

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

04/15/16

Name: Matthew Franciscus Wright

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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 by the noon deadline date an original (unbound) completed application (with ink signature) to the Administrative Office of the Courts.** In addition, submit a digital copy with electronic or scanned signature via email to debra.hayes@tncourts.gov, 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 General Counsel for the Department of Children's Services (DCS), State of Tennessee, representing DCS in Rutherford County, Murfreesboro, TN; come December 15, 2017 I will have been in this position for 10 years representing DCS in the prosecution of civil cases regarding Dependency and Neglect, termination of parental rights and other civil matters related to my representation of DCS in furtherance of the Department's interests, i.e. the protection of children and the achievement of permanency.

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

October 31, 2001; BPR #021773

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, October 31, 2001; BPR# 021773

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).

My first job, after being admitted to the practice of law, was with a firm that only handled bankruptcy law. I was admitted to practice before the middle district bankruptcy court and practiced bankruptcy with the firm for approximately 1 year, specifically from January 2002

through early 2003 at which time I left the firm I was with and started my own practice here in Murfreesboro. As a solo practitioner from 2002 through December 15, 2007 I practiced in a number of different areas, including Bankruptcy; divorces; I represented individuals in criminal matters, through court appointment and as retained counsel; and I began to take appointments to represent parents in Dependency and Neglect actions; Delinquency actions; and in Termination of Parent Rights actions. On December 15, 2007 I took the position of Assistant General Counsel for the Department of Children's Services, State of Tennessee, and I have continuously remained in that position up through the filing of the application herein.

Prior to being admitted to the practice of law in 2001 from age 18 to 22 I worked during the summers and breaks in the area of construction work including A/C and plumbing while pursuing my undergraduate degree. Shortly after receiving my Bachelor of Science (BS) in Electric Engineering from Tennessee Technological University in 1991 I went to work for Aladdin Synergetics wherein I served as a field service engineer. On or about the later part of the year 1992 I was laid off by Aladdin and my aunt was a mail carrier at the time so I applied to be a Mail Carrier or Mailman and was accepted. I remained employed as a United States Postal Carrier up through my admittance to the practice of law in 2001 including the years that I attending the Nashville School of Law at night from 1996 through 2001.

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.

It is my privilege to currently serve the citizens of Rutherford County as the Assistant General Counsel for DCS (Department of Children's Services). In my position I prosecute civil cases of Dependency and Neglect, including cases involving severe abuse which includes cases involving sexual abuse, extreme physical abuse, drug exposure including in utero drug exposure which here of late includes a good deal of opioid abuse, heroin and methamphetamine. I have also represented the Department in civil actions to terminate the parental rights of a Mother and/or Father to her/his Child. Further in my representation of DCS I have multiple clients, similar to the representation of a corporation, that are agents of DCS and such requires being able to advise my client on a number of different issues that arise during the Departments execution of its objectives to protect Children from abuse and/or neglect and to achieve permanency for the Children that are currently in State Custody. Due to contractual obligations my representation of DCS constitutes 100 % of my practice.

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 been a trial attorney for the better part of the past 16 years. On December 15, 2007 I accepted my current position with DCS and I have served in that position from December 15,

2007 through the submission of this application. Over the last 10 years I have represented the Department (DCS) in administrative hearings in regards to individuals who have appealed an indication of abuse by DCS. As further described herein I have represented DCS in multiple, contested hearings over the course of the past ten years. Prior to accepting my current position with DCS I was a solo practitioner representing clients in criminal matters and civil actions. As time went on from 2002 through 2007 the majority of my practice was as a court appointed attorney representing indigent parents in Dependency and Neglect Actions and in actions to Terminate a Parent's Parental Rights. In 2007, prior to my employment with DCS, I appealed a termination of the parental rights of my client, John Doe, and was successful in my appeal. I have attached a redacted version of my brief in that matter as a writing example in support of the appointment that I am seeking herein.

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

At heart I am a trial attorney and I would feel confident in the assertion that I have prosecuted more trials than the majority of the applicants for this position. I don't take my assertion lightly and I am, as my wife would tell you, a modest man but the reality is that the majority of civil cases and criminal cases end as settlements, agreements and/or pleas, it is a reality of the justice system, of which we all here play a part in, and I say this not to imply that settlements are not appropriate because in many cases they represent a fair and equitable resolution of a civil dispute or criminal allegations; from my viewpoint as a practicing attorney for 16 plus years the majority of the trials that go forward and are contested either occur in the criminal system, most often when a defendant finds themselves in a position where they have nothing to lose or in those situations where they are truly innocent, or in the Juvenile Court where a parent is fighting for the right to have their Child(ren) returned to their care or they are fighting to prevent the complete loss of their parental rights. Over the past 15 years, 10 of which as a State's Attorney for DCS, I have participated in multiple hearings, some of which have lasted a few hours others that have taken multiple days; I have been involved in 5 day, 10 day trials and everything in between. I have been a witness to some of the most heinous acts that can be committed upon Children. I have seen the worst and best actions that people are capable of including parents who are able to turn their lives around and be reunified with their Children and parents who are unable to overcome their addiction to the point that their parental rights are terminated so that their Children will have a chance to grow up in a drug free home and be productive and stable citizens in our community. My experiences have left me with a unique perspective on the struggles that families face in our community. I have seen the impact that drug abuse continues to have on the families in our community. My experiences have left me with a deeper understanding of the human condition, an understanding that one does not get from law school but only from experience. It is this understanding that I would bring to the bench. A Judge can be taught the procedure and process for accepting and approving agreements but when it comes to conducting an actual trial this is something you learn from your experience as a participant in litigation, this includes, but is not limited to, determining the credibility of witnesses that come before the Court you develop the skills necessary for the determination of witness credibility through trial court experience.

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

Prior to my representation of DCS when I was a solo practitioner I was appointed to represent an absentee Father, John Doe, and upon the termination of his parental rights I filed an appeal to the Court of Appeals and I have attached a redacted version of the brief I filed. I was successful in my appeal and the Court of Appeals overturned the Judgment of the Juvenile Court issued by Judge Davenport. What always stood out to me about that experience was that upon being reversed, in my subsequent conversations with Judge Davenport, she was not upset or resentful as to being reversed but instead she congratulated me on my achievement and her actions remind me of my firm belief that a Judge is not only a trier of fact but he/she is to a certain extent a teacher and they have a duty and perhaps a responsibility to teach and encourage the attorneys that come into their courts to push the bounds of the law, to be zealous advocates for the law, to calm attorneys down in those rare occasions that the arguments between counsel have gotten out of control and to even appeal the Court's ruling if the Attorney believes an error in the application of the law to a set of facts has taken place. I cannot think of a better example for the demeanor, temperament and compassion that a Judge should have than what I have witnessed over the many years before Judge Davenport and Magistrate Dodd.

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

None.

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.

I received my undergraduate degree from Tennessee Tech in Cookeville, Tennessee. I attended Tennessee Tech from the fall of 1987 through the spring of 1991 at which point I graduated with a 3.10 GPA with a Bachelor of Science (BS) in Electrical Engineering. While at Tennessee Tech I was admitted into the Electrical Engineering Honor Society, also known as Eta Kappa Nu Association on November 27, 1989.

I attended Nashville School of Law from the fall of 1996 through the spring of 2001 at which point I was awarded a Doctorate of Jurisprudence. I took the Bar Exam in July of 2001 and passed the same and was admitted to the practice of law in October of 2001. Since my admission I have continued to take CLE courses in furtherance of my education.

I was certified by the NACC (National Association of Counsel for Children) as a specialist in Juvenile- Child Welfare Law.

PERSONAL INFORMATION

12. State your date of birth.

May 9, 1969

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

48 and ½ years, i.e. my entire life.

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

I have lived in the same home here in Murfreesboro, Rutherford County since January 2002.

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

Rutherford County, TN

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.

Never.

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, but in the interest of full disclosure the IRS did place a tax lien on my home 7 years ago, in April of 2010. As discussed in my response to Question 21, I refinanced my home and paid off the debt owed to the IRS with the equity from my home approximately 3 years ago in the winter of 2014, as discussed in greater detail in Question 21 herein.

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

Yes, prior to my admission to the practice of law, I filed a Chapter 7 Bankruptcy in 1998, almost 20 years ago, for debts that I incurred in the early to mid-1990s. There was a time period between 1992, when I was laid off from my engineering job at Aladdin, up until I was employed by the U.S. Postal Service that I was unemployed and got behind on payments on unsecured debts. I attempted to pay off the debts for a number of years but could not dig myself out of the debts owed so in 1998 I filed and was granted a Chapter 7 Bankruptcy. When I left my job as a US postal carrier to begin practicing law in January of 2002 my salary was cut in half which led to arrears accumulating on my mortgage which led to the filing of a Chapter 13 consolidation Bankruptcy in January of 2004. I remained in that Chapter 13 repayment plan until April of 2007 at which point the plan was dismissed pursuant to a Motion filed by the IRS because I had gotten behind on my self-employment taxes. It was necessary to allow the Chapter 13 to be dismissed in order to incorporate the IRS debt into a new Chapter 13 which was filed a month later in May of 2007. In January of 2010, I allowed the Chapter 13 to be dismissed and I entered into a payment plan with the IRS on the remainder of the Debt owed to the IRS. In the winter of 2014 I refinanced my home and paid off the debt in its entirety. I have been current on all taxes since that date and have received refunds from that date forward.

I suppose there is a stigma that it the eyes of those who are well off that attaches to the filing of a bankruptcy but I believe the poor, the middle class families in our community, and the

self-employed can relate to financial struggles I have endured. A judge needs to be able to relate to and understand the issues that families face in our community and based upon my own financial struggles and based upon my experiences in Juvenile Court, as discussed herein, I believe of all the candidates that I am uniquely situated in that I understand the financial struggles that families face, I understand the struggles that our community and families deal with including addiction to both illegal and prescription drugs, mental health issues, and financial barriers, because I have seen it on a daily basis in the cases I have been involved with in Juvenile Court.

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.

I was involved in a car accident on July 20, 1988, almost 30 years ago, and I was 19 years of age at the time. My car insurance had lapsed, which was foolish and my only defense is that I was 19, and anyone who tells you that didn't make mistakes or errors in judgment at age 19 is probably lying to you; the insurance company filed a civil suit to collect on behalf of the damage I caused and got a judgement in that same year. I apologize but I have been unable to find my records regarding the lawsuit, again it was almost 30 years ago and as a 19 year old I did not keep up with documents as I should have, so I am unable at the present moment to provide a document number. As to the Disposition the individual that I hit received a judgment in excess of ten thousand so I reached out to an Attorney and had them negotiate a settlement for the plaintiff to receive \$2500.00 as payment in full, they agreed and I paid the \$2500.00 and the case was closed. With the aforementioned exception I have not been a party to any other legal proceedings.

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 am a member of the Cavalry Baptist Church in Murfreesboro. I am not a part of any other organization. In all honesty with an 18 month and a 3 year old at home and with the demands and hours that my current job entails I simply have had very little time to be involved in other types of organization. I do not necessarily consider my lack of involvement in outside social or fraternal organizations to be a negative when it comes to my request to be appointed as a Judge. I believe first and foremost that a Judge must always be independent and therefore the lack of a connection between myself and outside organizations takes away any perception of impropriety that the community might view as far as an outside organization having undue influence upon the Court. I think Judges should take special care to avoid being too closely tied

or invested in outside social or fraternal organizations.

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.

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.

I am a member of the National Association of Counsel for Children (NACC) which certifies Attorneys in Tennessee as Child Welfare Specialists and, as I have already discussed herein, I hold such a certification.

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.

The greatest honor I have received is from my work in Juvenile Court, protecting Children and, when feasible and safe, reunifying Children with their parents. I have seen Children endure abuse and neglect that no Child should ever have to endure and yet I have seen the resilience with which, with help from the Court and DCS, these same Children have risen up and overcome their abuse to be productive, intelligent, caring members of our community. I am unable to think of any honor an organization could bestow upon me that would ever be able to surpass the positive changes in a Child's life that I have been able to be a small part of while working for DCS, and with the Juvenile Court, Judge Davenport and Magistrate Dodd.

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, this is my first.

ESSAYS/PERSONAL STATEMENTS

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

It has always been my belief that the law and those who serve it stand in the best position to impact the lives of the citizens of not only this community but the nation. As an attorney with DCS it has been my privilege and honor to assist the Department with the protection of the Children in our State. As I have noted herein I believe my time in Juvenile Court as left me with experiences and knowledge of issues that the children, adults and family units face in our community, one issue being the out of control opioid drug problem and other drug addictions that are ongoing in not only our community but this nation, and this issue has a direct impact upon the development of newborns who are born addicted; it impacts the homes that Children live in; it impacts the day to day lives of the adults in our community; and it impacts the crimes that individuals commit either directly related to the use of said drugs, to the distribution of said drugs and to other crimes associated with drug abuse.

As to the individuals who commit crimes associated with the manufacturing or distribution of drugs, especially to Children, I will issue rulings that protect our community from those who would seek to do it harm, but I also understand that there are individuals who use drugs and are addicts I will do what I can to help that addict overcome their addiction both through programs that are available while the person is incarcerated and through programs available outside of a place of incarceration.

As a Judge I can promise that every person who steps into my courtroom will be treated with fairness and you can rest assured that regardless of your financial status in the community, rich, middle class or poor; regardless of your political or religious beliefs that in my eyes everyone is equal and will have a fair opportunity to be heard. If this commission and the Governor grant me the honor of this appointment I can assure you that all members of our community regardless of wealth, poverty, race, religion, or political affiliation will receive fair and equal treatment from my Court and everyone will be treated with the respect and dignity that we all should afford one another regardless of whether we are in a court or sitting in a coffee shop. We can disagree on matters and zealously represent our positions but we can also do so with a degree of respect.

In closing as a Judge I would hope at the end of the day, the week, the month, the year, and the end of my life on this earth that people would look back on the rulings I made and it would be readily apparent that I was a fair Judge to all walks of life; that I made a difference in and had a positive impact upon the lives of the children, the parents, and the individuals in our community.

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 the appointment to the position of Circuit Court Judge for the 16th Judicial District which includes Rutherford and Cannon County. As I have noted and alluded to in the other Questions herein I believe my experiences dealing with the various issues and struggles that families deal with on a day to day basis, including prescription and illegal drug abuse, mental health issues and domestic violence in the home, both in regards to parents and to Children, places me in a unique position in that the position I am seeking will have a direct impact upon families regardless if the matter is a criminal matter or a divorce case or anything in between, make no mistake the rulings issued by the Court regardless of the subject matter impacts the families in our communities to one degree or another. I can utilize my knowledge and experience to issue rulings that strengthen the families in our communities. I will enforce and follow the law as written. Furthermore I will issue rulings that are based upon the plain meaning of the applicable Statute and, if such is not readily apparent, then upon the intent of the Statute that is applicable to the matter before the Court but I believe that when there is an issue, that per Statute is left to the discretion of the Court, it is my firm belief that my experiences as a trial attorney for the State of Tennessee, the struggles I have seen parents and Children deal with, and my life experiences will be extremely helpful in guiding my decision process and assist me in issuing rulings that promote strong families in our community.

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)*

There have been multiple occasions where I have found myself in this situation and I have upheld the law by informing my client that we did not have enough proof or enough facts to proceed with removing a Child from a Parent. A good example would be that after practicing for many years in the area of child abuse, specifically sexual abuse, you develop instincts and I have had cases where after meeting the alleged perpetrator of sexual abuse my gut is telling me 100% this guy committed this act of sexual abuse but the forensic examination of the Child is either not strong enough or more often than not it is a Child that is so young that there unable to give a disclosure that would stand up in Court and also, more often than not, you have no physical evidence of sexual abuse. I know in my gut, in my heart this guy did this just from his demeanor and the way he presents himself and additionally the trained Child Protective Service's worker is having the same gut reaction based upon her/his experiences and observations, but nonetheless the Statute is clear as to what the State must prove so I have to advise my client that we do not have enough to sustain a Petition at a probable cause hearing and therefore we are unable to interfere with that parent's parental rights. It is my job and responsibility to refrain from filing anything with the Court that I feel would not be in good faith so I advise my client of the same and I would be lying if I said I do not lose sleep over those types of situations. The legislature is tasked with the drafting of the Statutes and the Court must operate within the language found in whichever Statute governs the proceeding before the Court. Granted there are times that a Statute or rule of procedure places certain matters and decisions within the discretion of the Court and it is here that a Judge's experiences as an attorney come into play and I would assert

that my experiences have left me in the unique position of understanding the struggles that face the families in our communities and make no mistake almost every type of legal proceeding touches and concerns, to one degree or another, the families in our community and if our families are struggling then our community will struggle but if we focus our energy on building strong families and protecting families from harm either outside of the home or in the home, then our community will thrive.

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. Mrs. Sophia Crawford.

B. Mrs. Christy C. Sigler.

C. Mrs. Sammi Maifair.

D. Detective Tommy Roberts

E. Mrs. Susan Maguigan

AFFIRMATION CONCERNING APPLICATION

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

I have read the foregoing questions and have answered them in good faith and as completely as my records and recollections permit. I hereby agree to be considered for nomination to the Governor for the office of Judge of the Circuit Court for the 16th Judicial District which includes Rutherford and Cannon County of Tennessee, and if appointed by the Governor, agree to serve that office. In the event any changes occur between the time this application is filed and the public hearing, I hereby agree to file an amended questionnaire with the Administrative Office of the Courts for distribution to the Commission members.

I understand that the information provided in this questionnaire shall be open to public inspection upon filing with the Administrative Office of the Courts and that the Commission may publicize the names of persons who apply for nomination and the names of those persons the Commission nominates to the Governor for the judicial vacancy in question.

Dated: August 22, 2017.



Signature

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



**TENNESSEE TRIAL COURT VACANCY COMMISSION
ADMINISTRATIVE OFFICE OF THE COURTS**

511 UNION STREET, SUITE 600
NASHVILLE CITY CENTER
NASHVILLE, TN 37219

**TENNESSEE BOARD OF PROFESSIONAL RESPONSIBILITY
TENNESSEE BOARD OF JUDICIAL CONDUCT
AND OTHER LICENSING BOARDS**

WAIVER OF CONFIDENTIALITY

I hereby waive the privilege of confidentiality with respect to any information that concerns me, including public discipline, private discipline, deferred discipline agreements, diversions, dismissed complaints and any complaints erased by law, and is known to, recorded with, on file with the Board of Professional Responsibility of the Supreme Court of Tennessee, the Tennessee Board of Judicial Conduct (previously known as the Court of the Judiciary) and any other licensing board, whether within or outside the State of Tennessee, from which I have been issued a license that is currently active, inactive or other status. I hereby authorize a representative of the Trial Court Vacancy Commission to request and receive any such information and distribute it to the membership of the Commission and to the Office of the Governor.

Matthew F. Wright

Type or Print Name

[Signature]

Signature

8-22-2017

Date

021773

BPR #

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

N/A
