


Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office


9/8/20

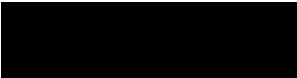

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INTRODUCTION

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. 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 an Assistant District Attorney in the 24th Judicial District, which includes Hardin, Decatur, Benton, Carroll and Henry Counties.

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

I was licensed to practice law in Tennessee in 2001. My BPR number is 021178.

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 am only licensed in Tennessee.

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 was a partner at McGee and Dennis, Attorneys at Law, in Savannah, Tennessee, from July 2001 until November 2014. I have been an Assistant District Attorney in the 24th Judicial District since November 2014. I also served as a State Representative for the 71st House District in the Tennessee General Assembly from November 2008 until November 2014.

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 prosecute criminal offenses in the 24th Judicial District. As the chief prosecutor for Hardin County, approximately ninety percent of the cases I handle are in the General Sessions and Circuit Courts of Hardin County. I occasionally assist in the other counties of our district, and I am sometimes assigned as a pro tem prosecutor in other districts.

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.

While in private practice, I represented individuals, business entities and government organizations in a variety of legal matters. I represented clients in criminal defense, divorce and custody matters, civil litigation, real estate transactions, probate, and various other legal matters. I practiced in numerous courts in West and Middle Tennessee.

When I became an Assistant District Attorney in November of 2014, I started as the DUI prosecutor for our district. I prosecuted primarily DUI and vehicular homicide cases throughout our district until May of 2016, when I became the chief prosecutor for Hardin County.

As a state legislator, I drafted and reviewed hundreds of bills and legislative proposals each year. Most of my legislative work involved civil justice and criminal justice issues.

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

Not applicable.

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

Not applicable.

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

I applied for a Tennessee Court of Criminal Appeals vacancy in 2016 and the 24th Judicial District Chancellor vacancy in 2019.

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.

The University of Tennessee at Knoxville, August 2014 to May 2018, Bachelor of Science in Agricultural Economics

The University of Tennessee College of Law, August 2018 to December 2000, Doctor of Jurisprudence

PERSONAL INFORMATION

12. State your date of birth.

1975

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

My entire life.

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

My entire life, except for college and law school in Knoxville.

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

Hardin County.

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.

Three complaints have been filed against me with the Tennessee Board of Professional Responsibility during my legal career. The first was filed by a criminal defendant I was appointed to represent many years ago. Two others have been filed by defendants I have prosecuted in recent years. I responded to each complaint when filed, and all three complaints were dismissed by the Board.

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.

IN RE: EDDIE K. WHITLOW TRUST AGREEMENT. JERRY NELL WHITLOW, PETITIONER, VS. VANCE DENNIS, SUBSTITUTE TRUSTEE, HARDIN COUNTY CHANCERY COURT DOCKET NUMBER 7272

I was the trustee of a testamentary trust created for the benefit of a mentally disabled adult for several years while in private practice. While I was serving as trustee, the mother of the disabled beneficiary filed a petition seeking the appointment of a new trustee. The petition was voluntarily dismissed by the petitioner on October 4, 2011.

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 have been a member of the Savannah Lions Club for approximately 17 years, and I have held several offices in the club in that time.

I am an alumni member of the Alpha Gamma Rho fraternity.

My family and I have been members of the Jackson Country Club since 2019.

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.

My college fraternity, Alpha Gamma Rho, was for men only.

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.

I am a member of the Hardin County Bar Association.

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.

2011 - Legislator of the Year - Southwest Tennessee Development District

2011 - Community Service Award - Tennessee Hospital Association

2011 - Representative of the Year - Tennessee Coalition to End Domestic and Sexual Violence

2012 - Healthcare Advocate Award - Hardin County Community and Healthcare Foundation

2012 - Guardian of Small Business Award - National Federation of Independent Business

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.

I was a candidate for the Hardin County Commission in 2002. I was a candidate for State Representative in 2006, 2008, 2010, 2012 and 2014. I served in the State House from 2008 to 2014. I applied to fill a vacancy on the Tennessee Court of Criminal Appeals in 2016. I applied to fill the 24th District Chancellor vacancy in 2019. I was also a candidate in the Republican caucus for 24th District Chancellor in 2019.

ESSAYS/PERSONAL STATEMENTS

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

I am seeking the position of Circuit Court Judge for the 24th Judicial District because our district needs a competent and capable Circuit Judge with a wide variety of legal and professional career experience. I have spent the last twenty years accumulating that wide variety of legal and professional experience, and I believe that I can best use those accumulated skills and experience through service to my community as our next Circuit Court Judge.

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 24th Judicial District has two Circuit Judges who are responsible for adjudicating hundreds of criminal and civil cases in Hardin, Decatur, Benton, Carroll and Henry Counties each year. I am seeking to fill the vacancy caused by the retirement of Judge C. Creed McGinley. Historically, Judge McGinley has presided over Circuit Court proceedings in Hardin, Decatur and Benton Counties, while Judge Donald Parish normally presides over Henry and Carroll County Circuit Courts. I have extensive experience practicing in the Courts of each of the five counties in our district. That experience will allow me to immediately begin to address the substantial dockets our Circuit Courts are currently facing due to the COVID crisis we have recently endured.

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 regardless of personal belief or bias if allowed to serve as our next Circuit Judge.

In 2011, our state legislature passed the Exclusionary Rule Reform Act, codified at T.C.A. 40-6-108, which attempts to prohibit suppression of evidence acquired pursuant to a defective search warrant in many situations if the error giving rise to the defect was made in good faith. I was a vocal opponent of this legislation, primarily because I believed it encouraged careless behavior on the part of government when intruding on a fundamental constitutional right. Despite my opposition, the legislation was swiftly approved and codified.

Upon my retirement from the legislature in 2014, I was often called upon to defend the act I had so recently and vehemently opposed as I began my new career as a prosecutor. While I still had reservations about the wisdom of the act from a policy perspective, I nonetheless defended its application wholeheartedly as I opposed the suppression of evidence in my cases. Regardless of my personal reservations, I fought for application of this statute because it was my duty. Fortunately, at least from my personal perspective, recent case law has resolved many of my concerns about the statute in question. Even so, remaining concerns will not alleviate my duty and responsibility in this or any other matter to follow the law as created by our legislature and interpreted by our Courts to the best of my ability.

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.

Judge C. Creed McGinley, [REDACTED] Savannah, TN 38372, [REDACTED]
Frankie Stanfill, Assistant Public Defender, [REDACTED] Camden, TN 38320, [REDACTED]
Matthew F. Stowe, District Attorney, [REDACTED] Huntingdon, TN 38344, [REDACTED]
Jeremy Faison, State Representative, [REDACTED] Cosby, TN 37722, [REDACTED]
Barrett Rich, Board Member, Tennessee Board of Parole, [REDACTED] Parsons, TN 38363, [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 2nd 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: 6-28, 2021.



Signature

When completed, return this questionnaire to Ceesha 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.

Vance Walker Dennis
Type or Print Name

[Signature]
Signature

6-28-21
Date

021178
BPR #

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