

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

9/8/20

Name: _____ Joseph Paul "Joe" Weyant _____

Office Address: _____ Regions Bank Building, 128 North Second Street, Suite 201 _____
(including county) _____ Clarksville, TN 37040; Montgomery County, TN _____

Office Phone: _____ 931-503-9089 _____ Facsimile: _____ 931-503-9044 _____

Email Address: _____ [REDACTED] _____

Home Address: _____ [REDACTED] _____
(including county) _____ Clarksville, TN 37040; Montgomery County, TN _____

Home Phone: _____ [REDACTED] _____ 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. Submit by the noon deadline date an original (unbound) completed application (with ink signature) to the Administrative Office of the Courts.** In addition, submit a digital copy with electronic or scanned signature via email to ceesha.lofton@tncourts.gov, or via another digital storage device such as a flash drive. 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.

I am presently a solo attorney in the law office known as Joe Weyant, Attorney at Law, which office I opened in my hometown of Clarksville, TN, immediately after passing the Bar in May, 2003.

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

2003; BPR# 022587

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; BPR# 022587; Licensed on May 7, 2003; License is currently active.

United States District & Bankruptcy Courts, Middle District of Tennessee, 2003, Western District of Tennessee, 2009, Eastern District of Tennessee, 2018; United States Tax Court, 2005; Internal Revenue Service, 2006; Rule 31 Civil Mediator, 2014.

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).

PRIVATE ATTORNEY, Joe Weyant, Attorney at Law, Clarksville, TN,
May, 2003 - Present;

LEGAL ASSISTANCE ATTORNEY (DEPUTY CHIEF, CLIENT SERVICES),
United States Army, 101st Airborne Division, Fort Campbell, Kentucky,
September 14, 2020 – April 14, 2021 (Term Position)

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 operate a general legal practice, representing individuals and small businesses, with emphasis on Tax Resolution (20%), Probate and Estates (20%), some Employment matters (5%), Bankruptcy Litigation (5%), Real Estate Matters (20%), Business Law (20%), as well as Environmental law (10%), mostly concentrated in the field of solid waste. The areas of concentration have, naturally, evolved over time. I practice appellate law as the need arises. My cases span the state, and I routinely have active cases in each of the three grand divisions of Tennessee, both in state and federal courts. My practice also frequently finds me in front of a county planning board or zoning commission, both in formal and informal appearances, as well as state administrative bodies. While almost all of my work is in civil law at present, I have regularly practiced criminal law at the General Sessions, Circuit, and even federal level, during the last eighteen years. I do not particularly enjoy criminal law, but am competent in such discipline, having consistently done quite well in such cases. My tax work of several years, is before the IRS and state Departments of Revenue. I regularly negotiate tax settlements on issues of tax liability and collection.

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 returned from Jackson, Mississippi, to my hometown of Clarksville, Tennessee, for good, in May, 2003, having been notified of my passage of the Tennessee Bar Exam. Turning down a few other opportunities in favor of home, I opened a small office away from downtown, and began a practice. I immediately began taking whatever cases came in the door and with which I felt comfortable. These were mostly divorces, criminal cases, and wills and power of attorney matters. However, it was suggested I practice Bankruptcy law, which I did, filing almost 1,000 cases in my first 12 years. My practice continued as a general practice, but I found I was best at business and contractual matters, real estate disputes, and issues dealing with debtor / creditor relationships. Others got into Bankruptcy so I slowed down in that area, doing mostly litigation in such venue. As set out in my response to Paragraph numbered 6, above, probate and environmental law made a strong appearance in my practice, and I found that I increasingly was

representing small businesses with both the business matters and the owners' personal legal concerns. I have also handled many estate recovery cases from inception to close, on behalf of TennCare, across the state. Throughout my years of practice, I have always tried to be different from other attorneys. The danger I knew I faced and had to overcome by setting up shop in my hometown, was not to become complacent. Therefore, I have always taken interesting and "exotic" cases from out of town, and participated in the Tennessee Bar activities when possible or expedient. I operate outside of my comfort zone, broadening my speaking ability by making presentations at seminars, and speaking to small groups from time to time. This need for self-development was also the reason I pursued my recent stint with the Army at Fort Campbell. I always felt military service was missing on my resume, and this was the closest I could get at age 47. Indeed, that 7-month experience familiarized me with the simplest areas of the law again, but most importantly, the individual emotions of people which accompany them. The foregoing 18 years have made me capable and ready to be Circuit Court Judge in the 19th Judicial District.

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

The case of Venture Holdings, LLC v. Metro. Gov't of Nashville & Davidson Cnty., 585 S.W.3d 409 (Tenn. Ct. App. 2019) is a reported case, embodying this lawyer's work from a board of zoning appeals all the way through denial of certiorari in the TN Supreme Court.

Two other cases I am particularly proud of come to mind.

First, I represented a member of a closely-held corporation, who had signed as guarantor with several others, to secure a large loan for the business. When the note came due, the other guarantors filed bankruptcies, as did the business, which left my client solely liable for the debt. The creditor came after my client. I was able to use the Uniform Trade Secrets Act to file a counterclaim against the creditor, for conduct during the liquidation sale, where certain of my client's intellectual property had been misappropriated. This leverage allowed a \$1.6 Million debt to be settled for \$220,000.00. This was life-changing for my client.

Next, in the course of a Chapter 13 case, my Debtor clients paid their Plan payments religiously for years. However, a particular mortgage creditor did not follow the rules for filing its claim and other procedures. There had been perceived misconduct on this creditor's part during the life of the loan. Consequently, I was able to void the lien of this creditor, and wipe away the mortgage debt on the elderly couple's residence at the conclusion of the Chapter 13 case. This helped the clients immensely in their later years.

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

The above responses are complete.

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 a state or federal judicial position before now.

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.

Austin Peay State University, 1992-1998; Bachelor of Science Degree; Majors: Political Science & Communication Arts; Minor: General Business

Mississippi College School of Law, 2000-2002; Juris Doctorate Degree

PERSONAL INFORMATION

12. State your date of birth.

1973

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

47 years

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

47 years

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

Montgomery County, TN

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.

I have no military service, but recently concluded a short-term position as an Army Civilian Attorney at Fort Campbell, Kentucky, as indicated in Paragraph numbered 5, above.

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.

To my knowledge, I have responded to seven (7) formal complaints filed with the TN Board of Professional Responsibility, throughout my 18-year practice.

All complaints except one (1) were dismissed by the Board, such being related to the Brandt case, as listed below in Paragraph numbered 22. I was censured by the Board for not maintaining proper boundaries among the competing client interests in the midst of which I found myself. I had practiced for about 18 months when the case came about, was careless, and “fell victim to fraud.” The entire experience made me a better attorney.

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.

Brandt v. Weyant (In re Brandt), 437 B.R. 294 (Bankr. M.D. Tenn. 2010); in this suit, I was a Defendant among many, stemming from fraud practiced on the Plaintiff by a local real estate agent and bank. I was dismissed from the lawsuit, and the Plaintiff was made whole through judgments taken against the other Defendants. The real estate agent went to federal prison.

Aleo v. Weyant, No. M2013-00355-COA-R3-CV (Tenn. Ct. App. Dec. 12, 2013); a former divorce client suggested I had mishandled her divorce. The suit was dismissed by the TN Court of Appeals, on the basis of the statute of limitations, and where it was apparent that the client's subsequent attorney was the obvious cause of Plaintiff's damages.

Weyant v. Weyant, Montgomery County Chancery, DI-6-49, July 17, 2006; divorce

Weyant v. Weyant, Montgomery County Chancery, DI-19-444, November 5, 2019, divorce

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.

Tennessee Promise (Mentor since inception); Friends of Dunbar Cave; Hilldale Baptist Church

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

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 Bar Association, Montgomery County Bar Association, almost continuously, 2003-2021; Nashville Bar Association, 2006-2008; American Society of Tax Problem Solvers, 2019-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.

LIPSCOMB INSTITUTE FOR CONFLICT MANAGEMENT, Nashville, TN
40-Hour Rule 31 Civil Mediation Training; August, 2014;

PUBLIC SERVICE ACADEMY, TN BAR ASSOCIATION
(Graduate of Inaugural Class) November, 2018;

Since 2017, I have made presentations to my colleagues, by invitation, at the following National Business Institute Continuing Legal Education seminars:

Real Estate Law Boot Camp	03/05/20	Memphis
Real Estate Law Boot Camp	12/16/19	Nashville
The Probate Process from Start to Finish	11/20/19	Memphis

Advanced Real Estate Transactions	11/15/19	Memphis
Estate Administration Procedures: Why Each Step Is Important	08/05/19	Nashville
Legal Descriptions, Title Insurance and Surveys in Real Estate Transactions	07/15/19	Nashville
Top 9 Title Defects – Cured	05/14/19	Memphis
Top 9 Title Defects – Cured	05/09/19	Nashville
Collection Law: The Ultimate Guide	11/03/17	Chattanooga

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.

Montgomery County Commissioner, District 4, 2016-2018, appointed;
 Clarksville City Council, Candidate, Ward 7, 2018, unsuccessful

ESSAYS/PERSONAL STATEMENTS

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

Montgomery and Robertson Counties constitute my home. I say that about both Counties, because, truly, my most memorable social and professional endeavors have taken place in these communities. Of the two County seats, I certainly practice more in Clarksville. However, I have consistently filed cases and had a presence in Springfield, during each year of my practice. My favorite restaurants are in these towns, long-time college acquaintances reside therein, and most of my closest friends live in the 19th Judicial District. This is where I have built my life. To serve as Judge in this locality would give me a great sense of pride, as I would be providing a public service to my own community and those I care the most about, to include my three sons. As previously mentioned, I made the decision to stay here after law school, and I want to give my very best to the people that know me as a professional, and a vested part of this District. Moreover, I am amply prepared, personally and professionally, to advance to this level of service.

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)*)

Robertson and Montgomery Counties are on the verge of tremendous growth. Each wants to be a big city so desperately, and are visibly bursting at the seams. However, this has been at the expense of infrastructure, traffic patterns, and available amenities, that have flatly not kept up. Our legal system in the 19th Judicial District is just as burdened. We have only five Circuit Judges and one Chancellor, for just under 300,000 citizens. Thus, I would come to work on Day One ready to work. I am energetic, creative, decisive, and engaged. I will stay as late as necessary to get the docket done. I also am interested in establishing a Business Court here, as Davidson County has. Chiefly, however, I would be a judge who is visible in the community, and this on a daily basis. In my view, judges tend to isolate themselves after taking the Bench, and people notice and comment on their scarcity. As a judge, you would see me in the local restaurants, stores, and about our two cities, just as now. I grew up seeing such judges here.

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)*

The case of Venture Holdings, LLC v. Metro. Gov't of Nashville & Davidson Cnty., 585 S.W.3d 409 (Tenn. Ct. App. 2019), is a case I strongly disagree with. Granted, it remains a leading reported case on the issue of substantial and material evidence in the context of reviewing an administrative decision of a zoning board. However, in this instance, the fears, concerns, and conjecture of neighbors were allowed to stand as material evidence. To me, that concession seems against the extensive precedent on the issue, which I have heretofore researched. I was personally involved in this case, being both counsel of record, as well as the single member of the LLC Plaintiff, in a matter I took from the Board of Zoning Appeals, all the way to the Tennessee Supreme Court. It took up nearly two years of my life, and a lot of my savings. However, my strong personal interpretation of what I think should be the law is not germane when overseeing a case as judge. A trial judge shall apply the law, not seek to change it. I would have no difficulty applying the Venture Holdings case to a set of facts as judge. I fully respect the law and its finality on this particular subject.

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. Honorable Ted A. Crozier, Circuit Judge, 19 th Judicial District, Part III, [REDACTED] Clarksville, TN 37040; [REDACTED]
B. Honorable Timothy K. Barnes, Juvenile Judge, Division IV, Montgomery County, [REDACTED] Clarksville, TN 37040; [REDACTED]
C. Mr. Steven C. Girsky, Esq., [REDACTED] Clarksville, TN 37040; [REDACTED]
D. Mr. John Marshall, Retired, Clarksville, TN 37043; [REDACTED]
E. Mr. Randy Drake, Landfill Consultant, Pleasant View, TN 37146; [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] Circuit Court / 19th Jud Dist 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: April 22, 2021.



Signature

When completed, return this questionnaire to Cecilia Lofton, 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.

Joseph P. Weyant
Type or Print Name

Joe Weyant
Signature

4-22-2021
Date

022587
BPR #

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