

**Tennessee Judicial Nominating Commission**  
***Application for Nomination to Judicial Office***

*Rev. 26 November 2012*

Name **Kenneth C. Baldwin**

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**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 or with electronic or scanned signature). Please submit fourteen (14) paper copies to the Administrative Office of the Courts. Please e-mail a digital copy to

[debra.hayes@tncourts.gov](mailto: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.

State of Tennessee District Attorney General's Office, Assistant District Attorney

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

1975 BPR #000568

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-Date of license-April 19, 1975

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).

[April 1975-October 1984] I was engaged in the private practice of law as a solo practitioner and handled cases in the Courts of East Tennessee, both criminal and civil. My practice included cases in the Juvenile, Sessions, Circuit and Chancery Courts, along with Federal and Criminal Court cases in East Tennessee. I also worked in the Federal Bankruptcy courts, in areas of Wills and Estates, as well as real property transfers, title work and loan closings for various banks and loan agencies.

In October of 1984, I was appointed to the position of Assistant District Attorney General for the First Judicial District. For the first two years I was in charge of the Child Support Division. In 1986, I transferred to the Criminal Division, where I was responsible for both Sessions and Criminal Court cases in Johnson County; I also shared the prosecutorial duties in Washington County, both in the Sessions and Criminal Courts.

From 1988 through 1998, I was responsible for all Criminal Court prosecutions in Carter county. In 1998 I prosecuted the criminal cases in Unicoi and Johnson counties in both the Sessions and Criminal Courts until 2001. In 2001 I returned to Carter county and prosecuted cases in the Criminal Court until June 2012. As of June, 2012, I am now assigned to prosecute cases in the Criminal Court for Washington County.

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.

Not Applicable.

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.

At present, I am an Assistant District Attorney General in Jonesborough, TN. (Washington County). One hundred percent of my work is in the Criminal Court of Washington County, Tennessee, where I prosecute cases in the Criminal Court Division-Part II.

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.

From 1975 through 1984, I was involved in the private practice of law and worked in many different areas of the law. The various areas of the law and my work experience in that area are

detailed in the next few paragraphs.

**CRIMINAL:** During this time, I represented many individuals who were charged with criminal offenses in the Sessions Courts and Criminal Courts throughout East Tennessee. Some of these individuals retained me to represent them and some were cases to which I was appointed to represent indigent defendants, by both the Sessions and Criminal Courts. By nature, the cases involved murder, rape, robbery, kidnapping, burglary, arson, theft, drug offenses and DUI cases, as well as vehicular homicides.

The misdemeanor cases would be resolved in the General Sessions Court, by either a plea agreement or a bench trial. Likewise, felony cases would be resolved in the Criminal Court by a plea agreement or a jury trial. The process of resolving a criminal case, of any nature, requires an investigation process of looking at evidence, interviewing witnesses and being involved in preliminary court proceedings where motions are filed and heard. Ultimately, at the end of that process, a decision must be made by the defendant and counsel whether to proceed to trial or try to resolve the case with plea negotiations. From 1975 to 1984 I had many bench trials and jury trials as a criminal defense attorney. Upon conviction in the Criminal Court, I appealed many cases to the Court of Criminal Appeals of East Tennessee. In the appellate process, a case would be presented with Trial Court records to the Appellate Court on legal briefs and oral arguments.

As of October 1984, after being appointed to the District Attorney's office, I took over Child Support Enforcement and prosecuted cases in Juvenile, Circuit and Chancery Courts of East Tennessee. In addition, I established paternity when necessary to collect support from absent parents.

In late 1986, I was assigned to the criminal court division of the District Attorney's office and made the prosecutor in Johnson County, Tennessee where I handled all cases in Sessions and Criminal Court for Johnson County. At the same time, I was assigned to Washington County, Tennessee, where I prosecuted cases in both Sessions and Criminal Courts.

In 1988, I was assigned to Carter County, Tennessee and remained there until 1998; during which time I prosecuted cases in Juvenile, Sessions, and Criminal Courts.

In 1998, Unicoi and Johnson Counties became my primary courts for the next two years where I prosecuted all cases in the Juvenile, Sessions and Criminal Courts for both counties. As of 2001, Carter County again became my home base, where I prosecuted cases in Criminal Court until June 2012.

Presently, I prosecute criminal cases in Criminal Court-Part II for Washington County, Tennessee, for the District Attorney General's office representing the First Judicial District.

**CIVIL:** In my private practice of law, from 1975 until 1985, I handled a variety of civil cases in various Sessions Courts, Criminal Courts and Chancery Courts of East Tennessee. The types of cases included personal injury claims, which were pursued in both Circuit and Chancery Courts; these cases were resolved either by the parties or a jury trial. Divorce cases were also part of my practice which was handled in Chancery or Circuit Court. Wills and Estates were also handled in Chancery or Circuit Courts. My practice included bankruptcy cases in the Federal District Court in Greeneville, Tennessee. In the Sessions Courts, I represented parties in landlord-tenant disputes, small personal injury claims and debt collections.

A large part of my private practice included title searches for bank and financial institutions; real estate property transfers and loan closings. These transactions required deed preparation, as well as preparation of mortgage and promissory note documents. The aforementioned types of cases basically constituted my private practice in the civil field. Thereafter, since 1984, as an Assistant District Attorney, I worked exclusively in the area of criminal work, as previously outlined.

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

I have been involved in Death Penalty cases both as a defense attorney and a prosecutor.

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.

Not Applicable.

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.

[1975-1984] I was appointed as guardian ad litem to several individuals; these proceedings were civil in nature and were judicial commitment proceedings to institutionalize an individual due to mental problems. My job was to represent the well-being of the ward, while the court determined whether to have said ward committed to a mental health facility. My representation was to ensure that an individual's best interest was first and foremost; whether he or she should be committed to a facility and that the proper evaluations had been done by specialists in the medical and psychological fields to determine their mental health. It was not my job to be a roadblock for these proceedings, but to ensure the end result of the proceedings was in the best interest of the ward and all required procedures had been followed.

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

I believe my experience in both the defensive and prosecutorial sectors of Criminal law would assist me in dealing with the process that takes place in the Criminal Court. I have been involved in the legal issues that arise in the Criminal Court for thirty seven years and have an understanding of how the law applies to a factual scenario, and understand the Rules of Criminal

Procedure and Evidence.

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.

Not Applicable.

**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.

In 1969, I graduated, Cum Laude, from the University of Tennessee; while there I received the Rhenium Scholarship for Chemistry on two occasions and graduated from the University of Tennessee College of Law in 1974.

**PERSONAL INFORMATION**

15. State your age and date of birth.

65 years of age - May 14, 1947

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

65 years

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

37 years - since April 1975

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

Washington County, TN

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.

In 1971, I was accepted into the Officer's Training Academy of the United States Air Force. I entered pilot training and wanted to make a career of flying; after several weeks, the flight surgeon determined I had Osgood-Schlatters disease, a condition of both knees, which would prevent the completion of officer's training; I was then medically discharged.

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.

Yes – June 30, 2007 Kingsport City Court-Driving left of center (Fined \$50)

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.

No

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 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.

Yes Divorce-Oct. 16, 1976-Wash. Co. Chancery Court-Docket #17931; Divorce-Nov.10, 1983-Wash. Co. Law Court-Docket#8710

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.

Tennessee District Attorney's General Conference' Boones Creek Methodist Church (Sunday School teacher, Vacation Bible School Teacher, etc.), MADD speaker; St. Jude's Children's Charities; Ronald McDonald House Charities Fundraisers; Methodist Men's group fundraisers.

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.
- 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

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.

Not Applicable.

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.

Prosecutor of the Year-1999-for the First Judicial District

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

Not Applicable.

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.

Not Applicable.

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.

Candidate for Criminal Court Judgeship-1998 Election

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.

See Attachment: Labeled No. I and No. II; each example is 100% my work. Find attached to No. I, a defendant's motion to suppress, to which you will find my response.

**ESSAYS/PERSONAL STATEMENTS**

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

I have had the opportunity to work at varied practices of law for the past thirty-seven years and feel this could only help me in this Judicial endeavor. I have an appreciation of the importance that the judge has in the outcome of a judicial proceeding. Whether a case is resolved in an expeditious manner, which is fair to the parties involved, may well depend on who the judge is

and whether he has the knowledge, experience, fair mindedness and judicial temperament that results in the fair and open process to which the public is entitled. I have seen good judges and bad judges. A good judge will ensure that fair results occur while a bad judge very often achieves unfair results. I know that I have the legal experience and judicial temperament to be an excellent judge and that the proceedings will be fair to all parties. I would like a chance to provide this service for the remainder of my legal career and feel strongly that I can be fair and just. I promise my very best to the people of the State of Tennessee.

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)*

During my years of private practice, the Public Defender's office did not exist. I was frequently appointed to represent indigent defendants in criminal cases. I quickly discovered that I liked criminal work and asked the Judges to appoint me as often as possible. During the years 1975 to 1984, I and a handful of other lawyers represented the indigent defendants in Sullivan, Washington, and Carter counties. I represented an indigent defendant on a Capital Murder charge in Carter county. Although I received a fee on the appointments it was very low and slow in coming. However, I became an experienced criminal lawyer and enjoyed representing the people charged with various crimes. During these years, I gave free advice to people in my church and others who were friends and acquaintances. As an Assistant District Attorney, I am forbidden to do any legal work outside of my office.

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 office I seek is Criminal Court Judge, Part II in the First Judicial District. There are two Criminal Court Judges for this district. Over the years I have come to appreciate that many lawyers either dread having a case in a court or feel very comfortable in a particular court. Lawyers have to spend a large part of their life in the courtroom. A Judge who is abusive and harassing to lawyers and witnesses can make a court both dreadful and even unjust. All lawyers are familiar with "black robe fever." I have seen Judges who were tyrants in the courtroom. I have the right temperament to be a judge and will be respectful to lawyers and witnesses. I will be mindful of the rights of defendants and victims. I will move cases along as expeditiously as possible. Further, I will be accessible to law enforcement when needed. I will not make lawyers wait in the courtroom needlessly and be understanding when a lawyer has several court appearances to attend on a given day. However, cases will not be allowed to be on the docket for years.

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 participate in training sessions for various police agencies, including the Johnson City Police Department, the Carter county and Unicoi county Sheriff's Departments. I am involved in programs for Victim's Rights and Mothers Against Drunk Drivers (MADD) in various counties and speak to many of these groups in monthly meetings.

I would like to become more active in Victim's Rights programs to educate people and to fight drug addiction in our society. Anyone truly involved in our criminal justice system today, comes to appreciate the epidemic in our community and our country of the ever-growing addiction to prescription pain killers and other narcotics and the costs to our society. This is the largest shift I have seen in the causes of crime, property loss and death in my 37 years of practicing law. These narcotic drugs are a huge factor in over ninety percent of ALL crime. If drug addiction is to be addressed properly, as a cause of criminal activity and death among our citizens, especially our youth, we have to do far more than our present efforts. We need to educate our adults, as parents, regarding the dangers of drugs and educate our children, in their early school years, regarding these dangers. Addition precludes the usual effect that fines, probation, and jail, usually have to deter individuals from committing crimes. People, basically, will do anything for a fix caused by their addiction. This is, in my opinion, the most difficult problem our judicial system is dealing with today and one of the most devastating things that impact the lives of people in our community.

My family and I truly believe in the ongoing research projects in our community and others to help find a cure for pediatric cancer; we participate in fundraisers for the **American Cancer Society's Walk for a Cure** and know every year brings new hope with continued research and development with this funding.

We truly believe in the **Ronald McDonald House Charities** and know the importance of having this organization in Washington County; my family helped to raise more than \$35,000 to fund the building of the new "**Home away from Home**", to help our community and will always hold this charity close to our heart. I will continue to help with these charities, regardless of this appointment.

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 have touched upon some of this in prior answers, so I hope you will not find my answer redundant. I have been interested in the institutions of government all of my life. At an early age, I began to appreciate the uniqueness of the United States and how our "American Experience" is so different from the general course of human history and still unique when compared to many present day countries and their governments.

We still have the right to freedom and the pursuit of happiness and the constitutional rights to protect our freedom. Our State and Federal governments have promulgated laws to set parameters which define how people should interact with each other; everything from speed limits, building codes, and criminal activity is subject to laws and regulations. However, all laws and regulations are merely words on paper, real meaning and effect is given to those words by

the courts; justice results only by a fair application of the laws and regulations in the courts. A large factor in determining this application of laws and regulations, in the courtroom, is whether you have a good judge or a not-so-good judge. Real meaning of due process and constitutional freedom is defined in the courtroom. I understand the sacred duty that a Judge has to see that these notions of due process and fairness take place every day on a case by case basis in the courtroom.

I know all of this in my heart and mind; it is important to me and I would like the opportunity to be a “good judge”, hopefully an “excellent judge”! I would not view this as a job, but a position of trust to see that on a daily basis, our judicial system performs as well as possible to enable people to live free, but responsibly, within the requirements of the law of the land.

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)*

A judge takes an oath to uphold and enforce the law, he does not have the choice to ignore or disagree with the law. A classic example of this concept would be when Abraham Lincoln filed lawsuits in his private law practice which restored slaves to their masters prior to the Civil War. I have not had such a stark example in my own practice of law; however, I have been obliged to prosecute cases such as an assault where a parent slapped a 16 year-old female child who had been out very late at night with an undesirable young man and she was under the influence of drugs. Technically, the parent is guilty of assault; however, it is understandable why a parent may react in this manner.

I suppose the larger question in the upholding of the law is how the case might be handled. In this case, a Judge should be disposed to leniency, as well as legal alternatives, such as anger management, parenting classes or other counseling measures.

**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. Richard (Dick) Pectol, Attorney-Johnson City, TN [REDACTED]

B. District Attorney General-1<sup>st</sup> Judicial District, Anthony W. (Tony) Clark [REDACTED]

C. Mrs. Sarah Sellers, Citizen [REDACTED]
D. Jim Stewart (Who We Are Counts Institute, LLC) Kingsport, TN [REDACTED]
E. David Crockett, Attorney-Elizabethton, TN [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] **First Judicial District Criminal-Part II** 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: January 7, 2013

Kenneth C. Baldwin  
Signature

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



**TENNESSEE JUDICIAL NOMINATING COMMISSION**  
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 which 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 Tennessee Judicial Nominating Commission to request and receive any such information and distribute it to the membership of the Judicial Nominating Commission.

Kenneth C. Baldwin

\_\_\_\_\_  
Signature

Date: January 7, 2013

BPR# 000568

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

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