

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

04/15/16

Name: Gregory C. Krog, Jr.

Office Address: 840 Valleybrook Drive, Memphis, Shelby County, Tennessee 38120  
(including county)

Office Phone: 901-683-9080 Facsimile: 901-685-2824

---

---

**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.

The Law Office of Gregory C. Krog, Jr.

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

1985 - 11029

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 – 11029 – 3 May 1985 – currently 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).

See Attached Curriculum Vitae

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 operate a general civil practice, focused on business, residential and commercial real estate transactions and litigation, business formation and representation including employment disputes, trademark protection, employment contracts and personnel policies; general civil and commercial litigation, and probate and estate litigation. I represent a number of regular business clients, including homeowner and condominium associations. I advise and represent these clients in enforcing their rights, particularly with regards to collection of maintenance fee liens. I occasionally represent criminal defendants. I also prepare wills and other testamentary and fiduciary documents, including powers of attorney. While the following percentages are estimates and vary from year to year, on my most recent application for malpractice insurance coverage, I showed the following:

Corporate/General Business: 20%; Criminal: 1%; Estate Planning/Wills/Probate: 2%; Personal Injury: 5%; Closings: 5%; Commercial Foreclosures: 1%; Residential Foreclosures: 1% Landlord Tenant: 5%; other real estate commercial: 10%; other real estate residential: 5%; general civil litigation: 10%; HOA/Condo lien enforcement: 30%

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 have represented clients in both jury and non-jury trials in the Circuit, Chancery, and General Sessions Courts of the State of Tennessee and United States District Courts, and in appeals to the Tennessee Court of Appeals, the Tennessee Court of Criminal Appeals, the Tennessee Supreme Court. and the United States Court of Appeals for the Sixth Circuit. As an assistant district attorney I tried 25 jury trials as sole or lead counsel, from voir dire to verdict. As staff counsel for the federal district court I reviewed, analyzed, and prepared both procedural and substantive orders for signature by the presiding federal district judge in thousands of pro se cases over a ten year period. In my subsequent private practice during 2001 to 2002 I represented 3 clients on federal appellate criminal appointments and pursued their appeals to the Sixth Circuit. In my private practice I have represented clients in various post conviction criminal matters, including successfully obtaining relief for one client under 28 U.S.C. § 2255.

In my private practice since 2002, I have run a one-man law firm, occasionally with a clerk, representing a broad variety of clients in both transactional and litigation work. My transactional practice encompasses both business and real estate contracts, leases, closings, and dispute resolution. My litigation practice reflects the scope of the practice, dealing primarily with commercial, business, and real estate related disputes. I have also handled several personal injury matters, including one serious wrongful death action that settled following mediation.

My representation of business clients includes risk management, regulatory compliance, and exhaustion and review of administrative remedies before state and federal agencies, including

representation before the State Board of Equalization, administrative proceedings before the Tennessee Department of Labor and Workforce Development, and the United States Department of Agriculture. My circuit court practice, in particular, includes personal injury, breach of contract, legal malpractice, General Sessions appeals, and general tort litigation.

Based on my education, my experience in the federal court system drafting orders for federal judges, and my representation of clients in private practice, I think I possess superior research and writing skills that would enable me to serve the public as a jurist with the mental discipline, intellectual curiosity, and acumen to meet the needs of the litigants and their counsel who appear in Circuit Court.

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

I represented the appellants on appeal from the Shelby County Circuit Court to the Tennessee Court of Appeals in *Brown v. Shtaya*, No. W2012-00875-COA-R3-CV. This appeal resulted from a decision of the Circuit Court that seriously misconstrued the conditions and requirements for effecting an appeal from General Sessions to Circuit Court. My detailed and comprehensive brief and related filings contributed significantly to the correction of a serious injustice that had threatened the right to a jury trial and access to the courts for thousands of citizens in Shelby County. The construction of the law also created significant issues for many attorneys whose handling of these appeals was called into question, putting them at risk for malpractice claims. Most significantly, the narrow construction of the proper appeal procedure threatened to call into doubt numerous judgments of the Circuit Court issued in appeals from Sessions Court in Shelby County, and by extension, across the state. The Court of Appeals, despite an earlier decision adverse to my client's position, reversed the Circuit Court and reinstated my client's appeal. The Tennessee Supreme Court, in *Griffin v. Campbell Clinic, P.A.*, 439 S.W.3d 899 (Tenn. 2014), eventually affirmed the interpretation adopted by the Court of Appeals.

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

I have represented clients in Shelby County Probate Court as an attorney, having joint control of funds with the personal representative, ensuring that all funds are properly accounted for and disbursed. In my real estate and business practices, I routinely hold funds in trust as escrow agent for parties to sales, leases, and other related transactions. Additionally, I have maintained an appointment as a notary public since 2001, during which time I have complied with all the requirements to be entrusted with the duties of that position. I also act as successor trustee on behalf of foreclosing lenders and condominium owner associations, conducting foreclosure sales and receiving and disbursing funds and transferring title to real estate.

For over ten years, I served as either a law clerk or staff attorney for federal district

judges. That experience taught me the inestimable importance of fairness, impartiality, and sober judgment in considering the claims of all parties. It also instilled in me a respect for the rule of law—that our civilization exists by reason of our faithful adherence to the truth that no individual person is above the law—that our Constitution is the crowning glory and achievement of that civilization, and that upholding it and promoting respect for it requires rigorous discipline and devotion to it and the laws enacted in accordance with it.

To ensure that I fulfill my obligation to maintain competence in the law, I generally strive to teach a few hours of CLE each year. I find that I learn extensively from proper preparation as a presenter (probably more than I impart to the attorneys attending). I have traditionally carried far more hours than are required for minimum CLE compliance. I am presently working on hours for 2017, as I carried over sufficient hours to cover my 2016's obligation. (I actually earned more hours last year than the 15 that could be carried over). I try to include in my CLE hours courses that are outside the strict area in which I practice. During 1995-96 I taught advanced criminal procedure as an adjunct professor at the University of Memphis School of Law, but the demands of my family at that time precluded my continuing that service.

In addition to my law practice, I also have volunteered repeatedly over the years for a variety of community service activities with a fiduciary role, including serving as: trustee of my Knights of Columbus Council, (a position that requires the review and certification to the Supreme Council of the financial status and obligations of the local council); Soccer Coordinator of the Diocese of Memphis' scholastic Soccer league; and as an officer and board member of the Memphis Chess Club, a non-profit corporation with 501(c)(3) status.

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

I have not previously applied for a judicial appointment in the State of Tennessee. While employed as staff attorney for the Western District of Tennessee I applied unsuccessfully for a position as United States Magistrate Judge.

### 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.

See Curriculum Vitae, attached.

**PERSONAL INFORMATION**

12. State your date of birth.

29 December 1959 - 56

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

Since February 1987.

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

Since October of 1990.

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

Shelby

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.

In 2005 a former client filed a complaint with the Tennessee Board of Professional Responsibility arising from representation in a Chancery Court matter. The complaint was, I think, motivated by a desire to avoid paying a bill, as I had recently filed, through counsel, a collection action seeking to recover unpaid legal fees. The Board promptly dismissed the complaint as without merit.

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.

December 2012: MSK Group v. Gregory and Norma Krog Shelby GS 1595749

August 2007: Pediatric Physicians v. Gregory Krog 1230414

Both of these were collection actions by health care providers, arising from a billing misunderstanding, and promptly resolved by payment to the provider.

I have filed three eviction lawsuits in Shelby County General Sessions Court arising from ownership of rental property, the former family home, at 5390 Derron in Shelby County. Each case resulted in a judgment for us as the landlords:

2014: 1666328 –Krog v. Morris (for unpaid rent);

2015 1739804 – Krog v. Ball (for eviction and unpaid rent)

2015 – 1764083 – Krog v. Moore and Holmes (for eviction and unpaid rent)

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.

Knights of Columbus – Catholic Fraternal Benefit and Service Association – Currently serving as Advocate – for four years previous, I served as a Trustee. Prior to 5 years ago I have served as the Grand Knight (the chief executive officer) of our local Council, # 4312, at my Catholic Church, Holy Rosary.

Memphis Chess Club – Vice President 2015 (past President, 1999-2000).

United States Chess Federation – Local Tournament Director at various times since college in mid-1970s.

Certified Soccer Referee through United States Soccer Federation and Soccer Officials of Tennessee

24. Have you ever belonged to any organization, association, club or society which limits its membership to those of any particular race, religion, or gender? Do not include in your answer those organizations specifically formed for a religious purpose, such as churches or synagogues.
- If so, list such organizations and describe the basis of the membership limitation.
  - If it is not your intention to resign from such organization(s) and withdraw from any participation in their activities should you be nominated and selected for the position for which you are applying, state your reasons.

Voting membership in the Knights of Columbus is limited to Catholic men, although participation in activities is open to virtually anyone who shows up at an activity. The organization is devoted to charitable and religious purposes. I see no conflict between membership in the Knights of Columbus and service in the judiciary of the State of Tennessee, particularly as numerous other judges, jurists, and public servants are also active Knights. The organization does not restrict membership on the basis of race, ethnicity, disability, or any other immutable characteristic, and indeed, devotes much of its resources to assisting those in need. In Tennessee, this is especially true of assistance to persons with mental disabilities, a major recipient of the organization's fund raising efforts.

### **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, 2010 to present; Memphis Bar Association, 2016, St. Thomas More Catholic Lawyer's Guild, various years since 1992.

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.

NONE

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.

NONE

**ESSAYS/PERSONAL STATEMENTS**

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

I have devoted my legal career to the preservation of the Constitution in the truthful and peaceable resolution of disputes. Increasingly our lay brothers and sisters fail to grasp that the very fabric of our society depends on a just and efficient judicial system. They seem to respond only to the most highly publicized cases, usually those in which they disagree with the results, and view judges as semi-omnipotent arbiters rather than jurists dedicated to the preservation of freedom. Unfortunately, some judges have contributed to a results-oriented philosophy. Every Judge must exhibit a zeal for service with an unshakeable commitment to the Constitution and the limited role of applying the laws the people make through their representatives. Every Judge must also understand the limits of office and how their frailty should temper their rulings and their exercise of judicial discretion. The desire to serve, not dominate, inspires me to apply.

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 appointment to the Circuit Court, Division 7, Shelby County. Shelby County has 9 Circuit Divisions. A Circuit Court Judge's first duty? To arrive early and work diligently. The second? Keep the docket current and ensure that citizens' disputes are resolved fairly without undue delay. My knowledge and understanding of the rules and laws, of the pressures litigation imposes on litigants and counsel, and my concern for the citizen as focus of any court system would benefit our judicial community and the bar. My experience in the federal court system as

a court attorney, combined with my experience in transactional work provides a neutral perspective--the ability to view both sides of a dispute in an objective and impartial manner, and to act fairly in resolving disagreements. I also have a temperament that is, I think, generally experienced by others as kind, courteous, collegial, and mentally rigorous.

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)*

I do not represent clients in divorce cases, in part because of my religious and philosophical views on the indissolubility of marriage. Nevertheless, I have several family members, and any number of clients, who are either divorced or regularly deal with the consequences of divorce. While I refer direct divorce representation to colleagues, I have on occasion represented clients on issues arising from divorce proceedings. I strive to provide that representation in a competent manner while helping these clients deal with the seemingly inevitable stress caused by these situations. I also strive to remain abreast of cases and statutes affecting divorcing parties. Regardless of my views of the effect of divorce on society, our legislators and the vast majority of the public have opted for these remedies. The role of a judge is to follow the law and treat all litigants fairly. A Circuit Court judge, in particular, must be willing and competent to preside in divorce cases so that the divorcing parties and their children will be treated with respect.

**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. John McCarroll retired Circuit Court Judge
B. Paul Lawler Partner, Glankler Brown
C. Paul Summers Senior Judge, former Attorney General
D. Christopher Fay

Home: 4503 Fairmeadow, Memphis, TN 38117 (901) 603-0025

E. Father Robert Marshall  
Pastor, St. Francis Catholic Church

**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] Division 7, Shelby County Circuit Court, Thirtieth 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: July 7, 2016.

Gregory C. Knight  
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.

Gregory C. Krog, Jr.

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

\_\_\_\_\_  
Signature

July 7, 2016

\_\_\_\_\_  
Date

11029

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

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

Title Agent Insurance Producer License, issued by Commissioner of Insurance, but currently inactive - # 0862243

## CURRICULUM VITAE

**GREGORY C. KROG, JR.**

### **CAREER SUMMARY** **PROFESSIONAL EXPERIENCE**

#### **Law Office of Gregory C. Krog, Jr.**

Established August 16, 2002

Sole proprietorship. Represents small to medium businesses in litigation and transactions, including commercial and residential real estate matters. Represent and advise condominium and homeowner associations with regards to transactions, litigation, covenant violations, lien enforcement, and foreclosures. Represented and advised clients in: eviction, personal injury, contract, employment contracts and personnel policies including non-competes and workplace/discrimination disputes, trademark protection, civil rights, probate and general civil and commercial litigation. Served as outside counsel for the County Attorney's office in employment litigation, 2002-03. Skilled in word processing, spreadsheet, and acrobat and related office management software. Approved Attorney: Stewart Title Guaranty and Old Republic National Title Insurance Company.

#### **Attorney**

Realty Title & Escrow Company, Inc.

July 9, 2001 to August 15, 2002

Closed approx. 60 sales/purchases; examined over 600 titles; prepared/reviewed/approved title insurance commitments/policies, advised clients regarding contract and title issues.

Private Criminal Appellate/Post-Conviction Practice

May 31, 2001 to August 15, 2002

Federal/state criminal and state post-conviction cases; Member, CJA Panel, W.D. Tennessee

The Wagerman Law Firm

February 12, 2001, to May 31, 2001

Associate in General Civil/Criminal Practice; Member, CJA Panel, W.D. Tennessee

#### **Pro Se Staff Attorney**

March 18, 1991 to February 11, 2001

United States District Court, W.D. Tennessee

Managed office of two attorneys/one secretary. Supervised management of court docket of Pro se and in forma pauperis cases comprising approximately forty percent of district's total civil filings. Advised judges, magistrate judges, and court staff regarding application of Constitution, federal and state laws, regulations, and rules of court in areas of employment discrimination, municipal and governmental liability, civil rights, post-conviction criminal, state and federal habeas, and social security law. Prepared substantive orders in approximately 5400 pro se cases, including: screening orders in over 3700 cases; over 300 civil case orders of dismissal/summary judgment; over 1000 orders in federal or state prisoner habeas petitions or miscellaneous criminal motions.

**Adjunct Professor of Law**

Spring 1995 & Spring 1996

University of Memphis School of Law

Developed and taught advanced practical criminal procedure course on Criminal Procedure Rules, Sentencing Guidelines, procedural statutes and Constitution.

**Assistant District Attorney**

December 18, 1989 to March 17, 1991

30th Judicial District Tennessee  
(Shelby County)

November 1, 1990 to March 17, 1991

10th Judicial District, Tennessee  
(McMinn, Madison, Polk, & Bradley Counties)

December 18, 1989 to October 31, 1990

State Court Prosecutor. Tried 25 felony and misdemeanor jury cases from voir dire to verdict.

**Associate**

August 15, 1988 to October 31, 1989

Walt, Dyer & James (Knoxville office)

General civil litigation practice centered on FSLIC receivership-litigation, thrift-failure investigation, receivership-asset recovery, protection, and foreclosures.

**Trial Attorney**

March 5, 1987 to August 15, 1988

Tennessee Valley Authority Office of the General Counsel

Represented TVA, its officers, and employees in employment discrimination, condemnation, tort actions, administrative proceedings before EEOC, MSPB, federal/state courts. Tried 5 EEOC & 1 MSPB hearings.

**Federal Law Clerk**

August 6, 1984 to March 3, 1987

U.S. Dist. Judge W. B. Hand (deceased), S. D. Alabama

Prepared orders and opinions on procedural, substantive, and evidentiary issues in complex civil rights cases, bankruptcy appeals, admiralty actions, criminal, habeas, contract, commercial and tort cases.

**COURT ADMISSIONS**

State of Tennessee

May 10, 1985

Tennessee Supreme Court

December 16, 1986

United States Court of Appeals for the Sixth Circuit

May 3, 2001

U.S. District Court, W.D. Tennessee

October 13, 1987

U.S. District Court, E.D. Tennessee

October 26, 1988

**EDUCATION**

Juris Doctor Degree Awarded: May 13, 1984 Final Class Standing: Top 10% - Cecil C. Humphreys School of Law, Memphis State University

Activities: Law Review, 1982-84; 1982 First Year Moot Court - 1983 Intra-school Mock Trial - Student Bar Association Election Commissioner, 1982-83; First-Year Student Orientation Group Leader, 1982 & 1983. Worked average of 15 hours per week on graveyard shift at FedEx HUB.

B.A. degree, cum laude, awarded: May 9, 1981 by Christian Brothers College - Major: History, minor: math.

Recipient: Herff Presidential Law Scholarship to MSU.

NBI Seminar Presenter on Real Estate and Title Law

May and August 2014

August 2015