

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

04/15/16

Name: Ashley Daniel Boyer  
Office Address: 266 Blountville Bypass, Blountville, Sullivan Co., TN, 37620

(including 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 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.

Assistant Public Defender at the 2<sup>nd</sup> Judicial Public Defender's Office- practicing in criminal court

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

Tennessee- 2010 BPR No. 029919

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.

Louisiana – 2009 Bar No. 32417. Not active as of July 2016. I let it lapse due to the fact that I had never practiced law there in 8 years and did not see myself practicing there in the foreseeable future.

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).

Mississippi Court of Appeals – August 2009 – July 2010. I clerked for the Honorable Kenneth Griffis.

Olde Farm – August 2010- November 2010. I was a server there while awaiting my

Tennessee Bar results.

Solo Practitioner – October 2010 – February 2011; November 2011 – June 2013; practiced mainly criminal law

Richard Spivey – Associate February 2011- November 2011; assisted in his criminal defense practice and handled some of my own cases

Wheeler & Seeley – June 2013- December 2014: Associate Attorney – practiced estate, probate, tenant, environmental, divorce, and assisted in their representation for the towns of Jonesborough and Erwin.

2<sup>nd</sup> Judicial District Public Defender's Office – exclusively criminal practice in Judge Goodwin's Criminal Court

Rodan + Fields – Level 5 executive consultant; independent distributor for skincare.

Bristol Yoga Center – yoga teacher

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 is strictly criminal law with an emphasis on felonies.

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 began my legal career clerking for the Mississippi Court of Appeals working for the Honorable Kenneth Griffis. This Court handles both criminal and civil matters including, but not limited to bidding disputes, property disputes, criminal procedure, custody matters to divorce matters. After passing the Tennessee bar in 2010, I practiced in Sullivan County general sessions court, criminal court, and juvenile court – handling termination of parental rights, being guardian ad litem and representing parents.

In February of 2011, I went to work alongside Mr. Richard Spivey in his criminal practice. There, I gained a wealth of knowledge as I was able to assist him in several trials including, but not limited to the *State of Tennessee v. William Casey* and *State of Tennessee v. Steve Duncan*. Mr. Spivey's practice is the biggest in Sullivan Co., and I gained real experience on trial tactics, criminal procedure, sentencing, case management, and negotiation.

After leaving Mr. Spivey's office, I went back to a solo-practice and shared office space with Gene Scott, Jr. There, my practice was criminal (criminal court and general sessions) and juvenile. I also sat 2<sup>nd</sup> chair with Mr, Scott in 1<sup>st</sup> degree murder of a child and in defense of someone charged with attempted first degree murder when the car that he was in hit a police officer.

In June of 2013, I went to work for Wheeler & Seeley in Jonesborough, Tennessee. My practice was drafting wills, assisting Mr. Wheeler in his estate and probate and with the representation of the town of Jonesborough. With Mr. Seeley, I assisted him in his divorce cases, his environmental court practice in which he represented Washington Co., and with his representation of Erwin.

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

I have tried at least 5 criminal jury trials myself and around 10 other jury trials alongside my mentors (Richard Spivey, Gene Scott, Jr., or Andy Kennedy) as second chair. I have argued in front of the Court of Criminal Appeals- Eastern District in the case of *State of Tennessee v. Travis Wilson*.

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

During law school, I interned with the Federal Magistrate Judge Karen Hayes of the Western District of Louisiana, clerked for Hayes, Harkey, Smith and Cascio in Monroe, Louisiana working in hospital defense, insurance defense, and oil and gas. In my last year of law school, I interned at the Federal Public Defender's Office in Jackson, Mississippi and for the Court of Appeals with Judge Griffis.

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

Not applicable

### 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.

Louisiana State University, August 2001-August 2006: B.S. Psychology

Mississippi College School of Law: August 2006- May 2009, Juris Doctorate

Tulane Law School Study Abroad Program – June 2007, Rhodos, Greece: Studied in Maritime Law

**PERSONAL INFORMATION**

12. State your date of birth.

July 29, 1983

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

6 years

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

6 years

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

Sullivan

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.

n/a

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.

I pled guilty to a Minor in Possession of alcohol when I was 17 years old. It has been expunged.

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.

1 complaint from the Board of Profession Responsibility. It was resolved favorably.

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.

Yes, I did have a collection agency contact me for an unpaid hospital expense. I inadvertently did not pay my medical bill for the birth of my second child. Our second child has a primary immune disorder so we have a lot of medical costs. It was an oversight on my part. I am in good standing now.

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.

No

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.

Bristol Junior League (Fall 2015 – present); I was chairman for Read Across America this year. I served on the Splash Pad at Steele Creek Park committee in 2016, and will be on the Strategic Planning Committee beginning in the Fall of 2017.

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.

Bristol, TN Bar – current Vice-President

Washington County Bar (2013-2015)

Tennessee Bar Association Young Lawyer's Division (2014) – CLE Chairman for East Tennessee

Tennessee Association of Criminal Defense Lawyers (2012-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.

Not applicable

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)*

I want my life to be dedicated to public service. Throughout my life and my career as a lawyer, I find that the only good thing that I can do is to give back. I think that being a judge would be a challenging and rewarding way to serve this community and to give back. I believe that this position is one that requires someone who is willing to listen to all sides, research the law, and to follow the law whether it is popular or not. I believe that I can be impartial and fair and not make my decisions based on popular opinion.

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)*

I am seeking to be appointed to the 2<sup>nd</sup> Judicial District Circuit Court which covers all of Sullivan County. This position hears criminal and civil matters.

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, even if I disagree with the substance of the law, I will uphold it. One example that I see a lot in my criminal defense practice is "sale of drugs within a school zone." When a defendant is found guilty of this crime, he must serve 100% of his jail sentence. To me, this is harsh as practically, all of the city of Kingsport is "within 1000 feet of a school." In effect, this makes nearly all drug deals in Kingsport within 1000 feet of a school zone. So many people are serving 100% sentences that sold some minute amount of drugs "within a school zone." I know that my opinion on the matter is probably not popular among everyone, but it is my honest assessment. Although I disagree with this law, I would be able to uphold it because it does not matter what my opinion is, as a judge I would follow 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. Andrew Gibbons – 2 <sup>nd</sup> Judicial District Assistant Public Defender,
B. Gene Scott- Private Attorney –
C. Thomas M. Hayes, IV, - partner at Hayes Harkey,
D. Shelly Bullock – Bristol Yoga Center owner and nurse,
D. Terri Mullenix-Jackson- paralegal at Wheeler & Associates,

**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] 2<sup>nd</sup> Jud. Dis. Cir. Ct. Judge 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 18, 20 17.

  
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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.

Ashley Bayer  
Type or Print Name

Ashley D Bayer  
Signature

April 18, 2017  
Date

029919  
BPR #

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

LA Bar 32417