

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

04/15/16

Name: JOE ROGERS ("JAY") JOHNSON, II

Office Address: 115 5th Avenue West
Springfield, Robertson County, Tennessee 37172

Office Phone: 615.384.0284 Facsimile: 615.384.3224

Email Address:

Home Address:
Springfield, Robertson County, Tennessee 37172

Home Phone: None. Cellular Phone:

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 as an Attorney. The name of my business is the Law Office of Joe R. Johnson, II.

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

1996

BPR No. 018058

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 am licensed to practice law solely in Tennessee (BPR No. 018058). My Tennessee license has been continuously active since October, 1996. I have never been licensed to practice law 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).

No.

5. List your professional or business employment/experience since the completion of your legal education. Also include here a description of any occupation, business, or profession other than the practice of law in which you have ever been engaged (excluding military service, which is covered by a separate question).

I graduated from the University of Tennessee College of Law in May, 1996.

Law Office of Larry D. Wilks, Springfield, TN

- Law Clerk from July, 1996 to October, 1996
- Associate Attorney from October, 1996 to August, 1998
- I primarily handled criminal matters, residential real estate closings, and represented parents and children in Juvenile Dependent and Neglect cases. I also drew up wills and handled a few probate matters.

Goodman & Walker, Attorneys, Springfield, TN

- Associate Attorney from August, 1998 to December, 2000
- At Goodman & Walker, I began to work on divorces and other custody matters, in addition to the practice areas outlined above.

Law Office of Joe R. Johnson, II

- Sole Attorney of general law practice from December, 2000 to present
- I have owned and operated a busy solo law practice as a general practitioner for just shy of 18 years. I have always managed a heavy case load, and I have conducted hundreds of trials and hearings in family law matters, criminal matters, juvenile dependent and neglect matters, probate matters, and general civil matters.

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 am the sole attorney in a busy, small town law practice. In addition to my law practice, I am also listed as a Rule 31 Civil Mediator, Family Law Mediator, and Family Law / Domestic Violence Mediator. I practice in the following areas:

Family Law – 60% (including mediation)

Criminal Defense – 25%

Bankruptcy – 5%

Wills and Estate Administration – 5%

Civil Litigation – 5%

I conduct between 75 and 110 mediations per year, the vast majority of which are Family Law mediations. I am typically in court three or four days per week, either for trials or motion hearings. While I do some transactional work, my practice is primarily a litigation practice.

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 always been blessed with a busy general practice. I typically appear in court three to five days per week. I have participated in approximately 30 jury trials. I have represented clients in hundreds of non-jury trials and countless motion hearings. I have appeared before the Court of Appeals and the Court of Criminal Appeals on multiple occasions. I have not yet appeared before the Tennessee Supreme Court. For the past six years I have also practiced regularly before the United States Bankruptcy Court for the Middle District of Tennessee. Early in my practice I regularly handled residential real estate closings, though I have not practiced in this area in many years. I have also represented clients in front of various county and city Planning and Zoning boards, Equalization Boards, and in front of the County Commission for Robertson County. While my practice has is primarily based in Robertson County, I also have litigated matters in Montgomery County, Sumner County, Cheatham County, Davidson County, Williamson County, Rutherford County, Wilson County, and Knox County. I have drafted hundreds of wills over the years, and this portion of my practice continues to grow as I get older. I have also assisted clients with the formation of business entities, although that is not a large part of my practice. I continue to take criminal appointed cases, and I am regularly appointed as Guardian ad Litem in divorce matters and conservatorship matters. I am also appointed by the Court in probate matters from time to time.

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

I have had a successful general practice for almost 18 years. I have continued to accept appointed criminal cases and juvenile dependent and neglect cases long after the time when most seasoned attorneys pass those cases on to young associates. It is our duty as lawyers to provide low cost or no cost legal services to those who could not otherwise afford our services, I am proud of the level of legal service that I have provided our indigent population over the years.

My practice has required that I represent people on occasion who have been involved in abusive relationships. It is very rewarding to have a hand in assisting victims of such domestic abuse find safety and gain the protection that the Courts and legal system provide.

I have handled many adoptions over the years. There is no better feeling as a legal professional than to participate in a final adoption hearing.

I have participated in multiple Wills for Heroes Clinics, as well as Legal Clinics for persons with limited economic means.

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

As stated earlier, I handle a large number of family law mediation cases each year. The experience that I have gained in mediating these cases has made me a better lawyer. I have had the opportunity to work with outstanding family law attorneys in bringing their cases to a successful resolution. I have learned so much about how to prepare and try a case from these outstanding attorneys. I feel that my mediation experience will be invaluable to me on the Bench if I am fortunate enough to be selected for this position. I have also experienced the frustration that I am sure judges feel when attorneys are unprepared for mediation. I am always prepared for court and mediation, and I would bring that same level of preparedness to the Bench.

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

This is the first time that I have submitted an 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.

University of Tennessee – Knoxville (Fall, 1989 to Spring, 1993)

- I graduated *magna cum laude* in 1993 with a Bachelor of Arts degree in History and minor in Political Science with a 3.89 grade point average.
- I was elected into the Phi Beta Kappa and Phi Kappa Phi academic honor societies.

University of Tennessee / George C. Taylor College of Law (Fall, 1993 to Spring, 1996)

- I was awarded the degree of Doctor of Jurisprudence in 1996.
- I received an academic scholarship during my first year.
- I graduated in the top quarter of my class.
- I was elected to the Phi Delta Phi Legal Honor Society.
- I was elected Student Bar Association Vice-President by my peers as a 3L
- I worked as a Law Clerk for the University of Tennessee, Office of General Counsel for two years.

PERSONAL INFORMATION

12. State your date of birth.

1971

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

I have always lived in Tennessee.

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

I have always resided in Robertson County, Tennessee other than those times that I was enrolled at the University of Tennessee-Knoxville.

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.

I have no prior military experience.

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.

Two, with both being dismissed during the pre-trial investigatory stage.

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.

Mayralyn Pope vs. Jay Johnson, Robertson County Circuit Court, Docket No. 2001-CV-3697.

Suit for professional malpractice stemming from failure to timely file a Deed of Trust. This matter was settled out of court, with Ms. Pope being made completely whole.

Larry Paul Koffman vs. Jay Johnson, Robertson County Circuit Court, Docket No. 2005-CV-4976.

Suit for professional malpractice stemming from my representation of Mr. Koffman in a criminal trial. Mr. Koffman was found guilty and sentenced to 20+ years in prison. He filed this *pro se* lawsuit, claiming that I did not provide effective legal representation. This suit was dismissed after the Court granted my Motion for Summary Judgment.

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 Baptist Church, Springfield, TN – life-long member.

Springfield Kiwanis Club – Past president, Vice-President, and board member. I have been inactive for the past three years due to a conflict in my schedule.

University of Tennessee / Robertson County Alumni Association – Past President

Robertson County Court Appointed Special Advocates (CASA) – While not a “member”, I have provided financial assistance to this wonderful organization.

Robertson County / NorthCrest Hospice – financial contributor

Robertson County Chamber of Commerce – member since approximately 2001

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.
- 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

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.

Robertson County Bar Association – (1996 to present)

- I was President in 2005-2006.
- I have served on various committees over the years, including the Courthouse Renovation Committee and a committee formed to recommend funding for an additional general sessions judge.

Tennessee Bar Association (1996 to present)

- Young Lawyer’s Division (1996 to 2006) – I served on the YLD Board of Directors during this time. Notably I was Chair of the Disaster Relief Committee, which prepared a manual to assist with mobilization of legal professionals to provide legal assistance to those affected by natural disasters.
- I served as local Chair of the Mock Trial Competition for Robertson, Montgomery and Sumner Counties for approximately nine years. I also volunteered to assist with scoring of

the State Mock Trial Competition held in Nashville each year. I also coached Springfield High School's Mock Trial Team for two years.

- I am a member of various sections, including General Practice, Family Law, Bankruptcy Law, and Criminal Law.

American Bar Association (1996 to present) – I have attended ABA Conventions as a representative of the TBA/YLD.

National Association of Criminal Defense Lawyers (NACDL) and Tennessee Association of Criminal Defense Lawyers (TACDL) – (various times – I am unsure of the exact years).

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.

2005-2006 -- Received a plaque as a token of appreciation for my service as President of the Robertson County Bar Association.

2004 - Plaque / Certificate of Appreciation from the 19th Judicial District Public Defender's Office in recognition of excellence in the representation of indigent defendants.

2012 – Received an award from CASA of Robertson County in recognition of my support for their organization.

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.

I have never been a candidate for public office.

ESSAYS/PERSONAL STATEMENTS

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

I have been the sole attorney in a busy and successful law practice for almost eighteen years, after working in other offices for four years. I am now handling more family law matters than any other practice area. I truly enjoy what I do, and I could certainly

continue to operate my law office and be very happy.

I would like a new challenge. I have the relevant legal experience to be an effective domestic relations judge. I would be able to competently hear cases from the start, as I consider these issues daily in my private law and mediation practice.

This will be a busy court from day one. The Court Clerks have been instructed to begin assigning cases to Part 5 immediately, even though the successful candidate will not be able to start until September 1, 2018 at the earliest. I feel that I would not be overwhelmed by these busy dockets, as I have always maintained a heavy case load.

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 19th Judicial District is a two county District which serves Montgomery and Robertson Counties. The State Legislature, recognizing the need for an additional judge in this Judicial District, created this position, with an anticipated start date of September 1, 2018. Currently there are four Circuit Court Judges and one Chancellor. The individual selected for this position will be the Circuit Court Judge for the newly created Part V. Judge William R. Goodman III, Presiding Judge of the 19th Judicial District, recently sent a Memorandum that spelled out the duties of the Part V Judge. This position will hear 80% of all Domestic Relations cases filed in Circuit Court, which equates to 40% of the domestic relations cases for this Judicial District. It is my understanding that this Judge will hear divorces, post-divorce modifications of custody and child support, modifications and enforcement of alimony awards, and contempt petitions.

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)*

If selected to fill this position, I would uphold the law even if I did not agree with its substance. It is not the function of a trial judge to make law; that is the Legislature's role. A judge's role is to consider the facts and fairly and impartially apply the law to those facts. It is crucial that a judge uphold the law despite any personal feeling or misgivings that he or she may have.

As a practicing attorney, I know how important it is for the law to be consistently and fairly applied. It would be almost impossible to counsel clients in a custody modification case if the judge was known to apply different legal standards than the law requires.

Tennessee now requires that a judge fashion a parenting schedule that maximizes the participation of the Alternate Residential Parent in the child's life. This has led to some judges routinely awarding 50/50 parenting plans, even in situations where one parent has not been very involved with the child. There are also several statutory factors that judges

must consider in making these determinations. The case law is still being developed in this area, and any judge making these decisions will need to stay current on the appellate decisions that come out dealing with parenting plan issues. While I personally may agree that 50/50 plans are in the best interests of minor children in all situations, I would follow the law as it evolves in this area.

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. Hon. Howard R. Bradley, County Mayor for Robertson County Tennessee, Springfield, TN 37172
B. Lewis G. Walling, Robertson County Schools Board of Education, Springfield, TN 37172
C. Jeff K. Walker, Esq., Walker & Garner, Springfield, TN 37172
D. Phyllis D. Morriss, Esq., Springfield, TN 37172
E. Rosemary E. Phillips, Esq., Clerk & Master for Robertson County Chancery Court, Springfield, TN 37172

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 for the 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 20, 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.

Joe R. Johnson, II

Type or Print Name



Signature

7-20-18

Date

018058

BPR #

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

N/A

