

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

04/15/16

Name: Kyle Eugene Hedrick

Office Address: 2305 Hickory Valley Rd., Ste. A, Chattanooga, Hamilton County,
Tennessee
(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). 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, 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.

Ramer & Hedrick P.C.; I also serve as the Administrative Hearing Officer for the cities of East Ridge, Red Bank, and Collegedale.

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

1987 BPR No. 012658

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 012658; Date of Licensure: 1987 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).

Sidney Gilreath & Associates (June 1987 – July 1988); Caldwell, Heggie, & Helton (July 1988 – May 1993); Heiskell, Donelson, Bearman, Adams, Williams, & Caldwell (May 1993 – April 1994); Office Share solo practice (April 1994 – April 2001); Ramer & Hedrick P.C. (April 2001 – present). I also currently serve as the Administrative Hearing Officer for the cities of

East Ridge, Red Bank, and Collegedale. I served as Youth Minister to the Central Church of Christ (October 2001 – May 2007) and then to the Mountain Creek Church of Christ (May 2007 to August 2013).

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.

Defense of Long Term Care negligence cases (60%); Administrative Hearing Officer (10%); Personal Injury (15%); Mediation (7%); Domestic (8%)

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.

Over my thirty year career as a trial attorney I have appeared as an advocate in matters in virtually every civil and criminal court in Hamilton and surrounding counties. I have served as lead counsel in numerous jury trials in both state and federal courts and in multiple counties throughout east Tennessee. While most of my practice has focused on civil litigation, I have also handled a number of criminal cases including the trial to verdict of a lengthy white collar criminal matter in federal district court. I have tried numerous civil cases in bench trials in Circuit, Chancery, Juvenile, Sessions and City courts and have litigated matters before the Commissioner of Insurance, EEOC and the Board of Professional Responsibility. I have handled several cases before the Tennessee Court of Appeals as well as an appeal to the Sixth Circuit Court of Appeals and have assisted in cases before the Tennessee Supreme Court. I have represented clients in arbitrations and mediations for over 20 years.

In addition to acting as an advocate, I have served as a special judge in General Sessions Court in Hamilton County and currently as an Administrative Hearing Officer for the cities of East Ridge, Red Bank and Collegedale. I also qualified pursuant to Rule 31 and have facilitated several mediations over the last few years.

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

I have been privileged to participate in many interesting and challenging cases in my career. However, the events that stand out to me are not always the largest or most profitable cases, but rather instances where I was able to help someone truly in need. The examples that come to mind are: I prevailed in getting a contract of insurance to cover an 18 year old young lady (coverage denied as “exploratory procedure”) for an autologous bone marrow transplant giving her a chance at life. I was also given the opportunity to litigate a case before the panel of the Board of Professional Responsibility on behalf of a friend who had forfeited his license many

years back due to some horrible life decisions. The panel announced its decision immediately following the hearing to reinstate him to the practice of law. I tried a dependent and neglect matter for some members of the church in an effort to assist a young lady to free herself from a destructive situation and give her a new life. And finally, I was the first Administrative Hearing Officer in the State of Tennessee to adjudicate ordinance violations.

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

I have handled many pro bono matters for the young people in my church as well as several other congregations. These matters were primarily criminal and domestic, and unfortunately -- one probate matter. All of these, at least to me, were opportunities to increase my chances to positively impact young people. I also truly enjoyed preparing a detailed legal brief seeking to establish a common law marriage where one party was attempting to void a multi-decade marriage (with four children) to his current wife because they exchanged vows a few days before his prior order of divorce was final – a fact he conveniently hid from her. Happily, his ploy did not work.

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.

David Lipscomb College (now Lipscomb University) 1980-1984; Bachelor of Science (played on the golf team)

University of Tennessee College of Law 1984-1987 (Second place – Ray H. Jenkins Moot Court competition)

PERSONAL INFORMATION

12. State your date of birth.

April 24, 1962

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

Since April 24, 1962 (55 years)

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

July 1988 to present. I was born in Hamilton County, graduated high school in Hamilton County, and returned to Hamilton County following one year of practice in Knoxville. Other than law school and one year of practice, I have lived my entire life in Hamilton County.

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

Hamilton

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.

None

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.

My wife and I filed a complaint against the builder/owner from whom we purchased our home. That matter was filed in the Chancery Court of Hamilton County in 2007. The defendants all filed bankruptcy. The case was voluntarily dismissed. Case Number: 33CHI-2007-CV-1007 In approximately 2001, I was named as a defendant in a suit in my capacity as the member of the board of a hospital in Arkansas. The suit was meritless and settled for nuisance value. In Re: Southern Healthcare of Arkansas, Inc. AP No. 5:03-ap-01133; In the United States Bankruptcy Court Eastern District of Arkansas Pine Bluff Division. Glenna Ramer and I had a significant sum stolen from our operating account. Employee ordered checks without the requisite signature lines and the bank filled the order and cashed the checks against our agreement with the bank. Case was filed in July 2001 and voluntarily dismissed in February 2002. Case Number 33CHI-2001-CV-794, Chancery Court of Hamilton County.

23. List all organizations other than professional associations to which you have belonged within the last five (5) years, including civic, charitable, religious, educational, social and

fraternal organizations. Give the titles and dates of any offices which you have held in such organizations.

I was the Youth Minister at the Central Church of Christ from October 2001 through May 2007 and for the Mountain Creek Church of Christ from May 2007 through August 2013. During that same time, I served as Deacon responsible for the youth programs at both congregations. I also served on the Missions Committee for the Mountain Creek Church of Christ from May 2007 through August 2013. I was President of the East Ridge Elementary P.T.A. for two years (1999-2000; and 2000-2001 school years)

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.

Chattanooga Bar Association, Tennessee Bar Association, American Bar Association, Defense Research Institute, Tennessee Trial Lawyers Association, American Association of Justice, National Trial Lawyers Association, Tennessee Inns of Court.

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.

National Trial Lawyers Top 100: 2014, 2015, 2016

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.

Administrative Hearing Officer for the cities of East Ridge (2011 - present), Red Bank (2015 – present), and Collegedale (2012 – present).

ESSAYS/PERSONAL STATEMENTS

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

I have always had a strong interest in problem solving – particularly significant family situations. During my 12 years as a youth minister, I assisted the families of our teens in dealing with issues involving criminal conduct (primarily underage drinking and drug related issues), teenage pregnancy, domestic issues, and performed the wedding ceremonies for some of them. I believe my passion for helping others to find ways to resolve issues will be valuable as a circuit court judge. I also love reading and writing. Preparing briefs, whether as simple as a supporting memorandum for a motion or a more complex multi-issue brief to an appellate court, is something I truly enjoy. From researching the nuts and bolts of the issues to finding the perfect outline for conveying a cogent message to the court; I enjoy writing. I believe this love of writing will assist in preparation of legal opinions. Finally, I have found that serving as a mediator and as an Administrative Hearing Officer brings me great personal satisfaction in my daily practice. Of all the tasks I perform as an attorney, serving as AHO and mediator are by far my favorite.

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 seek a judgeship in the Circuit Court for the Eleventh Judicial District, Hamilton County, Tennessee. The types of cases heard in the this circuit court include domestic, tort, will contests, appeals from the Hamilton County General Sessions Court, and various other jury and non-jury civil litigation. We have four Circuit Court Judges and two Chancellors in Hamilton County.

I believe I would positively impact the court through hard work and experience. I believe my service for twelve years as a Youth Minister and more than thirty years as a practicing attorney allow me to better understand family dynamics -- both from external experience as well as being married for 33 years with three children, a son-in-law, daughter-in-law, and a new grandson. I would not seek this position if my primary professional desire stemmed from something other than the interests of the public through diligence, professionalism, and understanding.

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)*

Absolutely. My resolve to uphold the law has been tested both as an advocate and hearing officer and I understand that while personal views and human compassion often make legal decisions difficult, the need for uniform and predictable justice precludes ad hoc judicial actions based on individual viewpoints. I will use two examples. As an AHO, I was presented with a citation against a young woman who had allowed her property to become overgrown with vegetation in violation of city ordinances. The evidence with regard to the violation was clear, but it was also clear from the evidence that this young woman had devoted herself and her meager resources to caring for her disabled mother and simply did not have the capacity to comply with the ordinance. I had no choice but to find her in violation despite my compassion for her situation. In that case, volunteers in the community stepped forward to help and justice was served both according to the letter of the law and in spirit. I understand that will not always be possible. In another instance, as an attorney I was involved in terminating the parental rights of an indigent mother. The facts and the law were again clear and the court correctly found that termination was warranted and in the best interest of the child. While this was the correct decision under the law, it was devastating to the mother and haunted me for weeks. As a lawyer in private practice I have the right to decide not to take difficult cases such as this again, however, I realize that as a judge, one doesn't get to pick and choose the cases you hear and must be prepared to uphold the law in all instances. I am prepared to do that.

I will never forget something that was told to me by Roger W. Dickson many years ago about his service as a United States Magistrate. Mr. Dickson was the magistrate judge for the Honorable Frank Wilson. One day very early in Mr. Dickson's service, Judge Wilson walked by his office, paused at the door, and offered the following advice: "If you can leave this office every day and say 'I did not abuse my power today', you have had a successful day." I sincerely believe that there are no circumstances under which I would ever consider my opinion above that of the law. I would aspire to leave chambers everyday with the sage advice of Judge Wilson. "I did not abuse my power today."

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. Honorable Curtis Lynn Collier,

B. Randall Lynn Gibson

C. Glenna M. Ramer

D. David Arendale

E. Roger W. Dickson

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: July 25, 2017.



Signature

When completed, return this questionnaire to  DeLoe, 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

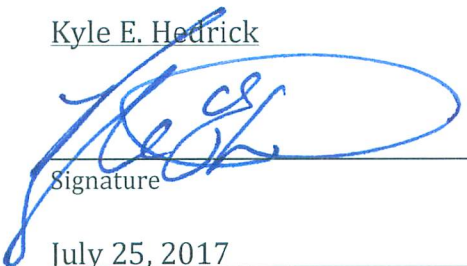
AND OTHER LICENSING BOARDS

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.

Kyle E. Hedrick



Signature

July 25, 2017

Date

BPR #012658

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