

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

04/15/16

Name: Michael Everett Spitzer

Office Address: 19 Cedar Street, Hohenwald, Tennessee 38462 (Lewis County)
(including county)

Office Phone: 931-796-7974 Facsimile: 931-796-7924

Email Address: [REDACTED]

Home Address: [REDACTED] Hohenwald, Tennessee 38462 (Lewis County)
(including county)

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

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.

Spitzer & Heath, Attorneys at Law: 19 Cedar Street, Hohenwald, Tennessee 38462. Phone 931-796-7974; Facsimile 931-796-7924; e-mail- spitzerfirm@bellsouth.net

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

1983 BPR # 010624

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 never been licensed outside of the State of Tennessee. My Tennessee BPR # is 010624 and it became active in October of 1983. My license is currently designated as "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 denied admission to, suspended or placed on inactive status by the Bar of any State.

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).

A. Occupation, business or profession outside the practice of law: While in High School, I worked as an apprentice for several trades to simply learn the work. I worked for an electrician, bricklayer and carpenter. In carpentry I learned both frame and finish work. In addition, I worked during college for Porter Paint Company mixing paints and epoxy for commercial

purchasers as well as marketing to customers; worked for Sears in sales and worked at a grocery store on the register and stocking for the store. I have generally held some type of job throughout school to assist with tuition and living expenses. Also, while completing my Masters Degree in Educational Psychology, I was asked by one of the professors to become a Graduate Assistant for a new interdisciplinary program the university sought to implement between the History, English and Economics Departments. I agreed and took on what became a very interesting program. Upon graduation from college, I began teaching in the Lewis County School system and taught 8th grade students (32-35 students in a self contained class) teaching eight subjects each year. I taught for three years and then was hired as the Principal of both the Kindergarten-Fourth grade school and later Lewis County High School.

B. History of Legal Work: During and after law school, I worked in Memphis, for United Inns, Inc., in the General Counsel's Office. This Company was a licensee and franchisee of Holiday Inns and Hiltons. I generally worked with EEOC matters, contracts and employment issues in the numerous states where we had hotels. This company owned all Holiday Inns located in Houston, Tx.; Dallas, Tx.; Jacksonville, Fla.; Atlanta, Ga.; Scottsdale, Az.; and Jackson, Ms. In 1983, however, I moved back to Lewis County and became a partner in a firm identified as Keaton, Turner and Spitzer. Ultimately W.C. Keaton and Landis Turner retired and in 2004 I started The Spitzer Firm. In May 2015 I employed an associate and have since created the partnership of Spitzer & Heath. From the beginning of my practice in Lewis County I have had a general practice firm and over the years I have handled almost every type of litigation, civil and criminal, and also maintained an "office" practice that included representations of: municipalities, boards of education, trucking companies, banks, large timber companies, established corporations, limited liability companies and partnerships as well as concluded commercial and residential closings. I have written title insurance policies for most of the major title companies operating in the state. I have had a general focus on litigation and, as previously stated, represented both civil and criminal litigants. I have had hundreds of bench trials and more than 30 jury trials spread between civil and criminal defendants. I am familiar with all aspects of the trial practice and miss the jury aspect of trials, as most cases settle in mediation in the present market. I have practiced before trial and appellate courts. For 35 years I have included within my practice the defense of Tennessee Farmers Mutual Insurance Company and those insured by that company. However during the last few years I have narrowed the field of practice with which I am engaged and refer out almost all domestic and criminal matters. I have, however, been asked on occasion to mediate domestic and some civil matters even though I am not a rule 31 mediator.

In addition to my general practice of law, I was selected and served close to ten (10) years as an Administrative Law Judge for the Tennessee Department of Education. This was an invaluable experience and allowed me to serve in a capacity similar to the position for which I have now applied. This was a part-time position and I served along with my regular practice of law. The cases I heard were all grounded in federal legislation associated with the Individuals with Disability Education Act and Section 504 actions. When a case was assigned to me, by the Department of Education, I would correspond with the attorney representing the school district and the attorney for the parent of the disabled child and establish a scheduling order leading to trial. Some of these cases settled at the pre-trial stage but most continued to trial. As administrative law judge, I would rule on pretrial motions, swear in witnesses, hear testimony,

review documents and rule on exhibits, enter findings of fact and conclusions of law and make a final ruling on the case. The Tennessee Rules of Civil Procedure and the Tennessee Rules of Evidence applied in each hearing. During the hearing I would rule on evidentiary matters and at the conclusion draft a final order. Occasionally there would be post-trial matters and any appeal would be to Federal District Court. One of these hearings lasted almost two weeks and there were numerous complex issues surrounding the medical testimony presented at trial. This part-time ALJ program was terminated by the Legislature to allow full-time ALJ's to work such cases. All part-time Administrative Law Judges for the Department of Education who wanted to work as full-time ALJ's were asked to submit an application for employment. I chose not to apply.

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.

About 40 percent of my practice involves civil litigation with a primary emphasis on defense work. I also spend about 20 percent of my time with wills, estates and elder law issues. I have a real estate practice, which involves title searches, closings, real estate contracts, boundary lawsuits, partition suits and cemetery trusts. In the real estate area, I also handle petitions to set aside deeds and other real property matters involving both residential and commercial properties, which takes about 30 percent of my time. The remaining 10 percent of my practice deals with commercial clients in their business dealings, setting up LLC's and corporations as well as general advice. Also included within that percentage would be time representing two municipalities (City of Lobelville and City of Hohenwald) and the Lewis County School Board.

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 tried civil cases in both State and Federal Courts. When I began practicing law there was no public defender's office so I handled many appointed criminal cases in State Court. As a general practice firm, we generally accepted and represented clients in almost every area of the law. In civil matters, I have practiced before the Tennessee Court of Appeal but have not had the privilege to appear before the Tennessee Supreme Court. I have tried numerous jury trials, both civil and criminal. I have handled such trial matters as: divorce, adoption, motion practice, automobile accident trials, slip and fall, dog bite, arson, fence laws, business litigation, writs of certiorari, education law, employment law, worker's compensation, contract issues and interpretation, minor's settlements, name changes, adoptions, real estate controversies, partitions,

water rights, petitions to set aside deeds, will contests, criminal defense of drug, assault, robbery, attempted murder and other charges and tried many boundary line and easement cases. I am familiar with all manner of pre-trial discovery including motions to compel, motions to suppress and motions for summary judgment. I am familiar with jury selection, pre-trial briefing of cases, voir dire, opening and closing statements, special jury requests and methods of trial practice. I have filed many motions for summary judgment with statements of material facts not in dispute and supporting documents. I have briefed and argued appellate cases both as appellant and appellee. There would be very little that would come before the Circuit Court that I have not litigated during my career.

As part of my office practice over the years I have prepared hundreds of contracts of sale, bills of sale, land purchase agreements, wills, powers of attorney, living wills, estate planning documents, irrevocable trust documents, cemetery trusts, employment contracts, affidavits of heirship, deeds of every type and closing statements for real estate transactions. I have closed both real and commercial properties, many of which were in excess of a million dollars. I have represented numerous banks, two municipalities, school boards, a trucking company and an out of state timber company owning over 84,000 acres in Tennessee and other commercial clients.

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

My years as Administrative Law Judge were extremely beneficial in allowing me to preside over trials and rule on evidentiary matters. In addition, the Orders from which an appeal could be made to the Federal District Court required specific findings of fact and conclusions of law. This work gave me the opportunity to experience the management and ruling on a case, as a Judge, from its inception to conclusion. I think this was invaluable for the position which I now seek. Early in my practice the numerous appointed criminal cases, as well as those taken for a fee, gave me a meaningful insight into the criminal area of the law. One particular criminal case, involving a paid client, resulted in numerous unrelated indictments being dismissed in Hickman, Lewis and Perry Counties due to an admission from an informant that he was, in essence, receiving a commission on each case in which his testimony resulted in an arrest. I had one case that made headlines in the Tennessean due to significant variances with the law, as stated in orders from the trial court, and resulting in an interesting appeal. In civil matters I have had numerous adoptions over the years, each being uplifting and a very pleasurable area of practice.

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

Since beginning my practice of law I have been involved with and represented the Lewis County School Board, the City of Hohenwald (Lewis County) and the City of Lobelville in Perry County, Tennessee. I have enjoyed this practice and have represented these clients without a retainer and generally on a pro bono basis. In addition I am General Counsel for the Tennessee Bar Foundation and served on that Board for several years and was Chair for one year. The opportunity to provide grants to assist with access to justice and to the providers of legal services has been rewarding.

I am a hearing officer for the Board of Professional Responsibility and have reviewed and sat on a hearing panel to adjudicate complaints made against attorneys. Many of the files that I have reviewed are at the request of the Board and represent a summary dismissal. In these cases the attorney charged generally does not even know that a complaint was made. In other cases, of more serious violations, the attorney involved has responded to the Board and this generally leads to a hearing by a panel of three hearing officers, if a solution cannot be amicably resolved between the attorney and the Board. During these hearings the rules of evidence apply as well as rules of civil procedure. A scheduling order is created, pre-trial briefs are filed, evidence examined to be introduced, witnesses sworn and the proceedings are conducted as any other bench trial. At the conclusion of the hearing the hearing panel makes findings of fact and conclusions of law and an Order is entered representing dismissal, sanctions or disbarment. Serving as a hearing officer has been difficult at times and particularly when the attorney has complaints arising out of impairments that required mental health assistance. However, this has been a rewarding opportunity to work with our excellent Board of Professional Responsibility and help insure that the public is protected and attorneys with issues are placed in a position for help.

I serve as an interviewer for the Board of Law Examiners and interview applicants for admission to the Bar. This has been a great opportunity to meet with new attorneys and establish a rapport with them to open a line of communication in case they have immediate needs as they begin the practice of law. Occasionally, I will meet one of the applicants years later and they will recall meeting and will then talk about their first few years of practice. My job as an interviewer is to go through the applicant's personal file and discuss any issues that may exist and which would indicate a lack of fitness for the profession.

I am a commissioner for the Tennessee Lawyers Assistance Program and, along with other Commissioners, our job is to make decisions and take clinical measures to insure that the program is both helpful and sufficient to meet the needs of impaired lawyers in Tennessee. Our mission is grounded in identifying and assisting impaired attorneys and judges and protecting the public from impaired counsel or judicial decisions. We are currently working toward setting up a 501(c)(3) non profit to accept donations to fund the program so that we can expand into areas of preventative health rather than just keep a focus on assisting those attorneys and judges who are already in crisis. This is a very rewarding opportunity and recently I attended an annual TLAP boot camp where attorneys and judges with addictions and anxiety issues come together for helpful programs and to share their efforts at maintaining a healthy and productive lifestyle. I stand amazed at the courage of many of these attorneys and judges who are able to overcome

their addictions and who have a daily fight with forces that seek to destroy them and their families. I appreciate the opportunity to serve as a Commissioner for TLAP. We hope to expand the knowledge of TLAP and have discovered, over the years, that many attorneys who are in need simply do not know it exists or are unsure of how the program works. In addition, we are looking toward expanding the format to include preventative programs that incorporate mindfulness training and meditation techniques to assist with stress and the natural challenges of the profession. Finally, we hope within the scope of TLAP to encourage a stronger socialization program particularly within the larger firms.

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 application for a 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.

- (a) Middle Tennessee State University 1968-1969 (no degree- moved back to Jackson)
- (b) Jackson State Community College 1969-1970 (no degree-continued toward degree at four (4) year university)
- (c) University of Tennessee at Martin 1970-1972 (B.S. in Education with certification); Phi Kappa Phi Honor Society
- (d) University of Tennessee at Martin 1972-1973 (M.S. Educational Psychology); Graduate Assistant working with a new interdisciplinary program initiated by the History and English departments.
- (e) University of Tennessee at Martin 1975-1976 (School Administration Certification)
- (f) Memphis State University (now University of Memphis) 1979-1981 (Juris Doctorate); Am Jur Award in Conflicts; Moot Court Team.

PERSONAL INFORMATION

12. State your date of birth.

 1950
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13. How long have you lived continuously in the State of Tennessee?

I have been a resident of Tennessee my entire life.

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

35 years

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

Lewis County

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 privilege of military service, however, there was a time when the Governor of Tennessee created what was known as the Tennessee Defense Force which was a volunteer group established to take possession of and protect the various National Guard properties if the Guard were to be called up to war. I participated and our division was under the direction of General George Horne out of Smyrna, Tennessee. We were uniformed and participated in Memorial Day events and had some training through the National Guard.
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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.

Upon checking with Sandy Garrett, Chief Disciplinary Counsel for the Board of Professional Responsibility, I have had two formal complaints in 35 years of practice. The first complaint arose out of a real estate matter where I represented the seller of a couple of tracts of land and after closing the purchasers wanted to get out of the transaction and move on to something else. The complainant, Dorothy Willers, tried to force the seller to rescind the sale and then filed a complaint against me to assist in that effort. This case was identified as File No. 10373-6-sg and was opened on December 30, 1992 and summarily dismissed by the Board of Professional Responsibility on February 23, 1993. A second complainant, Howard B. DePriest, was a disgruntled gentleman named as a defendant in a suit brought by my client and when the cause action went against him he filed a complaint against me alleging a conflict of interest. The file is identified as File No. 19459-6(a)-th and was opened on June 2, 1998 and summarily closed by the Board of Professional Responsibility on September 2, 1998.

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, I have been involved, as a party in the following matters:

- (a) 1991 Ruth R. Spitzer vs. Michael E. Spitzer filed in the Giles County Chancery Court, resulting in an irreconcilable differences divorce.
- (b) Robert L. Burklow, Lee M. Burklow, and High Forest Properties, LLC vs. Cornerstone Health Systems, LLC, Nick Ramey, Brenda Ramey and Jerry Mercer filed in the Chancery Court for Lewis County, Tennessee. This suit involved a lease contract and dissolution of a partnership in which I represented the plaintiffs. I aggressively proceeded with this case and the defendant's attorney filed a counter-claim and named me as a defendant to basically get me out of the suit as attorney. I employed counsel to defend and with a Rule 11 notice and threat of personal suit for allegations made I was summarily dismissed without further proceedings. However, they were successful in getting me out of the case as plaintiffs counsel.

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.

Lewis County Chamber of Commerce; First United Methodist Church; Al Menah Shrine; Scottish Rite; Hohenwald Lodge 607 F & AM; NRA.

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.

No

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.

Tennessee Bar Association since 1983; Fellow of the Tennessee Bar Foundation, since 2000; Fellow of the American Bar Foundation since 2015; American Bar Association since 2015; I have served as a trustee and as chair of the Tennessee Bar Foundation. I am on the evolving legal markets committee for the Tennessee Bar Association; I am a commissioner for the Tennessee Lawyers Assistance Program appointed by Chief Justice Bivins in 2017.

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.

Fellow of the Tennessee Bar Foundation; Fellow of the American Bar Association. AV rating for over 15 years

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.

Notary Public since 1983; Lewis County School Board Member in the 1980's; I ran for General Sessions Judge for Lewis County in 1998 but did not win the election.

ESSAYS/PERSONAL STATEMENTS

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

As set forth in this application, in the past 35 years, I have had a very diverse and wide-ranging practice within the 21st Judicial District. There will be few cases that will come before the bench that would be new to my experience. However, that diversity would be meaningless without certain additional characteristics that I believe I have learned over the years from great mentors. I understand and value the dignity of every human being and recognize that, at the trial court, the issues of the litigants are extremely important to them. I am convinced that a judge who exhibits patience, listening skills, and communication that educates the public in a meaningful way are just as important as a high level of competence. I have a strong work ethic and collaborative spirit. I do not seek this position for lack of work, need for position or desire to move away from being a lawyer. I believe that I have something to offer the public as a judge who has the ability to manage the docket, provide a "listening" ear and wisdom to follow the law in a way that gives

integrity to the Court. Finally, if I came out of this Commission and, if I were selected by Governor Haslam, I live near to the Courts of the three Western Counties. The distance and travel time for a Judge living in Franklin to the other counties are as follows: Franklin to Centerville: 1 hour 14 minutes @ 56.4 miles; Franklin to Hohenwald: 1 hour 14 minutes @ 56.4 miles; Franklin to Linden 1 hour 31 minutes @ 71.8 miles. The distance and travel time for a Judge living in Hohenwald (Lewis County) to the other counties are as follows: Hohenwald to Centerville 28 minutes @ 19 miles; Hohenwald to Linden 24 minutes @ 19 miles

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 vacancy is a newly created trial court judge who serves both Chancery and Circuit Court. The Circuit Court would hear both civil and criminal matters. The bill signed by Governor Haslam opines a legislative intent that the 5th Judge would serve Hickman, Lewis and Perry Counties. This legislative intent was grounded on (a) public access to the courts and (b) economy of judicial travel. The distance and travel time for a Judge living in Franklin to the other counties are as follows: Franklin to Centerville: 1 hour 14 minutes @ 56.4 miles; Franklin to Hohenwald: 1 hour 14 minutes @ 56.4 miles; Franklin to Linden 1 hour 31 minutes @ 71.8 miles. The distance and travel time for a Judge living in Hohenwald (Lewis County) to the other counties are as follows: Hohenwald to Centerville 28 minutes @ 19 miles; Hohenwald to Linden 24 minutes @ 19 miles. I believe a Judge living in any of the three counties would provide quick and economical access to the Court.

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)*

A judge takes an oath to uphold the law and I would do just that. I do not believe that it is the position of a Judge to legislate from the bench. The rule of law and separation of powers has given this Country a consistency and structure unequalled in the world. At the trial court level it is a real asset to the attorneys representing the public when they can tell their clients exactly what they believe their judge will do with certain given facts. An example of where I have some disagreement with the current law is the position set forth by the recent Supreme Court decision in Dedmon v. Steelman. That decision continued the collateral source rule, as we have always known it in Tennessee and since it is the law I would uphold it. I do think it is unfair for a plaintiff to present to a jury their clients medical expenses at \$100,000.00 when in fact the medical providers accepted \$25,000.00 in full payment for their services. Certain medical expenses have gotten so high that using them as a guide for jury deliberation is unfair. I had a case for example where two injured parties were taken by life flight to Vanderbilt at the cost of \$60,000.00 and yet released within one hour. They both had life flight insurance and the bill was paid at a fraction of that charge. The \$60,000.00, however, was caught up in their reasonable and necessary medical expense for this accident. The defense cannot present to the jury these collateral source payments or show that the plaintiff did not have to pay the full amount of the

expenses.

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. Benny Pace, Director of Lewis County School System 206 South Court Street, Hohenwald, Tennessee 38462 [REDACTED]

B. Joe Anderson (Tennessee Farm Bureau) 147 Bear Creek Pike, Columbia, Tennessee 38401 [REDACTED]

C. Hon. Robert Lee Holloway 418 W. 7th St. Columbia Tn. 38401 [REDACTED]

D. Senator Joey Hensley 855 Summertown Hwy. Hohenwald, Tennessee [REDACTED]

E. Barri Bernstein, Executive Director of the Tennessee Bar Foundation 618 Church Street, Suite 120, Nashville, Tennessee 37219-2456 [REDACTED]

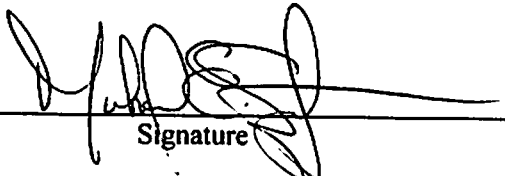
AFFIRMATION CONCERNING APPLICATION

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 [Court] Circuit Court for the 21st Judicial District 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: JUNE 21, 2018.


Signature

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



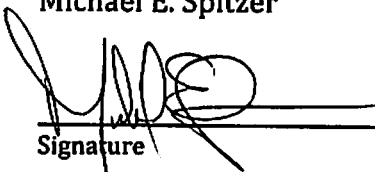
**TENNESSEE TRIAL COURT VACANCY COMMISSION
ADMINISTRATIVE OFFICE OF THE COURTS
511 UNION STREET, SUITE 600
NASHVILLE CITY CENTER
NASHVILLE, TN 37219**

**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.

Michael E. Spitzer



Signature

JUNE 21, 2018

Date

010624
BPR #

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

Tennessee DEPARTMENT OF Education
(teaching certification - number unknown)