

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

04/15/16

Name: Thomas Jay Norman

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(including county)

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Home Address: _____, Nashville, (Davidson County) Tennessee 37205
(including county)

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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.

Self-employed attorney with a concentration in criminal law

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

1983, TBPR # 10563

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.

TENNESSEE: TBPR # 10563

OHIO: pro hac vice # PHV-7716, 9-18-2015, not currently active: litigation concluded

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 was employed as a law clerk/court officer for A.A. Birch Jr., Judge of Criminal Court of Davidson County Tennessee, Division III, during three years of my formal legal education (April 1, 1980 - Nov. 7, 1983), after which I began my legal practice.

My law office was located at 213 Third Ave. N. Nashville TN from November 1983, until July 2007, and has been at the current address 111 Union St. Nashville TN since.

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.

My present law practice is of a general nature but with a concentration on criminal law. I estimate that 75-80 percent of my practice is in criminal law and the remainder is diverse but generally involves "people" law. As an example I have recently handled cases involving real estate disputes, contracts, and inheritance, an administrative appeal to chancery court, detainer actions and uncontested divorces.

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 over 60 jury trials in civil and criminal matters, the greater majority being criminal. I have perfected several administrative appeals to chancery court most recent being Burley v. Department of Safety, Chancery 17-0669-III, involving the issue of venue in criminal forfeitures. I have represented clients in hearings before the Department of Safety, Unemployment Security, Funeral Board, City Beer Board, and practiced domestic law for over 25 years but have tapered off my practice in that area. I have handled numerous juvenile cases and have recently argued a juvenile transfer matter involving homicide. I have been admitted to the Sixth Circuit U.S. Court of Appeals and the Fifth Circuit U.S. Court of Appeals. My practice is 99% retained clients. I have perfected the following state appeals, most of which I also handled in the trial court:

Tennessee Supreme Court

State v. Taylor 739 S.W.2d 227 (Tenn 1987) *cited 78 times*
Consecutive sentencing child sex abuse
(at trial & appeal up to S.Ct. argument, relieved, J Russell Heldman appt'd)

State v. Livingston 907 S.W.2d 392 (Tenn 1995) *cited 47 times*
Fresh complaint rule modified

State v. Fuller 172 S.W. 3d 533 (Tenn 2005) *cited 39 times*
Due process & dual conviction under St. v. Anthony

State v. Lewis 235 S.W. 3d 136 (Tenn 2007) *cited 291 times*
Confrontation clause under Crawford v. Washington

Davis v. State 313 S.W. 751 (Tenn 2010) *cited 86 times*
Habeas Corpus, school zone sentencing, illegal sentences

State v. Myers application granted and immediate remand with instructions (2017)
2nd application granted July 18, 2018

Court of Criminal Appeals

State v. Rose	1985 - reversed and remanded for <i>Boykin</i> violation at plea, conducted jury trial upon remand and defendant was found guilty of lesser included offense.
State v. Ford	30 S.W. 378 (2000) <i>cited 5 times</i> Tainted confession due to constitutional violation --Prior opinion ruled search illegal and remanded for further hearings as to written confession., C.C.A. No. 01C01-9708-CR-00365, 1999 WL 5437 (Tenn. Crim. App. Jan.7, 1999)
State v. Garrison	M2001-02297-CCA-R3-CD Sept 27, 2002 I represented during jury trial in Wayne county.
State v. Stuart	01C01-9501-CR-00004 Sept. 28, 1995
State v, Woodard	01C01-9503-CR-00066 Feb 23,1996 Upheld trial court's suppression of evidence.I represented the defendant at the suppression hearing.
State v. Loggins	01C01-9601-CR-00004 1996
State v. Overstreet	01C01-9704-CR-00131 Jan. 28, 1998
State v. Holt	01C01- 9804-CR-00188 March 11, 1999 Reversed/remanded failure to charge lesser included offense. I represented the defendant at the jury trial in Wilson county.
State v. Smith	M2001-02297-CCA-R3-CD Sept 27, 2002
State v. Beecham	M2002-01859-CCA-R3-CD May 16, 2003
State v. Thomas	M2002-01716-CCA-R3-CD May 28, 2003
State v. Lampley	M2003-00531-CCA-R3-CD Jan. 27, 2004
State v. Boyd	M2004-00580-CCA-R3-CD Apr. 15, 2005
State v. Calloway	M2004-01118-CCA-R3-CD June 2, 2005 Merger of offenses
State v. Giddens	M2005-00691-CCA-R3-CD March 13, 2006

State v. Mitchell M2005-01652-CCA-R3-CD. June 1, 2006
State v. Haynes W2005-02126-CCA-R3-PC Sept. 8, 2006
State v. Hoover M2006-00139-CCA-R3-CD Feb. 8, 2007
State v. Murphy M2007-00403-CCA-R3-CD October 27, 2008
State v. Blankenship M2008-01881-CCA-R3-CD June 30, 2009

Court of Appeals

Devorak v. Patterson 907 S.W.2d 815 (Tenn App. 1995)
No higher duty to non-residents in sale of used car

Soloman v. Murrey 103 S.W. 3d 431 (Tenn App. 2002)
Antenuptial agreements and public policy

Poliak v. Adcock M2000-02325-COA-R3-CV Sept 24, 2002

White v. Eastland, No. 01-A-01-9009-CV-00329, 1991 Tenn. App. LEXIS 624
(Tenn. Ct. App. Aug. 9, 1991), no appl. perm. appeal filed.

"The Tennessee Consumer Protection Act does not apply to isolated, casual transactions between individuals not engaged in the conduct of a trade or business." [cited as authority by TN. Sup. Ct. in Fayne v. Vincent 301 SW 3d 162 (Tenn. 2009)]

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

I have represented defendants in jury trials in Davidson, Cheatham, Humphreys, Rutherford, Sumner, Wayne, White, Williamson, Wilson counties and have learned from the many different judge's perspectives and preferences in the conduct of their jury trials. I have also represented defendants in several jury trials in the United States District Court for the Middle District Tennessee. My diverse practice has allowed me to experience and therefore learn from these many different perspectives of the law.

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

In the spring of 1976 I was an intern at the State Legislature representing Memphis State University and assisted in the preparation of legislation on behalf of the House representative to whom I was assigned and thereafter followed it through the legislative session. I also enrolled and attended classes at the University of Tennessee Nashville during this internship with the legislature. Later that same year I obtained employment with the Criminal Court Clerk of Davidson County Tennessee while I continued my education at the University of Tennessee Nashville. I was employed with the Clerk's office for several years during which I helped issue warrants, write appearance bonds, call dockets, assisted in the preparation of the minutes, clerked through numerous jury trials; administering oaths, logging evidence and keeping the record of events of the trial. Beginning in the spring 1980, while attending law school, I was employed full time by A.A. Birch Jr., Judge of Criminal Court of Davidson County, Division III as a law clerk/court officer and conducted research, prepared draft Orders and memorandums, transported prisoners, served subpoenas and provided security in the courtroom. I have sat as a special judge in the General Sessions Court of Davidson County on many occasions and also in the Circuit Court for Davidson County relative to involuntary committals for mental health purposes.

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.

Memphis State University 1973- 1976 transferred to UT Nashville

University Tennessee at Nashville 1976-1979 Bachelor Science in Business Administration

Nashville School of Law 1979-1983 Doctor of Jurisprudence

PERSONAL INFORMATION

12. State your date of birth.

: 1955

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

Since _____, 1955

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

Since _____, 1955, other than the time spent enrolled at Memphis State University.

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

Davidson 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.

None

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.

Nov. 1999, Assault, Dismissed - expunged

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.

One (1) Board Professional Responsibility complaint in 2000, and 2 BPR complaints prior

thereto. Each and every complaint has been dismissed.

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.

Thomas J Norman v, Fleet Carrier Corp, approx. 1976, Davidson Circuit, auto accident

John D. Terry v. Thomas J Norman, 1991 Gen. Sessions Davidson County, fee dispute, dismissed

Norman v. Norman, divorce 1996, 96D-2523, Davidson County. final decree

Bobby Rager v. Jay Norman, 1994, 94C-333, malpractice, compromised and settled

Thomas J Norman v. Paul Capps, 04P428, Davidson Probate, administrator of estate of Paul Capps

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.

Masonic: Corinthian Lodge #8; Scottish Rite; Al Menah Temple Shriners

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. The masonic fraternities have separate organizational structures based on gender.

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.

National Association Criminal Defense Lawyers, 2008-2015 (off and on)

Tennessee Association Criminal Defense Lawyers, 2012-2013

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.

None

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 ran for election to the office of Davidson County General Sessions Court Judge Division IX in 2014.

ESSAYS/PERSONAL STATEMENTS

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

I feel that I have the legal experience and ability to perform the courtroom duties and obligations of the Judge of Criminal Court, Division IV. I have represented criminal defendants from

General Sessions Court through the application for permission to the Tennessee Supreme Court and in so doing have an understanding of the burdens, duties and perspectives of each level of our judicial system. I have been sole trial counsel in over 60 jury trials and as a court officer witnessed hundreds more.

This Court includes the felony Drug Court. I have been involved with the Davidson County Drug Court (DC4) since its inception. It is an excellent and much needed program and I want to continue its operation in its present form as it is considered the national "gold standard" of Drug Courts. Treatment and rehabilitation decreases recidivism and I want to be a part of this drug court.

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 six Judges of the Davidson County Criminal Courts handling violations of criminal statutes and related matters such as probation violations, post convictions and general session appeals. I have practiced in front of all the present Judges except the Judge of Division IV. I have a good relationship with the present Judges of the Criminal Courts and I would strive to maintain that relationship and the case load to which I would be assigned. I would assist my fellow Judges as needed and requested. The Davidson County Drug Court (DC4), a part of this court, is recognized as one of the most successful long term residential addiction treatment courts and I will strive to maintain its national reputation of providing quality addiction treatment while developing the character of the participants during their confinement. I will put in the time necessary to fully conduct the business of 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)*

I would maintain absolute allegiance to my Oath of office and in doing so would follow the law as written and has been interpreted by higher Courts regardless of my personal beliefs or feelings. Our system of justice is dependent upon the oaths of each participant; whether juror, witness, clerk, attorney or judge.

It has become evident during my practice that incarceration, even for minor infractions of the law, is sometimes not only necessary for society but can be useful for rehabilitative purposes. I have likewise represented defendants accused of sexual crimes against children and regardless of my personal feelings, I have attempted to provide them the best representation possible. I have been true to my oath as an attorney and I will be true to my oath as a judge.

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. Edward M. Yarbrough, Attorney at Law; Bone McAllester Norton, Ste 1600 Nashville, TN 37219 ()
B. Lisa S. Maclay, Consulting Telecom Analyst, HCA, Nashville, TN,
C. Tracy Shaw, Attorney at Law, Howell & Fischer PLLC, Nashville, TN 37219 ()
D. John Thompson Fort Jr., Senior Vice President, Wiley Bros – Aintree Capital LLC, 40 37215. ()
E. Tom P. Thompson Jr., District Attorney General, 15 th Judicial District, Hartsville, TN 37074 ()


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 __Criminal Court Davidson County Tennessee, Division IV__ 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 20th ___, 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**

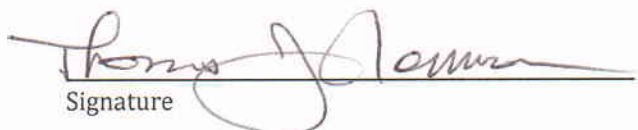
511 UNION STREET, SUITE 600
NASHVILLE CITY CENTER
NASHVILLE, TN 37219

**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.

__Thomas Jay Norman_____
Type or Print Name


Signature

__July 20, 2018_____
Date

__010563_____
BPR #

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

