

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

1/17/23

Name: Luke A. Shipley

Office Address: 800 South Gay Street Suite
(including county) 700 Knoxville, TN 37929 (Knox)

Office Phone: (865) 419-0480 Facsimile: (888) 980-7264

Email Address: [REDACTED]

Home Address: [REDACTED]

Home Phone N/A Cellular Phone [REDACTED]

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.

Owner/Partner at Shipley & Swain PLLC

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

October 2012, BPR #031298

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, October 2012, BPR #01298, Active

U.S. District Court for the Eastern District of Tennessee, September 2013, 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).

Associate Attorney at Held Law Firm, October 2012- June 2017

Senior Associate at LaFevor and Slaughter, June 2017-July 2018

Owner/Founding Partner at Shipley & Swain PLLC, July 2017-Present

Full employment history and résumé attached

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 primary attorney at the small firm I founded with my wife and law partner, who now also works for the Social Security Administration. I maintain a caseload of around 50-60 cases. The vast majority (95%+) are family law. I also have a few general civil cases, have done numerous juvenile criminal cases, and am presently litigating in federal court on a VAWA claim.

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.

As a student, I began my career as a trial court clerk for Judge Bill Swann of the Knox County Fourth Circuit Court, followed by a semester as a student attorney in the UT Law Domestic Violence Clinic. Prior to graduation, I took a job as a provisionally licensed law clerk under Margaret Held; after becoming fully licensed, I continued at the Held Law Firm as associate attorney for 6 years. During this time, I also sat as Special Master for the Knox County Fourth Circuit Court from 2014-2016, hearing and trying represented and pro se Order of Protection cases. LaFevor and Slaughter hired me as their first Senior Associate attorney in June 2017. In July 2018, I founded Shipley & Swain PLLC.

During my career I have argued in Circuit, Chancery, General Sessions, and Juvenile courts in Knox, Blount, Anderson, London, Roxane, Monroe, McMinn, Union, Campbell, Claiborne, Sevier, Jefferson, Grainger, Cocker, Greene, Washington, and Sullivan counties. I have briefed and argued cases before the Court of Appeals and assisted with research and writing for cases before the Court of Criminal Appeals and Tennessee Supreme Court. I have also litigated in the U.S. District Court for the Eastern District of Tennessee and argued cases at the Social Security Administration.

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

In August 2018, I conducted a civil jury trial in Knox County Circuit Court. I have argued and won at the Court of Appeals. I have decided cases numerous times as Special Master for Knox County Fourth Circuit Court.

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

I have worked with Judge Bill Swann to create training materials for judges, attorneys, and litigants regarding the various types of contempt and the underlying cycle of domestic violence for CLE and weekly orientations. I have been a guest lecturer at LMU School of Law about

disabilities in the legal profession and Order of Protection litigation. More detailed descriptions are included in my attached résumé.

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

I have met with and been appointed by Judges Swann and McMillan to serve as Special Master. I have not applied any other 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. B.A. Political Science/Legal Studies, *summa cum laude*, 2005-2009

University of Tennessee College of Law. JD. 2009-2012. Top honors in the Domestic Violence Clinic. Co-captain TYLA National Trial Team.

PERSONAL INFORMATION

12. State your date of birth.

[REDACTED]

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

37 years (entire life)

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

5 years (April 2019)

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

Sevier

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

N/A

17. Have you ever pled guilty or been convicted or are now on diversion for violation of any law, regulation or ordinance other than minor traffic offenses? If so, state the approximate date, charge and disposition of the case.

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.

4 complaints. All were dismissed after investigation by BPR counsel. I have attached a letter of good standing and complete disciplinary history from the BPR.

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.

My firm sued a former client for unpaid fees in Knox County General Sessions Court in early 2019.

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.

N/A

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, I have never belonged to such an organization

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.

Knoxville Bar Association (2014-2016) (member)

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.

Appointed youngest and first blind Special Master in Knox County history

27. List any public office you have held or for which you have been candidate or applicant. Include the date, the position, and whether the position was elective or appointive.

None

ESSAYS/PERSONAL STATEMENTS

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

I feel called to help the community, specifically the underserved and unrepresented. I want to help solve problems for individuals and families. I have been able to do this in the past in a limited capacity by working for a court and sitting as special master. I believe that my background/disability allow me to connect with those who feel invisible and unheard. I see firsthand in my practice how difficult it can be for people in rural communities to access the legal system in a timely and efficient manner if they can access it at all. With my 12 years of professional experience and my unique perspective, I believe that I can assist in opening the courthouse doors to the citizens of my District.

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.)

I am seeking a Circuit Judgeship in the Fourth Judicial District. If possible, I would like my chambers to be based in Sevierville or Dandridge. I hope to set up a special family law court to hear juvenile appeals, all family law matters, and orders of protection. I am also interested in creating a "domestic drug court" component to provide those citizens struggling with addiction an avenue to reunification with their children. I believe this additional support would better protect the best of the children in our community while also helping those parents get their lives back on track in a non-punitive environment. I want to open my courtroom to local law school legal clinics, encourage pro bono services in the local bar, and introduce educational programs to familiarize the public with basic family law legal issues and how to identify and break the cycle of domestic violence.

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)

It is not the job of judges to create new law or policies based on their own preferences; it is their duty to apply the law fairly and evenly in all situations, regardless of the participants and the issues. The General Assembly makes laws, judges must simply apply them.

When I sat as a Special Master, I often had to hear criminal contempt cases. One matter involved a father who had an order of protection taken out against him and who was suing for custody of his children in juvenile court. There were no exceptions to the order of protection to contact his wife about the children. He was concerned about their safety and made multiple attempts to contact them. I did not want to find him guilty. I found him sympathetic, and his reasons made sense. But the law was clear. I sentenced him to a minimal amount of jail time with the rest suspended and urged him to utilize the Juvenile Court to protect his children.

As an attorney, I sometimes lose business after informing clients regarding black letter law. The most common example is that an agreement for no child support, which is not enforceable under Tennessee law. While I personally think that there should be some situations where a zero-dollar child support award is found appropriate, I am an officer of the court, and my obligation is to follow the law regardless of my personal feelings.

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 Christopher D. Heagerty presiding judge 6th judicial district 400 Main Street
Knoxville, TN 37909 [redacted] Lisa.sharp@knoxcounty.org (judicial assistant)

B. Hon. Henry "Hank" Sledge London County General Sessions Court Judge [redacted]
[redacted] hank.sledge@tncourts.gov [redacted]

C. Bridget McMahan President BESCO 800 North Central Street Knoxville, TN 37917
[redacted]

D. G.C. Hutson Owner Hutson Mediation Firm 200 East Main Street Suite 110 Johnson
City, TN 37604 [redacted]

E. Penny Dawson Deputy Cler Knox County Fourth Circuit Court 400 Main St., Knoxville,
TN, 37909 [redacted] penny.dawson@knoxcounty.org

Please see attached full reference list.

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 Fourth 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: 19 October 2024.



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.

Luke A. Shipley

Signature

10/20/2024

Date

BPR #031298

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