

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

1/17/23

Name: Caleb David Thomas

Office Address: 3864 Summertown Hwy, Summertown, Lewis County, Tennessee 38483

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[REDACTED] 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 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.

Corporate Counsel- Summertown Metals, LLC- Main office in Lewis County

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

2018- 036958

3. List all states in which you have been licensed to practice law and include your bar number or identifying number for each state of admission. Indicate the date of licensure and whether the license is currently active. If not active, explain.

I have never been licensed to practice law outside the state of Tennessee. My Tennessee BPR # is 036958 which became active in October of 2018. My current license status is "Active."

4. Have you ever been denied admission to, suspended or placed on inactive status by the Bar of any State? If so, explain. (This applies even if the denial was temporary).

I have never been denied admission to, suspended, or placed on inactive status by the Bar of any State.

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

2010-2018- **High Forrest Medical Billing-** In High School through my legal education I worked remotely for a medical billing company answering phone calls from customers related to their medical bills for cancer diagnosis and treatment. I would answer general customer service questions related to their billing and take questions and concerns down to transmit to the billing staff for later communication with patients.

2013-2015- **Academy Sports and Outdoors-** During my time at Middle Tennessee State University I worked as a retail associate. I worked stocking hours which were from 5:00am until

the store opened to stock and organize shelves, apply stamps to firearm ammunition, and enter all firearms acquired by the store into inventory, and then place those firearms into safes and cages for safe storage. During operating hours I was responsible for retail sales and assistance mainly related to firearm sales, including collection of customer information on ATF form 4473, submission of information to Tennessee Instant Check System, and completion of all safety protocols related to firearm sales and transfers.

2015-2015- Tennessee Legislative Internship Program- In the Tennessee Legislative internship program I served as the legislative assistant for State Representative Jimmy Eldredge from Jackson, TN. Mr. Eldredge was the Chairman of the Commerce and Insurance Committee for the House of Representatives, which meant that I was the designated intern for that committee's needs. I also served to help the office of Susan Lynn, who was the subcommittee chairlady. I assisted in committee preparation and document distribution, committee meeting and voting procedures, and committee bill filing. I communicated with constituents of the Representative as well as individuals who would come into the office on a daily basis.

2016-2018- Ray Hightower StateFarm- Through my second and third year of law school I worked as a secretary and insurance sales agent licensed in property and casualty insurance. I communicated directly with customer regarding billing needs and issues. I took customer information for the purpose of insurance sales and certain claims. I communicated with ownership for management of his insurance book and customer relations, setting meetings and public outings to boost the name of the agency within the community. I would occasionally visit customer home sites for collection of pictures to submit to underwriting for approval of newly established home insurance accounts.

2018-2021- Solo Practitioner covering Juvenile, Family, Estate, General Civil, and Criminal Litigation.

2021-Present- Corporate attorney at Summertown Metals practicing all areas of corporate law, including but not limited to employment, business, workman's compensation, contract, construction, and civil litigation. Responsibilities also include government relations and compliance and grant writing.

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 current nature of practice is completely described as Corporate Counsel but consists of a variety of law that fall under that umbrella. I am responsible for contract drafting, negotiation, and management. I draft and review agreements for the purchase and sale of building materials, including price terms, delivery schedules, warranty provisions and risk of loss. I negotiate and prepare agreements with general contractors, subcontractors, and property developers which include scope of work, milestones, payment terms, change orders, indemnity clauses, and dispute mechanisms. My contract work also includes agreements for licensing of logos and advertising materials in the use of construction and manufacturing.

I work with ownership in Corporate Governance and Business structure by advising on entity formation and maintenance by helping organize the current and start-up LLCs in venture projects. I ensure that the corporate board and organization comply with state and federal law. I also oversee mergers and acquisitions of smaller suppliers and construction firms. I oversee company compliance with governmental agencies and boards related to construction contracts, guidelines, permits, and regulations, as well as advise on internal company regulations that affect day to day operations of the company. I oversee and advise on employment and labor law issues within the company for issues such as employment agreements, executive agreements, non-compete clauses, confidentiality agreements, and general employment disciplinary issues that arise in a diverse workforce. I advise on workplace safety regulation and compliance. I am responsible for working with insurance companies on general risk, builders' risk, and workman's compensation policy agreements which includes claim management, indemnification, and claim settlements for liabilities that arise.

I handle dispute resolution for the company through various forms. We routinely operate in private customer resolution where I negotiate directly with the customer to come to and draft a resolution without matters being submitted to formal proceedings. When formal proceedings are required, we engage in litigation that utilized traditional in court litigation or alternative dispute resolution through arbitration and mediation overseen by judges, arbitrators, and licensed mediators. Issues for litigation include: employment contract enforcement, account receivable collections, breach of contract, construction warranty and repair issues, and some tort litigation. I oversee the company's financial asset stake management which includes filing and removing liens of real and personal property to protect the company in the case that materials or labor have been provided and payment is not received.

I assist the branding and marketing department in intellectual property management and protection that includes trademark establishment and protection, which includes sending cease and desist notifications to brands that infringe on company logo as well as other trademarks. Trademarks also include home layout and design plans that are created and stored by the company. I handle real estate purchase and acquisitions on behalf of the company which includes draft and review of deeds, easements, and restrictions and title examination during purchase negotiations. I assist the company in government and public relations which includes project management for grants that are linked to company expansions. These government

relations include PILOT grants, EDC grants, and other state and local contracts that assist in company expansion and job supply for the local and surrounding communities.

Contract Negotiations and Drafting- 50%

Litigation- 20%

Risk Management- 10%

Employment and Labor Law-10%

Corporate Governance and Maintenance- 5%

All other practices- 5%

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.

In my time practicing law, I have handled all matters of law necessary to operate as a solo practitioner in a small community in rural Tennessee. I was appointed to a case as a Guardian ad Litem for a child that was part of dependency and neglect proceeding due to his mother failing to properly follow up on neurological appointments in Perry County on the same day that I was sworn in to practice law. In that time I did motions practice in divorce, child custody, child support, parenting modification, civil liability, termination of parental rights, and estate matters. My first trial included a motion for ex parte relief related to modification of parental time. I handled civil trials related to all the before mentioned civil matters. I handled criminal litigation from general sessions court all the way to trial which would include criminal defense, post-conviction relief, and violation of probation defense. I sat as second chair for two criminal trials in my time in private practice. I worked in juvenile court as guardian ad litem, parental defense representation, and petitioner's counsel in juvenile matters that included dependency and neglect, child custody, and juvenile delinquent defense. I handled personal injury matters from start to settlement for petitioning clients related to car wreck and slip and fall matters. I have followed multiple termination of parental rights cases all the way to the Tennessee Court of Appeals. I have never had a case that traveled to the Tennessee Supreme Court. I have had one case that was transferred to the United States Federal District Court.

During my in office practice, I did work that included wills, trusts, and estates. I drafted and executed last will and testaments, living wills, powers of attorney, contracts, bills of sale, land purchase agreements, and deeds.

In the past, I represented a bank and local Chamber of Commerce in legal matters related to their operations.

I currently represent a Tennessee Registered LLC that handles more than \$100 million a year in purchasing and sales. We have opened or purchased branches of the company located in Alabama and Kentucky as well as initiated two large expansion projects within the state of Tennessee.

I have taken many cases through the mediation and arbitration processes to get resolutions as a form of alternative dispute resolution.

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

In my early practice of law, I handled a child custody matter where a mother decided to relocate from Tennessee to Biloxi, Mississippi without any notice to the father. The father had established himself through prior legal proceedings and had a parenting plan that was in effect. The father had the child full time, due to the mother living out of state with her new boyfriend. The mother came to see the child graduate from kindergarten and upon the graduation ending, took the child without telling the father and immediately went to the airport and flew back to Mississippi. The father engaged me to help in the matter and I filed an Ex Parte motion for emergency custody of the child. The motion was granted, and the father took the motion to Mississippi where the Sheriff's department refused to issue the order, but did do a wellness check on the child. The mother voluntarily let the child return to Tennessee with the father upon hearing of the order. This removed the necessity of having the order registered in a Mississippi Court. Upon return the father kept custody, but the mother and her boyfriend turned their attention to me. I received threatening messages on Facebook, some that indicated that the boyfriend knew who my wife was. He included in one message, "I am like the terminator. I will never stop!" Harassment spanned from personal messages to Google and Facebook reviews running down my practice online. A response was filed in the case and a hearing date was set. In open court the boyfriend requested to speak. I was able to get him to establish that he had filed the motion on behalf of the mother who was a pro se defendant. He was notified that he had engaged in the practice of law without a law license and that he was being recommended for investigation by the Attorney General's office. I was able to reach an agreed settlement in the matter once the mother was able to look past the emotion of the case and communicate with myself and my client about the parenting plan. That situation was my first encounter with the uncertainty that every case can bring. My client was a father trying to make sure his daughter was thriving and in doing so, he was taken advantage of by a mother who only cared about her own wants, and not what was best for the child. A kindergarten graduation turned into a moment of terror, and a boyfriend decided that the internet was a place that he could make open threats that transformed one of my first cases from motions filed in court, to a fear of retribution against my family. Ultimately my ability to minimize the stress caused by the circumstances led to a favorable and proper outcome for my client and his daughter.

During COVID there was an increased amount of people who found themselves in rehab facilities and nursing homes in our area. As a result, some people who did not have relatives known to those nursing homes ended up having actions filed to establish conservatorships for their patients. In one instance a conservatorship was filed for a patient who had a daughter who was manipulating him into allowing her to take all of his money and resources to use for herself. He landed in a nursing home where decisions were needed regarding his long-term care. The court appointed me to be a Guardian ad Litem for this gentleman to determine if he had the mental capacity to understand what the petition meant, and if he could speak on his own behalf in the hearing. In my interview with this gentleman, I asked every question I could think of to try to determine if he understood where he was, what day, month, and year it was, and if he knew what was needed for him to be taken care of. He answered all my questions, but at the end he asked me a question. He asked me, "Will you please make sure that I get to stay here?" The determination I came to was that in the very short term, he would move from full understanding to generally being lost. He told me the exact story of what he had experienced with his daughter, he recalled the city and street that it happened on, but didn't know what county or city he was in when I was talking to him. But what he did remember and understand was that, the people treating him were the first people to be nice to him that he could remember. He was so happy every time a nurse would come in and ask him, "How are you feeling?" He told me he was so happy that someone was just being nice to him. It was one of the moments when I walked to my car and realized how impactful this job can be, even in the midst of a bad situation. It highlighted to me the impact that mental health has on people, and how the court system has a duty take time and try to understand those intricacies to make sure we reach outcomes that are in accordance with the law, but also right and good for the people who approach the system.

I represented numerous parents in Dependency and Neglect as well as Termination of Parental Rights cases that were brought in Juvenile Court. These cases often take months if not years to work through just to get a final order of disposition. In some of those cases, there would be a client that was absolutely doing their best to try to follow the orders of the court and the plan set by DCS to try to get their children back. In Lewis, Hickman, and Perry County, as in most rural counties, there is a severe restriction on resources, jobs, and housing. It was not uncommon to have a parent meet every goal except for "acceptable housing" or "stable income." It wasn't an unwillingness of the parent, it was just a fact of living in an area where those options can be scarce at times. Through those cases, I learned to listen to my clients, try to understand their struggles, and then try to make sure that I conveyed that struggle to the judge and the parties in a way that was relevant and effective.

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

In my time at the State Legislature as a legislative intern, I got a first-hand view of the process that takes a piece of legislation from an idea to a bill, and then from a bill to a law. Things start out as very rough, general ideas, sometimes scratched out on a paper towel, and they transform into a written piece of legislation that has to reach over 100 desks to be considered and vetted.

At the end of the day, the careful consideration of these bills that become laws, or ultimately fail is done by elected representatives of the people of Tennessee. They are not all unanimously passed, and there is extreme disagreement on some, but once they become a law, our job as attorneys becomes to apply that law to our facts. Knowing the process that it takes, gives great insight and consideration when it comes to applying the law to a unique set of facts and presenting them in court.

During my time in law school, I interned for the Sevier County Public Defender's office during one of our summer breaks. I worked for free every day going into General Sessions and Circuit Court to learn the ins and outs of criminal practice. I worked with the Clerk's Offices to find out about how dockets were set and how they worked to keep things moving forward efficiently. I worked to interview and talk with clients to prepare their defense for upcoming hearing and trials. I worked with the Public Defenders to research issues and prepare for pre-trial conferences. I prepped a DUI case to go all the way to trial and ultimately settled the case the day before trial began. I was not able to see a case through the end of a trial in my time there.

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

I have not submitted an application for prior state or federal judicial positions

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.

Columbia State Community College- August 2011-May 2013- Associates of Science
Middle Tennessee State University- August 2013-July 2015- Bachelor of Arts- Political Science
Lincoln Memorial University- Duncan School of Law- August 2015- May 2018- Juris Doctor

PERSONAL INFORMATION

12. State your date of birth.

[REDACTED]

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

32 Years

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

6 Years 6 Months

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

Lewis 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.

I have never pled guilty, been convicted, or been on diversion for violation of any law, regulation, or ordinance.

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.

To my knowledge I am not under investigation for violation of a criminal statute or disciplinary rule by any federal, state, or local entities.

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.

During COVID I received a complaint with the Consumer Assistance Program on a child custody modification matter that was taking a considerable amount of time to get resolved. I responded to the letter from CAP. I received notice that the matter was dismissed upon receipt of my response.

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.

The Sanctuary First United Pentecostal Church- College and Career Leader- 2018-current
Lewis County Election Commission- Election Commissioner- 2022-current
Lewis County Republican Party- Member- 2021-current
Lewis County Soccer Club- Volunteer- 2025-current

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.

Lewis, Hickman, and Perry County Bar Association- 2018-2022
Tennessee Bar Association- 2023-2024

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.

2019- Best Attorney in Lewis County

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.

Lewis County Election Commission- 2022-current- Election Commissioner- Appointed

ESSAYS/PERSONAL STATEMENTS

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

I was born and raised in Lewis County. My grandfather was the Sheriff of Lewis County when I was born. He was shot in the line of duty a month later serving his community. I came back to practice law in Lewis, Hickman, and Perry County as soon as I was licensed to practice law. Service to this community has been a cornerstone in my family from my inception. I know the people of these counties. I understand who they are and the struggles they face. I started my

legal career in the 21st Judicial district with these counties, and now practice in it as the 32nd Judicial District. I was part of the process that got us to this point, and I want to see continuity and stability for the people of this district for many years to come.

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 32nd Judicial District is comprised of Lewis, Perry, and Hickman counties. This district was formed in 2022 after being removed from the 21st Judicial District that now only contains Williamson County. Lewis, Perry, and Hickman County are rural and underdeveloped counties that struggle with low median incomes. The 32nd Judicial District currently only has one Circuit Judge that serves as the Chancellor in all three counties' Chancery Courts. The citizens of these three counties need quick access to their judicial system and a Judge with the energy and stamina to move through dockets to catch up from the backlog that COVID left behind. My selection would provide the Court with an experienced litigator who is young, driven, and energetic enough to take on the current backlog and provide stability for the district for many years to come.

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 law is meant to be neutral in a world where the facts can be as colorful as imaginable. The law provides a steady force so that members of society can plan their actions and gauge their reactions knowing that the rules will not change. This stability is what has allowed our judicial system and government to stand for 249 years.

In my practice I had a modification of a parenting plan issue where the mother remarried and the change in relationship dynamic caused an action to be filed against my client. At the trial the court made findings that a material change had occurred and during the litigation had been remedied. Still my client lost parenting time with the child due to a temporary material change. On appeal it was decided that material change occurred, and the best interest factors were followed in deciding parenting time, therefore the remedy did not nullify the material change. This is now a precedent that I would follow in deciding modification cases moving forward even though my true belief throughout the case was that a temporary change that was properly corrected should not result in my client losing their parenting time with their child.

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. Gary R. Wade, Retired Chief Justice of Tennessee Supreme Court, 134 Court Ave #204, Sevierville, TN 37862; [REDACTED]

B. Joseph Hensley, State Senator for the 28th Senatorial District and Medical Doctor [REDACTED]
[REDACTED]

C. Victoria Smith, General Session Judge, [REDACTED]
[REDACTED]

D. Jonah Keltner, Lewis County Mayor, [REDACTED]
[REDACTED]

E. Seth Chapman, Solo Practitioner, P.O. Box 337 Spring Hill, TN 37174; [REDACTED]

AFFIRMATION CONCERNING APPLICATION

Read, and if you agree to the provisions, sign the following:

I have read the foregoing questions and have answered them in good faith and as completely as my records and recollections permit. I hereby agree to be considered for nomination to the Governor for the office of Judge of the [Court] 32nd Judicial District Circuit Court 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: May 8, 20 25.



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.

Calch D. Thomas
Type or Print Name


Signature

5/8/25
Date

36958
BPR #

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

Not applicable