

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

04/15/16

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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.

Attorney at law, Law office of Carter S. Moore

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

2008, Board of Professional Responsibility number 027433

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, Board of Professional Responsibility number 027433

October 21, 2008. My license is 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).

Since completing my legal education, I have been self employed as an attorney in Cocke County, Tennessee. Through the years, my practice has included experience in areas including, but not limited to, family law and related matters, criminal law, probates and estates, and personal injury, with an emphasis on family law. In addition, I have served as Cocke County Attorney since March 21, 2011. My duties as County Attorney have introduced me to a wide range of legal situations. In addition to being general counsel for the various branches of Cocke County government, I have helped guide the county through numerous suits filed against the county in

many different areas of the law.

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.

Divorce and Family Law: 40%, County Attorney related duties: 40%, Probate and Estate matters: 15%, Criminal Law: 3%, Miscellaneous: 2%

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.

Prior to my appointment as County Attorney, criminal law, in both Circuit and General Sessions Court, constituted a much larger portion of my work. In my duties as County Attorney, I represent the Cocke County Sheriff's Department. After consultation with the Board of Professional Responsibility, I determined that continued representation of criminal clients arrested by the Cocke County Sheriff's Department could be viewed as a conflict of interest so I no longer represent defendants arrested by the CCSD. Those individuals make up a large percentage of people arrested in this county so I have focused my practice in other areas since my appointment as Cocke County Attorney. Prior to that time, I represented criminally charged clients in Circuit and General Sessions Courts in crimes ranging from speeding tickets to large scale manufacturing of illegal drugs. I have represented clients in post conviction cases as well, and I have submitted briefs to the Court of Appeals on behalf of those clients.

I have argued before the Tennessee Court of Appeals in a juvenile matter as Guardian ad Litem for the child in question. I have served solely as both Petitioner's and Respondent's counsel in Order of Protection matters in both General Sessions and Circuit Court achieving success for my clients in both courts on multiple occasions.

I have solely represented clients in contested hearings and large numbers of mediations regarding family law and child support related matters in the Circuit, Chancery, and Juvenile Courts of Cocke, Sevier, and Jefferson Counties. Further, I routinely argue before the Chancellor in Cocke County Chancery Court concerning the various stages of probate matters. I have served as Guardian Ad Litem in Chancery conservatorships on numerous occasions.

As County Attorney, I have argued on behalf of the county in multiple unemployment appeals before a hearing officer within the Tennessee Department of Labor and Workforce Development Office of Appeals Tribunal. Further, I successfully argued on behalf of the county in a lawsuit concerning the county's lack of zoning laws recently filed in General Sessions Court.

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

I have successfully filed a motion to dismiss in a Tennessee Department of Safety seizure matter and won the return of an automobile for a client due to the Department's procedural mistakes.

I have won a substantial judgment and proven monetary damages for a client in a property damage matter in a contested bench trial before the Honorable Richard Vance in the Cocke County Circuit Court which included numerous witnesses and exhibits for both parties.

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

I have served as counsel for the Cosby Volunteer Fire Department, pro bono, for approximately three years. I assist the volunteer organization with any legal issues which may arise.

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

This is my first application for judgeship.

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.

Walters State Community College, 2000-2002, A.S. General Studies, 4.0 GPA.

East Tennessee State University, 2002-2004, B.A. History (Political Science minor), 4.0 GPA. I was recognized at ETSU as Outstanding Student in History for the 2003-2004 school term.

University of Tennessee School of Law, 2005-2008, Doctorate of Jurisprudence, Magna Cum Laude, 3.6 GPA (17th out of 143).

PERSONAL INFORMATION

12. State your date of birth.

My date of birth is August 4, 1982.

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

I have lived continuously in the State of Tennessee since birth.

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

I have lived continuously in Cocke County, Tennessee with the following exceptions: I lived in an apartment in Johnson City, Tennessee during classes while at ETSU, and I lived with my wife in an apartment in Knoxville, Tennessee while enrolled at the University of Tennessee College of Law. I currently reside on a farm in the Cosby area of Cocke County with my wife of twelve years, Renee, and my children Katey, 8; Janey, 5; and Carter II, 3.

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

I am registered to vote in Cocke County, Tennessee.

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.

I have no military service.

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.

No complaints have been filed against me.

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.

No.

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.

Newport Kiwanis Club, October 2, 2011 - present. I have served on the Board of Directors for the Newport Kiwanis Club since 2016 with said term running through 2019. My family and I attend English Creek Baptist Church in Newport, 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.

a. If so, list such organizations and describe the basis of the membership

limitation.

- b. If it is not your intention to resign from such organization(s) and withdraw from any participation in their activities should you be nominated and selected for the position for which you are applying, state your reasons.

I have never belonged to any such organization.

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 2011-2012

Newport Bar Association 2009-present. I served on the Newport Bar Association Board of Directors from 2015-2017. I am currently serving as Newport Bar Association Vice President for the 2017-2018 term. According to our rules of accession, I will serve as Newport Bar Association President for the 2019-2020 term. As a participant in our local Bar administration, I have helped bring affordable continuing legal education opportunities to Newport. I have also helped plan and orchestrate local Bar luncheons and fundraisers.

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.

2009 Newport Plain Talk People's Choice Award, Best Attorney

2010 Newport Plain Talk People's Choice Award, Best Attorney

2011 Newport Plain Talk People's Choice Award, Best Attorney

2012 Newport Plain Talk People's Choice Award, Best Attorney

2013 Newport Plain Talk People's Choice Award, Best Attorney

2014 Newport Plain Talk People's Choice Award, Best Attorney

2015 Newport Plain Talk People's Choice Award, Best Attorney

2016 Newport Plain Talk People's Choice Award, Best Attorney

2017 Newport Plain Talk People's Choice Award, Best Attorney

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.

I was appointed Cocke County Attorney to a two year term on March 22, 2011 by the County Mayor and approved by the County Legislative Body. I have been appointed approximately every two years since then to the same position with my most recent reappointment taking place at the July 2017 County Legislative Body meeting with unanimous approval by the County Legislative Body members in attendance.

ESSAYS/PERSONAL STATEMENTS

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

A Circuit Court Judgeship has been my goal since entering this profession. I would strive to be fair, and I would enjoy the work, though strenuous. The Fourth Judicial District deserves a qualified native who is vested in his or her community. Judge Ben W. Hooper, II is the only Cocke County resident serving as a Fourth Judicial District Circuit Court Judge. I, too, am a Cocke County resident and I enjoy working with fellow lawyers and the public. Like Judge Hooper, I will treat all litigants with the respect that human beings deserve. As County Attorney, I enjoy frequent interaction with various county department heads and other officials. I love our portion of East Tennessee and have no intention of leaving. That, in conjunction with the aforementioned working relationships with colleagues and other officials, has led to this application submission.

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 appointment as Circuit Court Judge for the Fourth Judicial District. Said district includes Sevier, Cocke, Jefferson, and Grainger Counties. Circuit Court Judges hear trial level crimes ranging up to death penalty cases as well as many civil matters including, but not limited to, transactional disputes, personal injury, orders of protection, and family law matters. There are four Circuit Court judgeships in our district. Judge Hooper is the only Cocke County resident currently serving as Circuit Court Judge. Cocke County deserves to keep a qualified resident as Circuit Court Judge for matters of judicial efficiency and attorney convenience. I do not intend to leave or change the respectful way with which Judge Hooper has conducted court. Like Judge Hooper, my office would be located in Newport, Tennessee, and I would strive to serve the people of the Fourth District diligently until retirement.

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)

Most lawyers have encountered situations where the law does not conform with their personal beliefs. However, statutory law, while imperfect, is enacted by legislators elected to be voices for the citizenry. It is not the duty or privilege of a trial court judge to disregard that process. As judge, I would seek to follow the law consistently. Otherwise, I would unnecessarily burden higher courts with litigation that would potentially return to my court with instructions to *follow* the law. This would be a waste of taxpayer money, and a waste of time for all parties involved. I will share my experiences concerning an aspect of family law with which I frequently deal. I personally do not agree that a parent's child support obligation should change with the addition of children to either party to the obligation. I have often explained to an angry client that state law requires me to factor the opposing party's other applicable children into the child support worksheet. My explanations generally end with advice to call the client's state representative because we must follow the law. Additionally, I never omit that portion of the worksheet calculation, and I have not argued its validity to a judge based on personal objections. If appointed to this trial court position, I would inform counsel that objections to the law's substance must be taken to a higher court. Moreover, personal disagreement with said laws would not factor into my decisions, because I respect the law and its processes.

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. Douglas A. Blaze

B. Dr. Jack A. Parton

C. Crystal Ottinger

D. John Abe Teague

E. Kyle A. Hixson

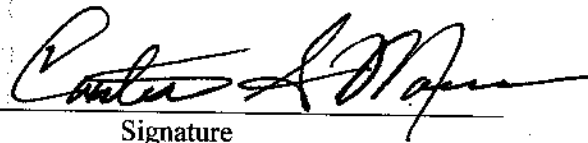
AFFIRMATION CONCERNING APPLICATION

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 Fourth Judicial District Circuit Court of Tennessee, and if appointed by the Governor, agree to serve that office. In the event any changes occur between the time this application is filed and the public hearing, I hereby agree to file an amended questionnaire with the Administrative Office of the Courts for distribution to the Commission members.

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

Dated: 7/27, 20 17.


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

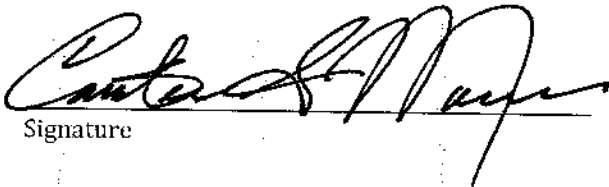
511 UNION STREET, SUITE 600
NASHVILLE CITY CENTER
NASHVILLE, TN 37219

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.

Carter S. Moore


Signature

07/28/2017
Date

027433
BPR #

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

Not applicable