

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

04/15/16

Name: JOHN B. HOLT

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INTRODUCTION

Tennessee Code Annotated section 17-4-301 et seq. charges the Trial Court Vacancy Commission with assisting the Governor and the People of Tennessee in finding and appointing the best qualified candidates for judicial offices in this State. Please consider the Commission's responsibility in answering the questions in this application questionnaire. For example, when a question asks you to "describe" certain things, please provide a description that contains relevant information about the subject of the question and, especially, that contains detailed information that demonstrates that you are qualified for the judicial office you seek. In order to properly evaluate your application, the Commission needs information about the range of your experience, the depth and breadth of your legal knowledge, and your personal traits such as integrity, fairness, and work habits.

This document is available in word processing format from the Administrative Office of the Courts (telephone 800.448.7970 or 615.741.2687; website www.tncourts.gov). The Commission requests that applicants obtain the word processing form and respond directly on the form. Respond in the box provided below each question. (The box will expand as you type in the document.) **Review the separate instruction sheet prior to completing this document. Submit by the noon deadline date an original (unbound) completed application (with ink signature) to the Administrative Office of the Courts.** In addition, submit a digital copy with electronic or scanned signature via email to 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.

I am self-employed. I started a firm in 1996 and have the successor firm to the original office. I currently operate The Holt Law Firm, PLLC.

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

I was admitted to the Tennessee Bar in 1996. I was assigned the BPR number 018041.

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 do not maintain a license in any other State.

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).

I have operated my own office since my graduation. I clerked at a law firm in Clarksville, where I grew up. I decided that Robertson County, Tennessee, was a better location for my office. I have now been in Springfield, Tennessee, since 1996.

6. Describe the nature of your present law practice, listing the major areas of law in which you practice and the percentage each constitutes of your total practice.

I consider myself to be a general civil litigation attorney. I have also considered myself to be an appellate resource to those who need that service. My practice is a general small community practice. This includes a good deal of domestic litigation, contract litigation, personal injury and occasionally criminal law. I apportion my domestic litigation practice at 75%, my other civil practice at 15% and the remainder of an assortment at 10%. The other civil practice is primarily personal injury, contract disputes and homeowner issues. The assortment that makes up the remainder is landlord/tenant litigation, criminal litigation and construction litigation.

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.

The entirety of my practice is litigation. It is difficult to place a number on the amount of trials at the trial court level over the course of more than twenty (20) years, as this is a part of my routine practice. I have also had a successful appellate practice and enjoy the research, writing and argument. I have limited experience in Federal Court and administrative bodies, although I currently have an appeal pending before the Commissioner of Commerce and Insurance.

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

Somewhat recently, I was able to successfully reverse a trial court ruling that "pierced the corporate veil" holding my Client personally responsible for the liabilities of an LLC in excess of \$250,000.00. Though successes like that are enjoyable, the satisfaction of my job occurs when I know that I have helped put a child in a good position or helped a family out of a difficult situation.

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

I served as the City Attorney for Coopertown, Tennessee, for approximately seven (7) years. During that time, I was not only litigating on behalf of the City, but became a witness that ultimately led to the Mayor not being removed with an Ouster Petition in Chancery Court. The

note is that the District Attorney in the 19th Judicial District appealed, and I filed a successful Amicus Brief to prevent the State from recovering attorney fees for a frivolous lawsuit from the Citizens of Coopertown, Tennessee.

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

None.

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.

Carson-Newman College, 1989-1993 (Tennis Scholarship)

Received a Bachelor of Arts, Political Science

Cecil C. Humphreys School of Law, University of Memphis (1993-1996)

Awarded the Dean's Award for Excellence in Trial Advocacy

President, Student Bar Association 1995-1996.

PERSONAL INFORMATION

12. State your date of birth.

1971

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

Forty-six (46) years.

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

After living in Montgomery County, Tennessee, I moved to Robertson County, Tennessee, in October, 1996. This is a tough question. I moved into my parent's farmhouse to avoid more school loans while my Wife pursued her Doctorate from Belmont in 1998. The "farm" is in Montgomery County. I have lived continuously in Robertson County since 2002. I have lived at the current address of Springfield, TN, for exactly fifteen (15) years.

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

Robertson County, Tennessee.

16. Describe your military service, if applicable, including branch of service, dates of active duty, rank at separation, and decorations, honors, or achievements. Please also state whether you received an honorable discharge and, if not, describe why not.

N/A

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.

I have not as I read the question. In the interest of full disclosure, I was charged with possession of alcohol at the age of 20 in 1991. It was diverted.

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.

In 1996, I took a real estate/landlord-tenant case. I was able to get my Client a judgment for Four Thousand Four Hundred (\$4,400.00) Dollars. The Defendants lived in Florida. I

personally paid for a Florida attorney to prosecute the collection action. My Client filed a board complaint for not collecting the judgment. It was summarily dismissed by the Board of Professional Responsibility.

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.

No.

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.

Springfield Rotary Club (1997-Present), President 2002-2003.

Friends of the Library, 1998-2006. (Movement to build a new Library in Robertson County)

Court Appointed Special Advocate Donor

Trinity Episcopal Church, Clarksville, Tennessee, Vestry Member (2012-2015)

Robertson County Scholarship Foundation Board Member (2015-Present)

24. Have you ever belonged to any organization, association, club or society which limits its membership to those of any particular race, religion, or gender? Do not include in your answer those organizations specifically formed for a religious purpose, such as churches or synagogues.

- a. If so, list such organizations and describe the basis of the membership limitation.
- b. If it is not your intention to resign from such organization(s) and withdraw from any participation in their activities should you be nominated and selected for the position for which you are applying, state your reasons.

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.

President – Robertson County Bar Association (2006)

Representative – 19th Judicial District, Tennessee Bar Ass’n, Young Lawyers Division, 1998-2005.

Tennessee Bar Association House of Delegates 19th District (2014-Present)

Springfield High School Mock Trial Coach, 2005-2007, (State Qualifier 2007)

26. List honors, prizes, awards or other forms of recognition which you have received since your graduation from law school which are directly related to professional accomplishments.

I have been recognized at many events for the work I have done for the Robertson County community. I am proud of the support I have received from the community, especially because this is a community that has been accepting of a “Clarksville” native. I do not have a plaque or other indicia of achievement to relay to this body, but I am sincerely grateful that I have been able to contribute and have been publicly acknowledged and thanked for the contribution for my efforts to build a library in Robertson County, support CASA and generally help the children in

the area.

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.

None.

ESSAYS/PERSONAL STATEMENTS

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

I grew up in Montgomery County, Tennessee. It is home and both my Wife and I have our families there. We attend Church there. I took my family to Robertson County, Tennessee in 1996. It is also home. I have spent half my life in both the counties that make up the 19th Judicial District. I understand the dynamics of both counties and am uniquely qualified to make decisions that reflect the situation in both. They are different. The law does not change between the two (2), but understanding the communities allows me to better assess the facts and apply the law. This position is a way to serve both of the communities that have been such a part of my life and that of my family.

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)*

There are four (4) Circuit Judges in the 19th Judicial District. Of course, there is one (1) Chancellor. The case load for each Judge is immense, especially with domestic cases. This is the reason this position was created. The presiding Judge recently distributed a memorandum that the new Circuit position will be primarily handling domestic relations cases.

My selection would take my primary area of practice and utilize that knowledge to immediately alleviate the back log of cases. I would work to make sure that there is a balance between the counties that gives everyone access to justice.

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)*

I will never violate or even curtail the substance of the law. It is up to the legislative branch to

make those decisions. I have an example that may be controversial to some, but as a TBA House of Delegate Member, I have made my opinion known. I practice primarily in domestic relations. The Child Support Guidelines are problematic. The Guidelines often remove the discretion of the trial judge in favor of a calculation that can lead to an unjust result. The inclusion of child care and health insurance is noble. It should be there because those are costs that all parents face. The difficulty is that every circumstance is unique and does not fit conveniently into a box.

I have had a Father that paid One Thousand Two Hundred (\$1,200.00) Dollars per month in support for two (2) children. The Mother only had visitation every other weekend because of her lifestyle. She doubled her income because she had children, which she does not care for day to day. That is an issue, but the result is supported by the Guidelines.

Until the Guidelines are revised, it is law. The Child Support Worksheet is the current calculation that is mandated and must be upheld.

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.

<p>A. Hon. Kerry Roberts, State Senator for Robertson County, 25th District Springfield, TN 37172.</p>
<p>B. Mr. Josh Evans, Former State Representative (District 66), Business Owner Springfield, TN 37172.</p>
<p>C. Mrs. Jordan Osborne, President – Robertson County Chamber of Commerce Springfield, TN 37172.</p>
<p>D. Mr. Ben S. Kimbrough, Vice-Chairman, Commerce Union Bank (Retired) Clarksville, TN 37040</p>
<p>E. Col. Paul K. Kreis, United States Army, USMA Graduate Clarksville, TN 37043 (Currently Stationed at the Pentagon, Washington, D.C.)</p>
<p> </p>

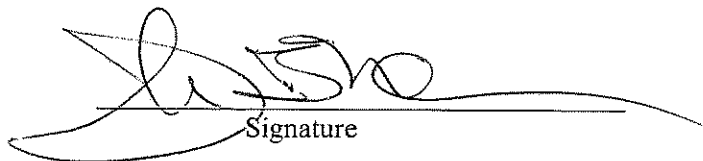
AFFIRMATION CONCERNING APPLICATION

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 Circuit Court, 19th 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: July 23, 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

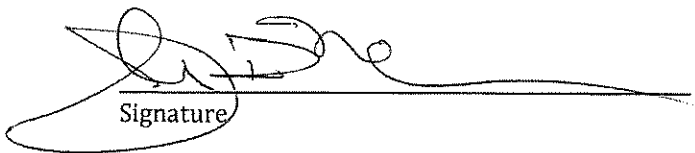
**TENNESSEE BOARD OF PROFESSIONAL RESPONSIBILITY
TENNESSEE BOARD OF JUDICIAL CONDUCT
AND OTHER LICENSING BOARDS**

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.

John B. Holt

Type or Print Name



Signature

July 23, 2018

Date

018041

BPR #

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