

JUDGE D. MICHAEL SWINEY

Recommendation: RETAIN

Commission Vote: 9 FOR RETENTION • 0 FOR REPLACEMENT

Legal Education and Experience

Judge D. Michael Swiney received a law degree from the University of Tennessee College of Law in 1978 and engaged in the private practice of law in Knoxville from 1979 to 1999. Beginning in 1994, he served as a Certified Mediator with the U.S. District Court for the Eastern District of Tennessee until appointed to the Court of Appeals in July 1999. He was elected in August 2000 and re-elected in 2006.

Service to the Profession

Judge Swiney is a member of the Knoxville and Tennessee Bar Associations, and the Hamilton Burnett American Inn of Court. He served as adjunct professor at the University of Tennessee College of Law from 1997 to 2006. Judge Swiney also served as a member of the Court of the Judiciary from 2003 to 2011. He authored an article for DICTA, a Knoxville Bar Association publication, and frequently lectures on legal topics to bar associations and other groups. Most recently, he participated in a presentation on appellate practice in

Tennessee to a delegation from the Republic of Georgia.

Survey Results and Interview

Judge Swiney's survey ratings from appellate judges, trial judges, attorneys and court personnel reflect an excellent performance. His ratings in the use of structured, logical reasoning, knowledge of rules of evidence and procedure and promptness in written opinions were particularly noteworthy. In his interview Judge Swiney noted that he evaluates the complexity of cases for the purpose of managing his resources and time to produce quality opinions with reasonable promptness. He also noted that the major responsibility of an appellate judge is disposing of cases, which requires two things – reaching a decision and then writing the opinion to explain it.

Recommendation

The Commission unanimously recommends Judge D. Michael Swiney be retained on the Tennessee Court of Appeals.