

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

1/17/23

Name: Evan E. Hauser

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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 Microsoft Word 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 Microsoft Word 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. Your complete application, including both the original and digital copies, must be received by the Administrative Office of the Courts on or before the deadline prescribed in the Notice of Vacancy. See section 1(g) of the application instructions for additional information related to hand-delivery of application packages.

THIS APPLICATION IS OPEN TO PUBLIC INSPECTION AFTER YOU SUBMIT IT.

PROFESSIONAL BACKGROUND AND WORK EXPERIENCE

1. State your present employment.

Senior Deputy Law Director, Knox County Law Director's Office

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

2005; 024479

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; 2005; 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).

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).

July 2013- Present: Senior Deputy Law Director, Knox County Law Director's Office, Knoxville, Tennessee

May 2015- December 2021: Minority Member, Ice Up Cryotherapy, LLC, Knoxville, Tennessee

January – June 2013: Director of Managed Care, Appalachian Underwriters/ US Administrator Claims, Oak Ridge, Tennessee

May 2007- January 2013: Attorney/ Of Counsel, The Mollenhour Law Firm, Knoxville, Tennessee

May 2007- January 2013: Owner, Law Office of Evan E. Hauser, Knoxville, Tennessee

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.

In 2013 I was hired by the Knox County Law Director's Office to design, implement, and direct Knox County Government's self-insured workers' compensation program. In 2016 by intragovernmental agreement my department assumed coverage of Knox County Schools' classified employees and added coverage for its certified teachers who did not previously enjoy workers' compensation coverage. We currently administer claims for the benefit of approximately 14,000 employees.

My duties include supervision of Knox County claims staff on day-to-day handling of workers' compensation claims, coordinating and maintaining the integration of claims software, pharmacy benefit manager, and bill review vendor services, negotiating and drafting vendor contracts, maintaining compliance with state and federal authorities including MMSEA 111 Reporting, state required workers' compensation EDI filing, state self-insurance certification and self-administration requirements. I frequently appear before the Court of Workers' Compensation Claims and Workers' Compensation Appeals Board. I handle all aspects of workers' compensation claims defense including investigation, discovery, depositions, procurement of expert medical testimony, mediation, and litigating claims through trial and on appeal.

I also regularly counsel the Knox County Risk Management Director and Knox County Sheriff's Office on a variety of general liability and employment law related matters including claims under the American with Disabilities Act and Family Medical Leave Act.

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.

After graduating law school, I accepted an associate attorney position with The Scott Law Group, PC in Sevierville, Tennessee under the supervision of C. Dan Scott, Esq. It was a big firm experience with small firm responsibilities. The week after being formally admitted to the bar, I was handed a stack of files and instructed to appear before the Sevier County General Sessions Court. In this role, I was responsible for the firm's creditor and debtor practice. On behalf of our creditor clients, I handled breach of contract cases and foreclosures from start to finish. I also managed the firm's consumer bankruptcy practice including consulting individuals on Chapter 7 and 13 filings, preparation of all necessary documents, schedules and statements, preparation of Chapter 13 plans, negotiating pre- and post-confirmation plan modifications requested by the Chapter 13 trustee, adversary proceeding litigation, and achieved a couple of Chapter 11 plan confirmations before the U.S. Bankruptcy Court for the Eastern District of Tennessee.

Over time, I was assigned more complex cases such as construction and real estate litigation, domestic relations matters including divorce and child custody proceedings, personal injury, commercial litigation, representation of homeowners' associations, property disputes, and probate estate litigation. I also assisted with drafting wills and estates, corporate formation, and preparation of residential and complex commercial real estate transactions, including the creation of planned unit developments and related document preparation. During my time with The Scott Law Group, PC, I appeared primarily in the General Sessions Court, Circuit and Chancery Courts of Knox, Blount, and Sevier County.

In 2007 I joined the Mollenhour Law Firm where I worked with attorneys, Michael J. Mollenhour, Esq. and Jeffrey L. Taylor, Esq. I was excited to earn more complex trial and litigation experience. I was assigned a large case load of primarily insurance defense related cases including workers' compensation, products liability, premise liability and general torts liability claims. I handled cases start to finish including drafting pleadings, motions practice, discovery, depositions and litigated cases through trial throughout most state courts in the greater Kingsport, Knoxville, Chattanooga and Nashville metropolitan areas and counties. As examples of the types of cases I handled, I obtained a defense verdict at trial on an alleged work-related cervical spine injury before the Anderson County Circuit Court, Tennessee. I obtained summary judgment and dismissal of a premise liability suit with an alleged lumbar spine injury due to a slip and fall in Sevier County Circuit Court, Tennessee. I obtained summary judgment and dismissal of a torts action wherein the Court held a defendant contractor owed no legal duty to protect plaintiff or control the conduct of any third party who may have injured the plaintiff on a job site in Anderson County Circuit Court, Tennessee.

While working with the Mollenhour Law Firm, I also "hang a shingle" in Fountain City, Tennessee and established my own private practice wherein I continued my creditor work representing a large East Tennessee credit union and individual consumer bankruptcy practice. I also developed a healthy domestic relations practice wherein I handled divorces, post-divorce custody disputes, child support proceedings, orders of protection, adoptions, termination of parental rights, and child neglect and dependency proceedings. Developing a greater interest in family law, I accepted appointments to serve as Guardian ad Litem and represented parents before the Knox County Juvenile Court and Blount County Juvenile Court. I also represented several individuals in workers' compensation and personal injury cases which provided a broader perspective on the legal system from the "other side of the fence."

I enjoyed serving my community through the trials and tribulation of being a solo practitioner and earned extensive litigation experience across East Tennessee with the Mollenhour Law Firm. Mr. Mollenhour taught me a client-centric focus to practicing law in that an amicable resolution for your client is often better than simply "winning." Mr. Mollenhour wrote the following endorsement on LinkedIn: "Evan is a smart, practical problem solver. Always, as an attorney, Evan represented clients zealously, with the highest ethical standards."

In 2012 I became interested in learning more about the "back end" of the workers' compensation insurance and third-party administrator business. During my time coaching claims adjusters, I noticed the adjusters were often over worked and experienced high turn-over rates among my insurance clients. As a result, the injured workers suffered and so did the insurance companies'

bottom line. In January 2013 I jumped at the opportunity to join the claims department at Appalachian Underwriters in Oak Ridge, Tennessee. In my short time there, I assisted with contract negotiation and the transition of the companies' claims software, pharmacy benefit manager, and bill review vendor in addition to managing a heavy desk of workers' compensation claims, commercial auto, and general commercial liability claims including coverage questions in several states. This experience served as the foundation of skills required to segue into my current role with Knox County. My time there also solidified my claim's philosophy which is to "Do the Right Thing." Do the right thing by quickly returning calls, expediting medical care on behalf of injured workers, stay proactive in the claims process, and avoid requiring parties to jump through unnecessary hoops. As a result, claimants experience better medical outcomes, return to work quicker, and, perhaps surprisingly, this creates a better bottom line for the employer and insurer.

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

I served as lead counsel for the defendant employer at trial and on appeal on the following matter which highlighted the struggle of the workers' compensation system to come to grips with the rapid growth of long term chronic opioid therapy amongst claimants across Tennessee. In *Kennedy v. Lakeway Autos Sales, Inc.*, 2011 Tenn. LEXIS 842 (Tenn. Workers' Comp. Panel, August 30, 2011) a newly hired internal medicine physician discharged several patients, including plaintiff employee, from his clinic for non-compliant drug screens. Plaintiff employee was discharged due to a negative drug result where the physician determined employee was not taking any of the chronic opioid medication he was being prescribed. Employer took the position employee was not entitled to additional medical treatment because he was non-compliant. The trial court ordered employer to provide employee with a panel of doctors specifically "to treat his pain." The Tennessee Supreme Court Workers' Compensation Panel affirmed, in part, and modified the order to require employer to provide a panel to provide reasonable and necessary medical treatment as required in T.C.A. § 50-6-204.

Five months after the above opinion issued, the General Assembly introduced legislation in January 2012, later enacted May 2012, which required employees to be offered a panel of qualified anesthesiologists or board-certified pain management physicians in the event they were prescribed Schedule II, III, or IV controlled substances for a period exceeding ninety (90) days. The legislation also introduced a strike system that terminated an employee's right to future pain management in the event of one or more instances of non-compliance with the qualified physician's treatment plan.

I served as lead counsel for the defendant employer at trial and on appeal on the following matter of first impression concerning the "date of injury" for a mental injury claim where no physical injury was alleged for the purposes of subject matter jurisdiction. In *Nickerson v. Knox County*, 2021 Tenn. LEXIS 124 (Tenn. Workers' Comp. Panel), the plaintiff alleged she suffered a mental injury arising from traumatic work-related experiences occurring prior to 2011. Employee took the position the "date of injury" should be, essentially, the date she was

diagnosed by her physician in 2018. She filed a petition before the Court of Workers' Compensation Claims which has jurisdiction over injuries occurring on or after July 1, 2014. The Tennessee Supreme Court Workers' Compensation Panel agreed with defendant Knox County that the "date of injury" in this case for the purposes of subject matter jurisdiction was the date of the identifiable work-related events which occurred prior to 2011.

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

Although they did not occur in a courtroom, I am extremely proud of the following accomplishments at Knox County:

In early 2016 I was asked to evaluate the Knox County Schools' ("KCS") workers' compensation program. At the time, KCS fully insured their 3,500 classified employees paying 1.6 million dollars in premiums annually. KCS's 7,000 teachers did not have workers' compensation coverage. During the 1980s, the teachers union rejected workers' compensation coverage in exchange for a pay raise under a collective bargaining agreement. *See Muhlheim v. Knox County Bd. Of Educ.*, 2 S.W.3d. 927 (Tenn., 1999). As a result, when a teacher was injured on the job, they were forced to pay medical expenses out of pocket and sue Knox County in torts for negligence with capped damages under the Governmental Tort Liability Act- a tenuous situation for everyone.

After reviewing KCS's loss data, I became convinced we could transition KCS's classified employees to our self-insured program and add coverage for the teachers for the same price KCS currently paid to insure only their classified employees. After obtaining an actuarial study to verify my calculations, I presented a plan to the KCS and Mayor's Office. Ultimately, I gained the trust and approval to implement my plan by the KCS Superintendent, Board of Education, County Mayor and County Commission.

By intragovernmental agreement, KCS agreed to pay Knox County a 1.6 million dollar annual deposit premium whereby KCS would recoup savings in the event annual claims costs and reserves came under that figure. Since 2016, our annual claims costs, including KCS's portion of their excess insurance premium, have come in under 1.2 million dollars. In short, we transitioned coverage for KCS's 3,500 classified employees, added coverage for 7,000 teachers, and saved KCS 3.5 million dollars to date.

In March 2020 I was asked to assist with the creation of a Rapid COVID-19 Screening Program for the Knox County Sheriff's Office first responders and other designated essential workers. We anticipated long wait times for screening results wherein employees would sometimes not receive results until after their quarantine period expired. It was critical to find a solution to get quick, reliable results to maintain appropriate staffing levels in the field. I coordinated with a local occupational health clinic and, with the assistance of the Knox County Benefits Director, contracted with a local testing facility to expedite screening results. As Knox County Schools re-opened in the fall of 2020, we also added KCS to our screening program. From April 2020 to February 2022, my department facilitated approximately 800 screenings which included

evaluating exposures, appointment scheduling, relaying results to employees and supervisors, and providing isolation, quarantine, and return to work guidance under the Tennessee Department of Health guidelines.

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

On or about March 4, 2022, I submitted a cover letter and resume to apply for the recent Workers' Compensation Appeals Board vacancy. In candor I did not learn of the vacancy until immediately after the filing deadline. I elected to submit my application late. To my knowledge, my application was not considered.

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.

Georgia State University College of Law, 2002 – 2005, J.D.

Litigation, Honors Designation (Top Two Students in Class)

2004 CALI Awards for Excellence (Highest Scoring Student in Class) in the following classes: Conflict of Laws, Natural Resources Law, Advanced Real Estate Transactions, and Litigation

University of Tennessee, Knoxville, 1996-2001, B.A. (English Literature)

PERSONAL INFORMATION

12. State your date of birth.

1978

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

Other than three (3) years for law school in 2002 – 2005, I have lived continuously in Tennessee my entire life.

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

I have lived continuously in Anderson County since July 2020.

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

Anderson 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.

Not applicable.

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. You may wish to request a report from the appropriate supervisory authority (or authorities) for a complete history.

Not applicable.

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.

Evan E. Hauser v. Casey H. Flowers, Chancery Court for Knox County, Tennessee, Docket No. 193716-2. Final Judgment of Divorce based on irreconcilable differences entered February 2, 2018.

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.

Faith Promise Church, Knoxville, Tennessee (2019 – Present)
Guest Services Volunteer (2022- Present)

Boy Scouts of America

- Assistant Scoutmaster, Troop 46, Cokesbury United Methodist Church, Knoxville, Tennessee (January 2020 – January 2021)
- Cubmaster, Pack 141, Ebenezer United Methodist Church, Knoxville, Tennessee (August 2016- December 2019)

CrossFit Rhema, Knoxville, Tennessee
(2015 – Present)

Clinch Valley CrossFit, Clinton, Tennessee
(2020-2021)

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 Self-Insurer's Association, Board Member (2017 – Present)

Knoxville Bar Association (2013- Present)

Tennessee Bar Association (2013- Present)

Tennessee County Attorneys Association (2013- Present)

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.

Not applicable.

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.

Other than my application, candidacy and hiring to my current position with the Knox County Law Director's Office and application discussed in No. 10 above, I have not been a candidate or applicant for any other public office.

ESSAYS/PERSONAL STATEMENTS

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

Thomas Jefferson set forth the basic principle of public service as follows: "When a man assumes a public trust, he should consider himself as public property." In other words, a public servant must be selfless and pledge loyalty to his community over his own personal interest. My fellow citizens of Anderson County deserve a judiciary that exemplifies the highest ethical standards who will support the Constitution of the United States, Constitution of Tennessee, and decide matters with careful thought, fairly and impartially regardless of the parties involved. I have attempted to live my life with honor, integrity, and to love and serve my neighbors. I believe I have the temperament, skill, and expertise required to serve as Chancellor of the Seventh Judicial District of Tennessee. It would be the greatest honor of my career to be appointed to the position.

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)*

I am seeking appointment as Chancellor to the Chancery Court of the Seventh Judicial District of Tennessee which comprises the entirety of Anderson County, Tennessee. Chancery Court shares concurrent jurisdiction with Circuit Court on a broad variety of cases but maintains exclusive jurisdiction over certain matters such as probate, proceedings to aid in execution of a judgment, appointments of guardians and certain conservatorships, and boundary disputes. Traditionally, Chancery Court maintains inherent jurisdiction over all matters of an equitable nature. In Anderson County, Chancery Court handles primarily domestic relations matters including divorce, child support, adoptions, orders of protection and probate cases.

With nearly eighteen (18) years of experience practicing law in the types of cases typically adjudicated by Chancery Court, I will approach every case with thorough, consistent, and conscientious preparation. I have often heard my clients voice frustration over how long the legal process takes to resolve their case. I will make my best effort to maintain a current and efficient docket for the benefit of the litigants.

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)*

Yes. The General Assembly creates the law, and it is the trial court's role to interpret the law faithfully, and when unambiguous, according to its plain meaning. It is also the trial court's responsibility to interpret the law according to precedent until such time as the General Assembly acts or a higher court orders otherwise.

The Tennessee Workers' Compensation Reform Act of 2013 instituted a major shift in the legal causation standard required for a compensable injury. Many types of injuries that were

previously routinely approved now required more scrutiny and more detailed evaluation by medical professionals to determine whether their injury or condition arose “primarily” out of their employment. Often, I was required to deny these claims under the new causation standard which were unpopular decisions. This caused frustration amongst claimants who complained they were treated unfairly because their co-workers' similar claims were approved as recently as a few months prior. These claimants were often *pro se*. I made every effort to speak to the claimants personally, respectfully, and with dignity. I encouraged them to seek an attorney to obtain their own counsel to determine whether they wanted to file a claim with the Court of Workers' Compensation Claims.

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. Chancellor Richard B. Armstrong, Jr., Knox County Chancery Court, Part II [REDACTED] Knoxville, TN 39702 Office: [REDACTED] Cell: [REDACTED]
B. David L. Buuck, Knox County Law Director [REDACTED] Knoxville, TN 37902 Office: [REDACTED] Cell: [REDACTED]
C. Dave Wright, State Representative, 19 th Legislative District [REDACTED] Nashville, TN 37243 Office: [REDACTED] Cell: [REDACTED]
D. Jordan Mollenhour, Co-CEO of Mollenhour Gross, LLC [REDACTED] Knoxville, TN 37919 Cell: [REDACTED]
E. Allyson Graves, Assistant Director of Contracts U.T. Institute of Agriculture [REDACTED] Knoxville, TN 37996 Office: [REDACTED] Cell: [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 Chancellor of the Chancery Court of the Seventh 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: 1/30, 2023.



Signature

When completed, return this questionnaire to John Jefferson at the 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.

Evan E. Hauser
Type or Print Name

Evan E. Hauser
Signature

1/30/23
Date

024479
BPR #

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

Not applicable.
