

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

04/15/16

Name: Aaron James Conklin

Office Address: 502 Deaderick Street, 4<sup>th</sup> Floor,  
(including county) Nashville, TN 37243, Davidson County

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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 word processing 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 word processing 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 [debra.hayes@tncourts.gov](mailto:debra.hayes@tncourts.gov), or via another digital storage device such as flash drive or CD.

THIS APPLICATION IS OPEN TO PUBLIC INSPECTION AFTER YOU SUBMIT IT.

**PROFESSIONAL BACKGROUND AND WORK EXPERIENCE**

1. State your present employment.

I am currently an Attorney for the Tennessee Public Utility Commission (formerly Tennessee Regulatory Authority).

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 1997. My BPR number is 018597.

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 licensed only in the State of Tennessee and was admitted to practice in November of 1997.

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).

I have not been denied admission to, suspended or placed on inactive status by the Tennessee Bar or any other State Bar.

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).

**Law Clerk**  
Honorable J.S. "Steve" Daniel  
August 1997 – August 1998  
Murfreesboro, TN

**Attorney at Law**

Law Office of Aaron J. Conklin  
(Solo practitioner in offices located in Smyrna and Murfreesboro)  
September 1998 – January 2000  
Smyrna, TN  
February 2000 – March 2002  
Murfreesboro, TN

**Senior Associate Attorney**

Mills & Cooper  
April 2002 – August 2004  
Brentwood, TN

**Assistant General Counsel**

Administrative Office of the Courts  
September 2004 – May 2013  
June 2013 – October 2013 (part time)  
December 2016 – April 2016 (contract employment)  
Nashville, TN

**Attorney at Law**

Law Office of Aaron J. Conklin  
June 2013 – October 2014  
Murfreesboro, TN

**Attorney at Law**

McCarter, Catron & East, PLLC  
November 2014 – November 2016  
Murfreesboro, TN

**Member**

Tennessee Board of Appeals (part time)  
November 2015 – November 2016  
Nashville, TN

**Attorney**

Tennessee Public Utility Commission  
December 2016 – Present  
Nashville, TN

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 am currently an Attorney in the Legal Division of the Tennessee Public Utility Commission (formerly the Tennessee Regulatory Authority). My practice is entirely in public utility law. My duties include advising the Commission on docket matters that appear before it, drafting orders, serving as party staff in designated docket matters before the Commission, serving as a hearing officer in designated matters and representing the Commission in litigation cases in the Tennessee trial and appellate courts.

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.

In my legal career, I have enjoyed a very wide range of practice experience that has emphasized to me the importance of a quality, competent judiciary. I have handled cases in municipal courts, administrative law courts, juvenile courts, both criminal and civil general sessions courts, probate courts, both criminal and civil matters in circuit courts, chancery courts, and the appellate courts of our state. In addition, I have appeared in the bankruptcy court and the civil division of the district court in our federal courts in middle Tennessee. I have conducted jury trials in two of our state's three grand divisions. My practice has included both private practice and government practice.

For nine years of my legal career, I served as Assistant General Counsel for the Administrative Office of the Courts. While serving in this capacity, I served a number of roles that provided an in depth exposure to many different areas of the law critical to the judicial branch. For example, I served as staff to the Advisory Commission on the Rules of Practice and Procedure and the Tennessee (Civil) Pattern Jury Instructions Committee providing me with opportunities to obtain a deep understanding of the intricacies of the rules by which a case proceeds and the explanations of the law that are provided to the trier of fact in jury cases. As counsel to both the former Judicial Nomination Commission and Judicial Performance Evaluation Commission, I was engaged in processes that studied and evaluated the qualities of successful judges. I also served as a legislative liaison for the judicial branch, which provided opportunities to study proposed changes to the law, discuss proposals with legislators and provide input and testimony on legislation addressing a wide array of issues. During my tenure at the AOC, I was fortunate to work side by side with a number of excellent judges who serve as role models and mentors to me. Most importantly, I was charged with providing assistance to members of the public who had questions about or needed assistance concerning court access or other interactions with the state judicial system.

I have also enjoyed the opportunity to sit as substitute judge in both municipal court and general sessions court venues. In addition, as a member of the Tennessee Board of Appeals, I served as a trier of fact in cases concerning state employment issues. I have served as a Rule 31 Family

mediator. In my current practice, I serve as a hearing officer in certain cases, coordinating the administration of the case, conducting hearings and writing orders. These experiences have served to reinforce both my dedication to assist in assuring the highest quality judiciary possible and my desire to be a contributing member of our state's judiciary.

Finally, I have had the opportunity to assist the legal profession through my participation in the bar admission process. During a period of time wherein the Board of Law Examiners was without a Director, I was charged with taking a leading role in assisting with the administration of the July bar exam on very short notice. With the assistance of great leadership, staff and volunteers, the exam was administered without issue. I have continued to serve in this process through service as a bar exam proctor, when scheduling permits, and as a character and fitness interviewer for potential new attorneys. This service not only allows me to give back to the profession that I love, but also helps ensure the continued competence and integrity of the legal profession.

In my legal career, I have had the fortune to have been exposed to many different areas of the law in several types of roles. I gave each of these matters and clients the same respect and hard work that I would expect for myself. These are the same qualities that I would bring to the judiciary if selected for this position.

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

While every case that I have handled was the most important case to the client I represented, perhaps the most noteworthy matter in which I have been involved is *Lane v. State of Tennessee, et al.* During my tenure at the AOC, I served as the primary in-house attorney and chief contact for the Office of the Attorney General for this case that had a profound impact on the state judicial system. This case, in the United States District Court for the Middle District of Tennessee, alleged that the state and twenty-two counties in the state operated the judicial system in violation of the Americans with Disabilities Act by conducting court and related judicial programs in courthouses that were inaccessible to persons who are wheelchair users. I assisted in the planning of defense strategy, attended hearings and depositions and participated in settlement negotiations. I was also the primary drafter of the judicial branch ADA policy, which was a significant and substantial part of the state's settlement in the case. I also conducted training and oversaw the implementation and operation of the policy.

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

I have been a frequent lecturer on legal topics to several different audiences. I have led seminar sessions for trial and appellate court judges, general sessions judges, municipal court judges, bar association and other attorney groups and clerks of court. My sessions have discussed an array of issues from the use of sign language interpreters in legal proceedings, the State Judicial Branch

ADA Policy, annual legislative updates, municipal court jurisdiction and adjudication and ethics.

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

In June of 2014, I submitted an application to the Judicial Nominating Commission for appointment as a member of the Workers Compensation Appeals Board. I was named a finalist for the three positions to be filled.

### 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.

#### **Middle Tennessee State University**

Murfreesboro, Tennessee

Dates attended: August 1990 – May 1994

Degree awarded: Bachelor of Science, Political Science Major

Awards/recognition: Academic Work/Study Scholarship Recipient (8 semesters)

MTSU Novice Debate Tournament – Outstanding Speaker Award

#### **Cumberland School of Law at Samford University**

Birmingham, Alabama

Dates attended: August 1995 – May 1997

Degree awarded: Juris Doctorate

Memberships: Tennessee Student Bar Association

Christian Legal Society

Cumberland Street Law, Volunteer Teacher

### PERSONAL INFORMATION

12. State your date of birth.

April 1, 1972

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

I have been domiciled in Tennessee since January, 1980 (37 years). While in law school, I

physically resided in Birmingham, Alabama. I have physically resided in the State of Tennessee continuously since May 1997 (20 years).

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

I have been domiciled in Rutherford County since January, 1980 (37 years). While in law school, I physically resided in Birmingham, Alabama. I have physically resided in the Rutherford County continuously since May 1997 (20 years).

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

Rutherford 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.

None.

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.

I have had one complaint filed against me with the Tennessee Board of Professional Responsibility. The complaint was filed by the son of a person for whom I had drafted estate planning documents several years prior. The client had been a referral from a financial investment company that placed this particular client in an investment that failed. While I based my evaluation of the client's estate planning needs on a detailed worksheet completed by the client and a telephone consultation with the client, the Board determined that these measures were not sufficient to protect the client's needs and appropriately gauge her competency. The Board also determined that designating a delivery agent, who was a notary, to delivery and oversee execution of the estate planning documents myself constituted a violation of the rules of professional conduct. There were no deficiencies in the prepared estate planning documents alleged. After discussing the matter with disciplinary counsel, I understood their interpretation of the rules as applied to the circumstances and accepted responsibility. I consented to a private reprimand and offered to perform additional ethics and professionalism hours, which I later completed and certified to 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.



*Billy and Jolene Bradley v. Olde South Trust, Inc., Michael S. Casper, Walter Eugene Phillips, Jr., Michael D. Verble and Aaron Conklin*

Knox Co. Circuit Court Case No. 1-535-02

This case involved an allegation of securities fraud, fraud and negligent representation concerning certain investments placed by Plaintiffs with Olde South Trust, Inc. I was inaccurately named in the lawsuit as general counsel for Olde South Trust, Inc. The claim against me was nonsuited without having to file an answer or any other responsive pleading.

*Lois Randall Revocable Living Trust and individually and as trustee, Lois Randall v. Olde South Trust, Inc., Michael S. Casper, Michael D. Verble, Joyce G. Dutton, Aaron Conklin, PhyMed Partners, Inc., Nancy A. McMichael, J. Lamar McMichael and International Fidelity & Surety, Ltd.*

DeKalb Co. Chancery Court Case No. 2003-103

This case involved an allegation of securities fraud, fraud and negligent representation concerning certain investments placed by Plaintiffs with Olde South Trust, Inc. I was inaccurately named in the lawsuit as general counsel for Olde South Trust, Inc. The claim against me was nonsuited without having to file an answer or any other responsive pleading.

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.

**LifePoint Church**

Board of Directors, Member – 2006-2008; Secretary – 2006-2007

Business Process Committee – 2006-2008; Chairman – 2008

**Rotary International**

**Murfreesboro Breakfast Rotary Club**

Sergeant at Arms – 2015

**ONEless Ministries**

Board of Directors, Member – 2013 - Present

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.

Tennessee Bar Association – 1997 – Present (non-continuous)

Rutherford/Cannon County Bar Association – 1997 – Present (non-continuous)

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.

Tennessee Bar Association Leadership Law, Class of 2013

Service Recognition Award – 2014 (recognized by Tennessee (Civil) Pattern Jury Instructions Committee of the Tennessee Judicial Conference for outstanding service to the Committee)

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.

Candidate for Judge, Rutherford County General Sessions Court, Part I – Elective position; Republican primary held May 6, 2014. I was unsuccessful, losing the primary by about 200 votes.

Candidate for Workers Compensation Appeals Board – Appointive position; I applied in June of 2014 and was a finalist of applicants selected by the Judicial Nominating Commission. However, I was not appointed to one of the three positions appointed from the panel.

Tennessee Board of Appeals – Appointive position; I was appointed by Governor Bill Haslam to serve on the Tennessee Board of Appeals in 2015. I was required to resign from the Board upon joining the Legal Division of the Tennessee Public Utility Commission in December of 2016.

**ESSAYS/PERSONAL STATEMENTS**

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

I would be honored to serve the Circuit Court for the 16<sup>th</sup> Judicial District. I have tremendous respect for the judges who have served this Court, and would aspire to meet the high standard these judges have established. I have known and observed many great judges that have demonstrated the qualities that a good judge possesses: a temperament of patience and calm, a dedication to study of the law, and a character of integrity and courage.

I possess the education, experience, temperament and courage necessary to make a positive contribution if fortunate enough to be appointed. My wide range of experience would contribute to my success in this position. Having worked as a counsel for the judicial branch, I am very dedicated to our judicial process. Being appointed to this position would allow me to share my dedication in service to the people of Tennessee and Rutherford and Cannon Counties.

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 judge serving Division III of the Circuit Court for the 16<sup>th</sup> Judicial District is one of four judges that serve Rutherford and Cannon Counties. In addition, one Chancellor regularly hears Circuit Court matters by interchange while each of the Circuit Judges hear matters of the Chancery Court by interchange. This is a court of general jurisdiction, which allows it to handle both civil and criminal cases. It also has appellate jurisdiction with regard to certain juvenile, municipal and general sessions court matters. Currently, this division hears primarily civil and domestic matters in Rutherford County and both civil and criminal matters in Cannon County.

The breadth and variety of my legal career would provide a positive contribution to the administration of justice. My knowledge and experience will allow me the flexibility to stand ready to hear any type of case that may be assigned with competence.

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. It is incumbent upon judges to apply the law as written and enacted, absent a constitutional conflict, and not to make law from the bench, regardless of one's feelings about the law.

In my experience, I have had had the opportunity to be involved with cases involving traffic offenses by commercial driver's license holders from several different aspects. I have trained judges on the law applicable to these types of cases, represented CDL holders on citations in these types of cases, and sat in judgement on these types of cases as a substitute municipal court judge. While my personal feeling is that the federal regulation prohibiting diversionary and similar type of resolutions to these types of cases is overly harsh to CDL holders, especially with

regard to citations in issued while the CDL holder was driving his own personal vehicle, I have followed the narrow restrictions of this regulation in my training, my representation and in my judgment on these types of matters. Though the outcome resulting from the application of the law in these matters seems unfair, such application requires an outcome that is just under the law.

**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. Holly M. Kirby

B. D. Brock East

C. David S. Weed, Jr.

D. John M. Bell

E. Brigid Waring

**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 for the 16<sup>th</sup> Judicial 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: August 14, 2017.

  
Signature

When completed, return this questionnaire to Debbie Hayes, 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.

Aaron J. Conklin  
Type or Print Name

  
Signature

August 14, 2017  
Date

018597  
BPR #

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

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