

Tennessee Judicial Nominating Commission
Application for Nomination to Judicial Office

Rev. 22 December 2011

Name: Howard W. Wilson

Office Address: 6 Public Square North

(including county) Murfreesboro, TN 37130

Office Phone: (615) 895-0030 Facsimile (615)895-9818

Email Address: [REDACTED]

Home Address: [REDACTED]

(including county) [REDACTED]

Home Phone: [REDACTED] Cellular Phone: [REDACTED]

INTRODUCTION

Tennessee Code Annotated section 17-4-101 charges the Judicial Nominating 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 <http://www.tncourts.gov>). The Commission requests that applicants obtain the word processing form and respond directly on the form. Please respond in the box provided below each question. (The box will expand as you type in the word processing document.) Please read the separate instruction sheet prior to completing this document. Please submit the completed form to the Administrative Office of the Courts in paper format (with ink signature) *and* electronic format (either as an image or a word processing file and with electronic or scanned signature). Please submit seventeen (17) paper copies to the Administrative Office of the Courts. Please e-mail a digital copy to debra.hayes@tncourts.gov.

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

PROFESSIONAL BACKGROUND AND WORK EXPERIENCE

1. State your present employment.

Attorney at Wilson & Bradley
6 Public Square North
Murfreesboro, TN 37130

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

1989 BPR No. 014007

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 No. 014007
October 1989
Active

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 started my own firm on the square in Murfreesboro, Tennessee in April 1990. My primary areas of concentration have been criminal defense, personal injury/worker's

compensation, and bankruptcy.

Criminal defense makes up about 30% of my practice. I have handled numerous criminal cases ranging from Driving Under the Influence to 1st Degree Murder. I am in court at least 2-3 days a week litigating these types of cases.

Personal injury/worker's compensation makes up about 30% of my practice. I have handled numerous cases over my 23 years of practice. I have tried jury and bench trials and have participated in the mediation process as well.

Bankruptcy makes up about 20% of my practice. I have practiced bankruptcy law for 23 years, the majority which has been consumer debtor practice. I have represented debtors in both Chapter 7 and Chapter 13 bankruptcy proceedings and in many adversary hearings.

Construction/real estate law makes up about 10% of my practice. My primary focus in this area has been in conjunction with Advance Title Company, of which I own an interest. I routinely prepare real estate documents, review titles, and perform closings. I have a broad based knowledge of real estate law and also represent builders and real estate professionals with contract preparation and review. I have a contractor's license for and experience in residential, commercial and industrial construction that gives me a unique insight into this type of litigation.

Landlord/tenant law makes up 10% of my practice. For over 20 years I have represented apartment complexes and other landlords. I have prepared and reviewed legal documents in regard to their business and have litigated many landlord/tenant legal issues.

I am also president of Blue Sky Construction, Inc., a residential and commercial construction corporation. The company builds single family homes, and condominium projects, ranging in size from 5 to 57 units in Middle Tennessee. I am also involved in real estate acquisition and development having developed subdivisions for construction of single family homes, condominiums and commercial uses. I also own numerous rental units in the Middle Tennessee area.

6. If you have not been employed continuously since completion of your legal education, describe what you did during periods of unemployment in excess of six months.

N/A

7. 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.

As more particularly described in the answer above, I have a civil and criminal litigation practice. Approximately 30% is criminal defense, 30% is personal injury, 20% is bankruptcy, 10% construction/real estate law, and 10% landlord/tenant.

8. 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 making your description, include information about the types of matters in which you have represented clients (e.g., information about whether you have handled criminal matters, civil matters, transactional matters, regulatory matters, etc.) and your own personal involvement and activities in the matters where you have been involved. In responding to this question, please be guided by the fact that in order to properly evaluate your application, the Commission needs information about your range of experience, your own personal work and work habits, and your work background, as your legal experience is a very important component of the evaluation required of the Commission. Please provide detailed information that will allow the Commission to evaluate your qualification for the judicial office for which you have applied. The failure to provide detailed information, especially in this question, will hamper the evaluation of your application. Also separately describe any matters of special note in trial courts, appellate courts, and administrative bodies.

During my 23 year career as a licensed attorney, I had the opportunity to practice in a wide variety of areas. I come from a family with several attorneys in it. My great-grandfather, father, uncle, and brother were/are practicing attorneys. I never wanted to do anything else. I worked my way through college loading UPS trucks at night and worked for an attorney full time while I attended Nashville School of Law at night. I started my own law practice and I have had a very successful law practice for 23 years all because of my hard-work ethic and dedication to my chosen profession.

My primary areas of practice include criminal defense, personal injury/worker's compensation, and bankruptcy. I have extensive practice experience in these areas. Since 1997, I have handled 1,228 criminal cases at both the General Session and Circuit Court levels. During that time, I have also handled 1,050 bankruptcy cases, and 600 personal injury/worker's compensation cases. I have argued cases before the state appellate court, including the Tennessee Supreme Court, Worker's Compensation Panel.

I also served as an Administrative Law Judge for approximately 14 years where I conducted trials under the Individuals with Disabilities Act (IDEA) 20 U.S.C. 1400 et seq. The trials normally lasted several days and many involved expert witnesses. As an Administrative Law Judge, I made evidentiary rulings and wrote decisions. I have also set as a special judge for the General Sessions Court and Murfreesboro Municipal Court.

9. Also separately describe any matters of special note in trial courts, appellate courts, and administrative bodies.

I served as an Administrative Law Judge for the Tennessee Department of Special Education from 1994-2007. During my tenure, I was required to preside over numerous cases arising under the Individuals with Disabilities Act (IDEA) 20 U.S.C. 1400 et seq. The decisions I made impacted a disabled child's right to an appropriate education under the law. In a case arising in Memphis regarding a severely disabled and medically fragile child, I found the child was not receiving the appropriate education and ordered the school system to remedy the procedural and substantive violations in June 2001.

10. If you have served as a mediator, an arbitrator or a judicial officer, describe your experience (including dates and details of the position, the courts or agencies involved, whether elected or appointed, and a description of your duties). Include here detailed description(s) of any noteworthy cases over which you presided or which you heard as a judge, mediator or arbitrator. Please state, as to each case: (1) the date or period of the proceedings; (2) the name of the court or agency; (3) a summary of the substance of each case; and (4) a statement of the significance of the case.

In Welker v Bridgestone, I argued an appeal before the Supreme Court of Tennessee Worker's Compensation Panel in October 1999. The issue in question was whether lay panel and expert testimony was sufficient to support causation in a worker's compensation case. The Appellate Court upheld the trial court's ruling in my client's favor.

11. Describe generally any experience you have of serving in a fiduciary capacity such as guardian ad litem, conservator, or trustee other than as a lawyer representing clients.

Early in my career, I was appointed by the General Sessions and Juvenile Court to act as Guardian ad Litem in many VA committals and juvenile cases.

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

N/A

13. List all prior occasions on which you have submitted an application for judgeship to the Judicial Nominating Commission or any predecessor commission or body. Include the specific position applied for, the date of the meeting at which the body considered your application, and whether or not the body submitted your name to the Governor as a nominee.

N/A

EDUCATION

14. 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.

1980-1984-Middle Tennessee State University, Murfreesboro, TN- I was on the Dean's List for academic achievement and received my Bachelor of Business in Finance with a minor in Marketing in 1984.

1985-1989-Nashville School of Law, Nashville, TN- J.D. Degree, May 1989. I was ranked 12 out of 57 in my class with a GPA of 85.166. I received the Evidence Award for highest GPA earned in my evidence class.

PERSONAL INFORMATION

15. State your age and date of birth.

51 years old. October 8, 1960.

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

All my life.

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

Approximately 23 years.

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

Rutherford County

19. 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

20. Have you ever pled guilty or been convicted or are you now on diversion for violation of any law, regulation or ordinance? Give date, court, charge and disposition.

No.

21. 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.

22. If you have been disciplined or cited for breach of ethics or unprofessional conduct by any court, administrative agency, bar association, disciplinary committee, or other professional group, give details.

I had 4 complaints to the Board of Professional Responsibility (BOPR), all of which were dismissed.

The first was file no. 18765-4-JV. It was filed January 12, 1998. One of my client's girlfriends sent a complaint to the BOPR. My client notified the BOPR that he did not authorize her to file the complaint and the case was administratively dismissed on March 25, 1998.

The next one was file no. 19865-4-ch. It was filed on August 25, 1998. An adverse party filed a complaint on her attorney and me. I represented her husband in post-divorce proceedings. The case was administratively dismissed on May 10, 1989.

The third one was file no. 22190-4-TC. It was filed March 3, 2000. I do not recall the facts of this case, but it was administratively dismissed July 18, 2000.

The last case was file no. 23610-4-JJ. It was filed on February 21, 2001. It was an advertising complaint from another attorney (undisclosed). A phonebook advertisement was alleged to be in non-compliance with ethical rules. The advertising company incorrectly misprinted an ad containing nonsensical language that I "practiced in all Tennessee Associations" and I failed to disclaim that I did not represent "business bankruptcy" clients. Although I did not agree with the BOPR attorney's position, I agreed to resolve the controversy with a diversion/dismissal.

23. 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.

24. Have you ever filed bankruptcy (including personally or as part of any partnership, LLC, corporation, or other business organization)?

No.

25. 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 Anonymous Childs 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.

26. 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.

City of Murfreesboro Historical Zoning Commission, September 2006-December 2010

City of Murfreesboro Planning Commission, May 2006-December 2010

Main Street Board, Board Member Approximately 2000-2004

Chair of Jazz Fest Committee, Main Street Board Approximately 2002

United Way of Rutherford and Cannon County, Board Member 2008-Present

Chair of Policy Committee, United Way 2010-2011

Member of First Presbyterian Church of Murfreesboro, Tennessee Member and Elder 1994-Present

27. 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

28. 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.

Rutherford/Cannon County Bar Association- Current Member

29. 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.

Martindale-Hubbell B-V, Murfreesboro Post Ruthies Award, Favorite Attorney 2004

30. List the citations of any legal articles or books you have published.

N/A

31. List law school courses, CLE seminars, or other law related courses for which credit is given that you have taught within the last five (5) years.

N/A

32. 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.

Appointed by Mayor Tommy Bragg to Murfreesboro City Planning Commission from May 2006 to December 2010 and the Historic Zoning Commission from September 2006 to December 2010.

33. Have you ever been a registered lobbyist? If yes, please describe your service fully.

No.

34. Attach to this questionnaire at least two examples of legal articles, books, briefs, or other legal writings which reflect your personal work. Indicate the degree to which each example reflects your own personal effort.

In Re Anonymous Child v Memphis City Schools No. 00-66 (June 2001) 100%

In Re Bradley County Board of Education v Anonymous Child No. 00-14 (October 2000) 100%

In Re Knox County Board of Education v. Anonymous Child No. 99-27 100%

In Re DB et al v. Elizabethton City School System No. 02-29 (June 2002) 100%

In Re Anonymous Child v McNairy County School System No. 98-34 (Feb. 2000) 100%

In Re Anonymous Child v. Lewis county School System No. 01-56 (March 2002) 100%

Wendell Banks v. Genco, Inc. Pre-trial brief Chancery Court for Rutherford County Tennessee No. 05-0774WC 100%

John Darren Welker v. Bridgestone/Firestone Inc. Supreme Court of Tennessee Appellate Brief Cause No. 01501-9810-CH-00192 100%

ESSAYS/PERSONAL STATEMENTS

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

The practice of law has never been just a job to me. It is something I am passionate about and I have worked hard to become an effective advocate for my clients. I am also passionate about public service work, whether it be to help others through my church, as a Board Member on the United Way of Rutherford/Cannon County, or as a public service on the Murfreesboro Planning Commission. I consider the judgeship an opportunity to combine my legal talents and

passion for public service to achieve a career goal and help others.

The judgeship will allow me to use all that I have learned to make a difference in my community and continue public service. I believe I have the legal and judicial skills, the proper respect and admiration of our legal system, the work ethic, and the temperament and personality combined with my broad range of past experience to be a very effective trial judge.

36. State any achievements or activities in which you have been involved which demonstrate your commitment to equal justice under the law; include here a discussion of your pro bono service throughout your time as a licensed attorney. *(150 words or less)*

Part of my obligation as a criminal defense attorney is to make sure indigent clients have access to competent representation. I have represented many clients who could not afford my services without charge, even though they were not referred by an official pro bono service. I have also represented indigent criminal defendants that were appointed by the court. On many of these cases, I did it pro bono without billing the state for my time. I have provided free legal services to the various non-profit agencies on which I serve on the Board of Directors. I drafted policy manuals for the local United Way to ensure a non-discriminatory policy was followed. I have accepted pro bono bankruptcy cases from Legal Services of Middle Tennessee. I consider access to our courts the cornerstone of our legal system. I will strive to see that it is maintained as a Circuit Court Judge.

37. 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 Judgeship vacated by Honorable Don R. Ash holds court in the 16th Judicial District of Tennessee which encompasses both Rutherford and Cannon Counties. Currently, Judge Ash hears predominately criminal cases although that could change as determined by the presiding Judge in our District. We currently have three other Circuit Judges and one Chancellor in the District. My appointment to the bench would bring a Judge with a diverse experience to the position as a lawyer with experience in both civil and criminal matters. Not only have I tried jury and bench trials as an attorney, I have presided as a special judge for our local General Sessions Judges on many occasions. Further, I have over 14 years experience as an Administrative Law Judge hearing complicated trials involving expert testimony.

38. Describe your participation in community services or organizations, and what community involvement you intend to have if you are appointed judge? *(250 words or less)*

I am particularly proud to support the Big Brothers/Big Sisters program. My wife and I mentor a nine year old year child. Helping her has enriched our lives tremendously. Both my wife and I plan on continuing this relationship if I am appointed.

I also served on the Board of Directors of non-profits and I am currently on the Board of Directors of the United Way of Rutherford and Cannon Counties, which has been instrumental in funding numerous organizations in our community.

I taught Sunday School to middle school children, coached little league baseball, helped start a neighborhood watch program in our neighborhood, and with my wife's help ran our churches vacation bible school program.

I feel my leadership experiences in these organizations have prepared me for this position. If I am fortunate enough to be appointed I would enjoy being involved in the Court established Drug Court and DUI Court programs. I will continue my service to non-profits so long as they do not pose a conflict with any judicial activities.

39. Describe life experiences, personal involvements, or talents that you have that you feel will be of assistance to the Commission in evaluating and understanding your candidacy for this judicial position. *(250 words or less)*

I was raised in Shelbyville, Tennessee. My father was a lawyer and my mother was a kindergarten teacher. Both parents were very influential in my life. They encouraged that hard work coupled with honesty and integrity. I married my wife Susan on June 27 1997 and we celebrated our 25th wedding anniversary this year. We have two children, Claire and Matt. Claire graduates From M.T.S.U this year and Matt is a sophomore at Ole Miss.

I was introduced to the law at a very young age. My first experience was when I was five. My father, an attorney in Shelbyville, took me to the court house, where I drew names from a hat of potential grand jury members. I grew up occasionally working in my dad's law office and knew from an early age that I wanted to practice law.

My parents insisted that I work and I worked on the family farm growing tobacco and baling hay. In high school, I worked at a local grocery store after school. Although my parents could have afforded to pay my college tuition, I worked at United Parcel Services at night loading trucks to pay my tuition and living expenses.

I worked full-time though law school and upon passing the bar, I started my own firm. It was tough going, but the lessons I learned were invaluable. It was this tenacity and dedication that has paved the way to a successful law practice. I believe there is no substitute for hard work and I will continue to work hard for the citizens of Rutherford and Cannon Counties if appointed to this judgeship.

40. 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)

As an Administrative Law Judge for the Tennessee Department of Special Education, I was responsible for holding hearings pursuant to the Individuals with Disabilities Act (IDEA) 20 U.S.C. 1400 et seq. Many times a parent of a child with a disability requested a hearing and asserted a claim that I had to dismiss because it had no legal basis. I always upheld the law regardless of the circumstance. My own personal belief or sympathy had to be set aside. I am not a "Judicial Activist." My job as an A.L.J. was to apply the law and legal precedents, not to substitute my judgment to change the law and I will do that as a Circuit Court judge.

REFERENCES

41. 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. Rick Sain, Reeves - Sain Family Medical Services [REDACTED] |
| B. Nate Schott, DDS [REDACTED] |
| C. Charles Pruett, The Pruett Financial Group of Northwestern Mutual- [REDACTED] |
| D. Steve Elder, Hilliard Lyon [REDACTED] |
| E. Hon. Timothy L. Easter, Circuit Court Judge, 21 st Judicial District- 6 [REDACTED] |

AFFIRMATION CONCERNING APPLICATION

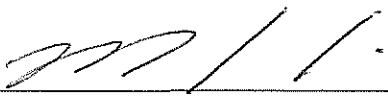
Read, and if you agree to the provisions, sign the following:

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] 16th 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: 7/31, 2012.



Signature

When completed, return this questionnaire to Debbie Hayes, Administrative Office of the Courts, 511 Union Street, Suite 600, Nashville, TN 37219.