

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

1/17/23

Name: Richard Alexander Johnson

Office Address: 150 Court Avenue, Sevierville, Tennessee 37862 (Sevier County)
(including county)

Office Phone: 865-453-1091 Facsimile: (865) 453-0126

Email Address: alexjohnson@johnsonmurrell.com

Home Address: [REDACTED]
(including county)

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.

Johnson, Murrell & Associates, P.C.

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

2007 (BPR #026400)

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, Licensed in 2007 (BPR #026400). My license is currently 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).

I have been exclusively employed at Johnson, Murrell & Associates, P.C. the entirety of my legal career. Previously, I was employed for two summers by the Boy Scouts of America at Philmont Scout Ranch in Cimarron, New Mexico as a seasonal backpacking guide and later as a program counselor at the Kit Carson Museum. I was also employed by Oak Haven Resort in Sevierville, Tennessee for several summers. While there, I worked in maintenance, grounds keeping, front desk reception, and assisted in the installation of gas, sewer, water, and fiber network lines. I also worked one summer at Johnston & Murphy shoe store in Sevierville, 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.

I maintain a general law practice in a small firm of four attorneys. My practice consists of the following primary areas of law:

Civil Litigation 30%, Probate / Estate Administration 38%, Estate Planning 17%, Business / Corporate Law 5% , Real Estate / Other 10%

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 primarily practice in sessions, circuit, and chancery courts across the Fourth Judicial District since I began practicing law in 2007. I have argued cases before the Court of Appeals (Eastern Section). I have experience appearing in the U.S. District Court for the Eastern District of Tennessee and the U.S. Bankruptcy Court for the Eastern District of Tennessee.

My civil litigation background includes a wide array of cases, including but not limited to, business litigation, contract dispute, divorce, real estate litigation, i.e. boundary line disputes and adverse possession cases, as well as cases involving damages, tort, evictions, and will contests.

In my 17 years of practice I believe I have earned a reputation as a fair, transparent, persistent, attorney that deals with clients and other attorneys with honesty and integrity. I have trial experience in sessions, circuit, and chancery courts in various areas of law. I pride myself on my preparation and knowing the facts of my case and the applicable law. This requires dedication, focus, and, most importantly, the willingness to work long hours.

I also have a background in business and real estate transactional work. I have enjoyed facilitating the purchase of a new home, opening of a new business, and the establishment of non-profits and applications for 501(c)3 designations, among other areas.

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

Several years ago the Sevier County Bar Association hosted a CLE on order of protections and requested volunteers due to the large number of pro se filings and the statutory requirement that order of protection hearings be held within 15 days. Our Courts were overwhelmed. As a result, over the past several years I have volunteered multiple times on order of protection day and represented petitioners and respondents in these actions. I had never represented a client in an order of protection prior to volunteering.

Unfortunately, for many people experiencing trauma such as is often involved in an order of

protection, appearing in Court pro se adds to their anxiety and fear. Their lack of understanding of the process can leave them disillusioned if they are not granted the relief they are seeking whether they be the petitioner or the respondent. Listening to these parties and advising them of their rights and their options (even when telling them they do not meet the requirements to obtain an order of protection) and seeing the anxiety dissipate when we are able to reach a resolution that is tailored to their needs, has been one of the most rewarding experiences in my practice of law.

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

Another recent case of note for me personally began as a divorce with children with no unique circumstances. Unfortunately, tensions escalated resulting in the unilateral removal of the children out of state by the mother and criminal charges against my client when he attempted to see his children. Consequently, my representation involved coordination with an out of state criminal attorney and joint hearings between the local Circuit Court judge and the out of state judge whom had granted emergency custody to the mother. Both parents were focusing on “winning” to the detriment of their children. Both parties wanted a trial as soon as possible.

Fortunately, the trial court entered a temporary parenting plan and ordered the parties to mediation before a full trial. Through that process my client was reunited with his young children. He recently updated me and said the turmoil has subsided, he has a new job, a new church, and his children are enjoying school.

This case is not reported. Had this case gone to trial, the Court would not have been able to formulate the parenting plan the parties agreed to in mediation. However, to me, this is an example of our judicial system at its best in dealing with life-changing issues for these parties, but most importantly, for their children.

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.

Emory & Henry College (Emory, Virginia) (1999-2003) B.A. Double Major in Political Science

and Philosophy, Magna Cum Laude. Recipient of the Outstanding Philosophy Student Award, and elected by my fellow seniors as Senior Orator to speak at graduation.

University of Cambridge International Summer Program (Cambridge, England) (Summer 2002). Attended on the Emily Williams English Speaking Union Scholarship which is awarded to two students per year at Emory & Henry College.

St Andrews University (St Andrews, Scotland) (2003-2004) Master of Letters in International Security Studies.

University of Tennessee College of Law (Knoxville, TN) (2004-2007) J.D. Recipient of the Order of the Coif, Recipient of W.K. McClure Fund for the Study of World Affairs Scholarship, Jessup International Moot Court Regional Competition: 4th Place Overall Oralist,

Loyola University New Orleans College of Law's Vienna Summer Legal Studies Program (Summer 2005) hosted at The University of Vienna Law School (Vienna, Austria). Recipient of Law Academic Achievement Award for Highest Grade in Summer Legal Studies Program.

PERSONAL INFORMATION

12. State your date of birth.

[REDACTED]

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

I was born and raised in Sevier County, Tennessee and have lived in Tennessee my entire life except my four years spent in Virginia attending College and my one year spent in Scotland obtaining my Master's Degree.

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

I have lived in Sevier County from 1981-1999 (18 years) and from 2007-present (17 years).

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

Sevier 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.

A formal complaint was filed circa. 2009 by an opposing party in litigation involving an easement for a septic line. She alleged that my representation was an effort to hide that my law firm failed to discover the septic line easement when conducting a title search. My law firm had not done the title work on the property. The Board of Professional Responsibility dismissed the complaint.

A formal complaint was filed in 2023 by an opposing party involved in three separate cases against my client. The opposing party had also brought criminal indictments against my client before the grand jury. At some points in the civil litigation the opposing party was represented, at other points he was appearing pro se. I never received a copy of the complaint filed against me and I do not know what was alleged. Therefore, I never made a formal response. Rather, I learned about the complaint when I received a letter from the Board of Professional Responsibility stating that the complaint was 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.

Initiated an eviction proceeding in Sevier County General Sessions Court, Alex Johnson v Jesse Mowls and Autumn Flanigan, Case 19-C-96711, in 2019 against a tenant and obtained possession and a judgment.

In 2015 a lawsuit was filed in the Circuit Court for Sevier County, Tennessee, Case No. 15-CV-813-III, Walter F. Benson Properties v McCarter Auction, Inc., R. Alexander Johnson, and Johnson, Murrell & Associates, P.C. The plaintiff sold property at auction and my firm handled the closing of the sale. A holder of an option to purchase said property sued the sellers who in turn sued the auction company, myself, and my firm. Prior to a hearing on a motion to dismiss filed on my behalf the plaintiffs voluntarily dismissed their case. There was no settlement and no re-filing of the matter.

In 2021 my divorce was filed and finalized in Knox County Chancery Court Case No. 210720-2, Richard Alexander Johnson v Sheena Renee Johnson.

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.

I attend Sevierville First United Methodist Church.

Leadership Sevier, Inc.— I have been the Chairperson and Vice-Chairperson and I have also served as a Board member from 2011-Present (with 2-3 year period where I rolled off).

United Way of Sevier County –I served on the Board from 2016-2020. Previously served on

Board in late 2000s as well.

American Youth Soccer Organization – I have served as Registrar for Region 440 since 2023 and I am in second year serving on the Board.

Sevierville Commons Association, Inc. –I was a founding member and served as President for several years. I am currently a member.

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.

Sevier County Bar Association (2007-present) Secretary/Treasurer (2012-2013), Vice President (2014-2015), President (2016-2017)

Knox County Bar Association (2023-present)

Tennessee Bar Association (2007-present). Member of the House of Delegates for the 4th District (2023-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.

Member of the 2023 class of the Tennessee Bar Association Law Leadership Program (“TBALL”)

Received the 2020 Servant Leadership Award from the Tennessee Association of Community Leadership which is awarded to one person state-wide each year. This was based on my role with Leadership Sevier, Inc. which is a non-profit with the mission of introducing, informing, inspiring, and involving local leaders in the community.

Helped establish Sevierville Commons Association, Inc. in 2014 and served for several years as Chairperson. It is a non-profit with the mission of rejuvenating downtown Sevierville. During my time we earned "Main Street" status with the State of Tennessee which made Sevierville eligible for redevelopment and business grants.

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 am seeking this position because I believe I have the unique qualifications, experience, and character required to serve as a Circuit Court judge. A capable, consistent, and efficient application of the rule of law is the foundation for preserving the rule of law. My parents instilled in me the lesson that one cannot take things for granted in life. They taught me that we all must do our part and get involved and help where you can help. Practicing law has always been an opportunity to help others through difficult and/or confusing times in their lives. Serving as a Circuit Court judge will allow me to continue to serve my community and it is my desire to maintain trust and confidence in the judiciary.

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 4th Judicial District has 4 Circuit judges serving Sevier, Cocke, Jefferson, and Grainger Counties. Approximately 3000 civil cases and 7000 criminal cases are filed each year. Circuit judges hear both criminal and civil cases; however, I understand the new seat will only handle civil cases. I estimate I have handled over a thousand civil cases in a variety of legal areas. I have trial experience in several courts before a number of different judges. This has provided me a wealth of experience and positioned me to begin the work on day one. Specifically, Orders of Protection make up approximately 25% of all civil cases in the 4th district and approximately 75% of all trials. I have been a pro bono volunteer at the order of protection docket days for a number of years representing petitioners and respondents and I am uniquely prepared in this area as a result.

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, I will uphold the law even when I disagree with the substance of the law. The law often requires me to tell a client that while I sympathize with their problem, the law does not give them the relief they seek. For example, in order of protection of court, when serving as a volunteer I often represent persons who are truly fearful of the other party, but they do not qualify under the order of protection statutes for the relief they seek. In those situations you try to guide the client to other options. In probate matters it is a common misconception that when a spouse dies their assets all pass the surviving spouse; however, if the decedent had children and there is no Will, the children also are entitled to a share. This can cause family acrimony especially when an estranged family member or step-children are entitled to a share of the family home and want to sell it. I do not like the effect of the law in these instances, but you do your client no favors ignoring or trying to subvert the law or filing a frivolous lawsuit. Rather, you must be forthright and have that difficult conversation with your client. This, in my opinion, is a hallmark of a good lawyer.

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. Telford E. Forgy, 4th & 5th Judicial District Chancellor (retired) [REDACTED]
- B. Hon. Rex Henry Ogle, 4th Judicial District Circuit Court Judge [REDACTED]
- C. Mrs. Ellen Wilhoit, Executive Director for Leadership Sevier [REDACTED]
- D. Jeffrey Murrell, Esq. Partner at Johnson, Murrell & Associates, P.C. [REDACTED]
- E. Mrs. Elise Collier Massey, Owner Collier Restaurant Group [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 4th 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: June 5, 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.

R. Alexander Johnson

Type or Print Name

R. Alexander Johnson

Signature

June 5, 2024

Date

026400

BPR #

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

TN Dept. of Commerce & Insurance

TN Title Insurance Agent, License #

2301811