


**Tennessee Trial Court Vacancy Commission**  
***Application for Nomination to Judicial Office***


1/17/23

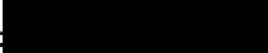
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37219  
(including county)

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Email Address: 

Home Address:  Sumner County, Tennessee 37075  
(including county)

Home Phone: Not Applicable Cellular Phone: 

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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](http://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.

Phelps Dunbar LLP

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

1987; BPR #12618

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 not licensed in any states other than 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 have been engaged in the private practice as an attorney since 1988. I have practiced with the following firms:

Phelps Dunbar LLP/Farris Bobango PLC (2016 to Present)

Dickinson Wright PLLC, (2012 to 2016)

Bone McAllester Norton PLLC (2002 to 2012)

Wyatt, Tarrant & Combs (1993 – 1999, 2001-2002)

Hix Gray & Dennen, P.C. (1999-2000)

Baker Worthington Crossley Stansberry & Woolf (1988-1993)

Upon graduation from law school, I served as a Judicial Clerk to the Hon. William H.D. Fones, Associate Justice, Tennessee Supreme Court (1987-1988).

My siblings and I own a farm which has been in our family for many generations. Presently, we raise timber on the property.

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.

Presently, my practice consists of the following practice areas:

Litigation -- 60%.

Commercial and Real Estate Transactions and Leasing -- 30%.

Business organizations, including corporates, limited liability companies, nonprofit corporations and other entities -- 5%.

Estates and probate -- 5%.

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.

During my thirty-six years of private practice, I have routinely represented clients in the trial courts, including general sessions courts, probate courts, circuit and chancery courts. That representation includes jury and non-jury trials. I have represented clients in cases on appeal to the Tennessee Court of Appeals and the Tennessee Supreme Court. At the federal level, I represented clients in the United States District Courts in the State of Tennessee. I have represented clients in appeals to the United States Court of Appeals for the Sixth Circuit and the United States Supreme Court. In addition, I have represented clients before the state licensing boards and in arbitration and mediation proceedings. Further, I have represented clients in matters pending before the EEOC and the Tennessee Human Rights Agency. I have represented healthcare clients in peer review proceedings, in licensure proceedings, in Medicare appeals and

in other healthcare related proceedings.

With respect to transactional work, I routinely represent clients in sophisticated transactions, including asset purchase transactions, equity transactions and real estate acquisitions. I have represented clients in public and private offering of securities, in the offering of franchises and in health care transactions including the sale of professional practices.

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

I represented the purchaser of a liquor store located in midtown Memphis in *Byrd v. Tennessee Wine & Spirits Retailers Association*, 668 F.3d 608 (6<sup>th</sup> Cir. 2018), *aff'd sub nom.*, *Tennessee Wine & Spirits Retailers Association*, 139 S. Ct. 2449 (2019). In that case, the United States Supreme Court ruled that Tennessee's residency requirement for retail liquor store applicants violated the Commerce Clause. My clients, a couple who moved to Tennessee because of their daughter's health condition, simply wanted to purchase a family business – a liquor store. I argued the case on their behalf in the United States District Court for the Middle District of Tennessee and in the Sixth Circuit Court of Appeals. We prevailed at those levels setting the stage for the decision by the United States Supreme Court.

In another case, I represented an individual – a school security guard – who was barred by the Department of Children's Services from serving in that role because he defended himself against an attack by a 17-year-old student. This attack was witnessed by a police officer who arrested the student. Notwithstanding these facts, the Department determined that this individual should be deemed to be a "child abuser." As a result of this unilateral action, the individual lost his ability to volunteer as a youth coach, his ability to teach Sunday School at his church and his ability to hold his job as a school security guard. After an administrative hearing and an administrative appeal, the Department reversed its action. The individual was able to resume his job and his roles as a community volunteer and as a Sunday School teacher.

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

I frequently volunteer to assist nonprofit corporations in their formation and compliance with corporate law. In addition, I assist these entities with employment issues, review and negotiation of contracts and other business issues for which they need advice.

I served as editor of the *Tennessee Local Rules of Court* published by the Tennessee Bar Association in 1993. I served as associate editor of the *Tennessee Ethics Handbook* published by the Tennessee Bar Association Young Lawyers Division in 1989. I served as editor of the *Tennessee Ethics Handbook, Second Edition*, published in 1993.

In addition, I frequently teach continuing legal education courses, including courses in business

organizations, ethics and professionalism, real estate and contractual negotiation.

I co-authored the following articles published in law journals:

"The Community Reinvestment Act: The Regulator Gives It A New Emphasis," *The Banking Law Journal* (July - August 1990).

"Conflicts of Interest and Imputed Disqualification: The Chinese Wall in Tennessee," 25 *Tennessee Bar Journal* No. 3, at 24 (May/June 1989).

I wrote the following articles that were reported by the *National Law Review*:

"HHS'S New Anti-Discrimination Regulation Proposal Explained – Part 2," (Nov. 12, 2015)

"HHS's New Anti-Discrimination Regulation Proposal, Explained Part 1," (Nov. 5, 2015)

"The Importance of Reading Employment Contracts and Minutes – Tennessee," (Oct. 7, 2015)

"Finally, a Victory for Employers – Prospective Employees Do Not Have a Right to Sue for Retaliatory Failure to Hire," (Sept. 30, 2015)

"The Right to Trial by Jury and the Tennessee Public Protection Act – Governmental Entities Lose a Big One!" (Sept. 23, 2015)

"Qui Tam Lawsuits and the Statute of Limitations," (Sept. 9, 2015)

"Foreclosure Sales and Deficiency Judgments in Tennessee," (Aug. 7, 2015)

"When Can a Witness Demand Payment? re: Legal Ethics," (July 31, 2015)

"Tennessee Supreme Court Holds That Healthcare Providers Can Only Collect What Insurance Companies Are Willing To Pay," (Feb. 26, 2015)

"CMS Announces New Rules That Make Owner Doctors Liable for All Practice Medicare Debts," (Feb. 23, 2015)

"Ex Parte Communications Between Treating Physician and Attorneys in Tennessee," (Oct. 9, 2014)

"Peer Review Is Not Always Privileged," (July 17, 2014)

"Tennessee Attorney General States that Physical Therapists Cannot Perform Trigger Point Dry Needling," (July 17, 2014)

"A Fool with a Pen Makes Good Law," (Nov. 19, 2012)

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

In 2018, I applied for the position of General Sessions (Juvenile) Court Judge for Sumner County, Tennessee to the Sumner County Board of Commissioners.

**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.

**PERSONAL INFORMATION**

12. State your date of birth.

1962

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

48 years

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

35 years

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

Sumner 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.

One (1) complaint filed with the Board of Professional Responsibility. The Board dismissed the complaint.

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.

*Dennen v. Dennen*, Sumner Co. Circuit No. 25121-C, May 28, 2004 (Irreconcilable Differences Divorce Granted).

*Fisher v. Dennen*, Robertson Co. Circuit No. 74CC1-2013-CV-334, Feb. 13, 2014 (Irreconcilable Differences Divorce Granted).

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.

**New Creation Church, Hendersonville, Tennessee**

Elder and Member of Finance Team (2014 – Present)

**Rotary Club of Hendersonville**

Member (since 1997)

Board of Directors (2018 – 2022)

President (2020 -- 2021)

Assistant Governor, Sumner County Clubs, District 6760 (2022 -- 2024)

Assistant Governor Coordinator, District 6760 (2024)

Lifetime Distinguished Service Award (2023)

**Nashville Medical Management Association**

Board of Directors (2001 – Present)

**Hendersonville High School Foundation**

Board of Directors (2010 – Present)

**Sumner County YMCA**

Volunteer of the Year (2008)

**Board of Directors (2004 – 2015)**



**Board President (2009-10)**

**Board of Directors of YMCA of Middle Tennessee (2010-11)**

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, Member since 1988**

Chairperson, TBA-YLD Publications Committee (1992 - 1993)

Chairperson, TBA-YLD Ethics and Professionalism Committee (1993 - 1994)

Member, TBA House of Delegates (2016 – 2018)

**Nashville Bar Association, Member since 1988**

**American Health Lawyers Association**

**American Bar Association**

Chairperson, Ethics and Professionalism Committee, Young Lawyers Division (1991-93)

Board of Directors, Forum Committee on Franchising (1993-95)

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.

**TBA-YLD President's Distinguished Service Award (1993)**

**Sumner County YMCA Volunteer of the Year (2008)**

**Rotary Club of Hendersonville Lifetime Distinguished Service Award (2023)**

**Leadership Middle Tennessee (Class of 2003)**

**Hendersonville Area Chamber of Commerce Volunteer of the Year (1998)**

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.

Not Applicable

**ESSAYS/PERSONAL STATEMENTS**

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

The circuit court is the only court that many citizens will ever experience. It is the court that handles divorces, negligence cases and other disputes. For this reason, it is the face of justice. At this point in my professional life, I believe that I possess the necessary experience to fully and fairly consider cases and to provide an honest, compassionate and legally sound decision with respect to these matters. I have had the opportunity to engage in the legal profession as an advocate. I look forward to the opportunity to assist parties to litigation in the resolution of disputes, whether that resolution results from mediation, summary judgment, a bench trial or a jury trial. The provision of a fair and knowledgeable outcome is paramount.

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 Circuit Court of Sumner County possesses civil and criminal jurisdiction over cases within Sumner County. I bring a wealth of knowledge regarding many facets including Governmental Tort Liability Act cases, negligence cases, divorce and domestic relations, property disputes, and business disputes. As a long-term resident of Sumner County, I possess knowledge regarding the people of Sumner County. I believe that my ability to analyze legal issues and make decisions

provides me with the intellectual ability to make those decision.

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)

A trial judge must uphold the law as established by the General Assembly or Congress in statutes or by the decisions of appellate courts, both state and federal. This is a fundamental principle of our judicial system. A trial court cannot "second guess" the decisions of the legislative bodies and certainly cannot ignore the decisions of appellate courts. A trial judge's job is to apply the law to the facts presented. Unfortunately, this principle sometimes results in a decision that is contrary to popular opinion. I represented a client who was the daughter of the decedent. The decedent, who never married the mother, never paid child support or otherwise recognized this individual as his daughter. The Tennessee Supreme Court determined that pursuant to the laws of the State of Tennessee, the daughter could not claim an interest in the decedent's estate as a pretermitted heir because the father never formally recognized his daughter by a paternity or legitimation proceeding. The Court refused to permit a DNA test to confirm that the daughter was in fact the daughter of the decedent.

#### 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. Keith Gunter, Minister, New Creation Church, [REDACTED]  
Hendersonville, Tennessee 37075 [REDACTED]

B. Jonathan Hayes, [REDACTED] Hendersonville, Tennessee 37075  
[REDACTED]

C. Charles Welch, Jr., Partner, Phelps Dunbar LLP [REDACTED] Nashville,  
TN 37219 [REDACTED]

D. Sean S. Roach, CPA, [REDACTED] Hendersonville, Tennessee 37075 [REDACTED]

E. M. Eddie Allred, District 6760 Governor (2022-2023) [REDACTED]  
Tennessee 38451 [REDACTED]



**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.

Keith C. Dennen

\_\_\_\_\_  
Type or Print Name

*Keith C. Dennen*  
\_\_\_\_\_  
Signature

April 16, 2024  
Date

12618  
\_\_\_\_\_  
BPR #

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


**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 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 16, 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.