of Professional Conduct and any other rules of conduct applicable to lawyers generally admitted in Tennessee.
 11. That in accordance with Tennessee Supreme Court Rule 19(g), I am associated with Helen Susanne Bales, Assistant Federal Community Defender, Federal Defender Services of Eastern Tennessee, Inc., 800 S. Gay Street, Suite 2400, Knoxville, Tennessee 37929, (865) 637-7979, BPR No. 017868.
 12. That pursuant to Tennessee Supreme Court Rule 19(f), movant has filed with the Board of Professional Responsibility of the Supreme Court of Tennessee a

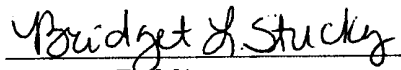
copy of this motion along with the supporting documentation. That the undersigned has paid all fees required by this Rule in connection with the motion for admission.

I declare under penalty of perjury that the foregoing is true and correct.



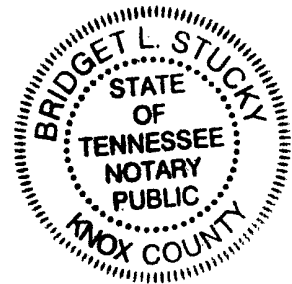
Stephen M. Kissinger

Sworn to and subscribed before me on this 20th day of February, 2015.



Notary Public

My Commission Expires: 9/29/18





www.wyomingbar.org

December 5, 2014

Attorney: Stephen Michael Kissinger

Stephen Michael Kissinger was admitted to practice by Exam in Wyoming on April 7, 1986 and is enrolled as attorney number 5-2342.

Status: Active

"Active" means that the attorney is eligible to appear as an attorney in all Wyoming state courts. "Honorable" means that the attorney serves as a judge. "Inactive" means that the attorney has voluntarily chosen inactive status, and is not currently eligible to appear as an attorney in any Wyoming court. "Retired" or "Honorable Retired" mean that the attorney or judge has voluntarily elected permanent inactive status, and is no longer eligible to appear as an attorney in any Wyoming court.

Standing: Good Standing

"Good standing" means that the attorney's license fees are current, mandatory continuing legal education, if required, is current, and the attorney's right to practice is not currently suspended or revoked for cause.

Discipline: None

By Wyoming Supreme Court rule, records of public discipline (disbarment, suspension or public censure) are maintained permanently; records of private reprimands are maintained for five years. "None" means that an attorney has never received public discipline, and has not received a private reprimand within the last five years. "Pending" means that there is either a formal charge of misconduct on file, or that an investigation is in process and Bar Counsel has proposed that the attorney stipulate to discipline. If the attorney has been disciplined as explained herein, documentation is attached.

I hereby certify that the preceding information is correct.

A handwritten signature in cursive script, reading "Lisa R. Benson", is written over a horizontal line.

Lisa R. Benson
Executive Assistant