

Tennessee Trial Court Vacancy Commission

Application for Nomination to Judicial Office

04/15/16

Name: Shannon D. Elsea

Office Address: 5978 Knight Arnold Rd
(including county)

Memphis, Shelby County, TN 38115

Office Phone: 901-529-1111 Facsimile: 901-529-1017

INTRODUCTION

Tennessee Code Annotated section 17-4-301 et seq. charges the Trial Court Vacancy Commission with assisting the Governor and the People of Tennessee in finding and appointing the best qualified candidates for judicial offices in this State. Please consider the Commission's responsibility in answering the questions in this application questionnaire. For example, when a question asks you to "describe" certain things, please provide a description that contains relevant information about the subject of the question and, especially, that contains detailed information that demonstrates that you are qualified for the judicial office you seek. In order to properly evaluate your application, the Commission needs information about the range of your experience, the depth and breadth of your legal knowledge, and your personal traits such as integrity, fairness, and work habits.

This document is available in word processing format from the Administrative Office of the Courts (telephone 800.448.7970 or 615.741.2687; website www.tncourts.gov). The Commission requests that applicants obtain the word processing form and respond directly on the form. Respond in the box provided below each question. (The box will expand as you type in the document.) Review the separate instruction sheet prior to completing this document. Submit original (unbound) completed application (with ink signature) to the Administrative Office of the Courts. In addition, submit a digital copy with electronic or scanned signature via email to debra.hayes@tncourts.gov, or via another digital storage device such as flash drive or CD.

THIS APPLICATION IS OPEN TO PUBLIC INSPECTION AFTER YOU SUBMIT IT.

PROFESSIONAL BACKGROUND AND WORK EXPERIENCE

1. State your present employment.

Associate Attorney John Michael Bailey Injury Lawyers

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

1995; 17346

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.

Only in Tennessee

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).

Chicago Title Insurance Company June 1995 to December 1995 Title Examiner.

Gatti, Keltner, Bienvenu & Montesi December 1995 to October 2014 Associate Attorney.

Schwed, Adams, Sobel & McGinley November 2014 to July 2016 Tennessee Litigation Manager/ Trial Attorney.

Elsea & Associates, PLLC August 2016 to March 2017 Owner/ Attorney.

John Michael Bailey Injury Lawyers March 2017 to Present Associate Attorney.

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.

The bulk of my Practice has been in Personal Injury litigation. I was responsible for every aspect of cases from Intake and Investigation, through Discovery and Depositions, Preparation for Mediation, Trial preparation, Motion Practice and Trial. I have over 100 Jury trials as a First Chair litigator. I have tried cases in both the State and Federal systems. I have mediated hundreds of cases over the years and am very familiar with the Tennessee Rules of Evidence and Procedure, and I know how they are applied at the trial court level. I have drafted briefs for the Tennessee Court of Appeals and the Tennessee Supreme Court and argued those cases before those courts.

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.

The bulk of my Practice has been in Personal Injury Litigation. I was responsible for every aspect of the case from Intake and investigation through discovery, depositions mediation Trial Preparation, motion Practice and Trial. I have over 100 Jury Trials as a First Chair Litigator. I have tried cases in both the State Court System and the Federal Systems. I have been involved in hundreds of mediations over the years and I am very familiar with the Tennessee Rules of evidence and procedure. I have drafted Briefs for the Tennessee Appellate and Supreme courts and argued those cases before the respective Judges

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

I have tried over 100 Jury trials as a first chair litigator.

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

I was a Hearing Officer for the Tennessee Board of Professional Responsibility for 6 years.

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

I did inquire about the District Court Vacancy in the TN-W system in February 2017.

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.

Christian Brother's University, Memphis TN BA History May 1992 Cum Laude

The John Marshall Law School Chicago, IL JD May 1995 Dean's List

PERSONAL INFORMATION

12. State your date of birth.

November 5, 1969

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

22 years

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

5 and 1/2 years

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

Shelby County

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.

There is a Disciplinary Complaint pending.

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.

I have had 11 formal complaints filed against me in my 22 years of Practice. All but the 1 pending and 1 complaint from 1999 have been dismissed. In the one in 1999, I was given a Private Admonition for Lack of Communication with my client.

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.

Elsea v Elsea (Divorce Action) Filed in Fayette County Chancery Court Docket 15649-PP Filed June 2011 Final Decree November 17, 2011.

Miller v. Elsea, et al: Breach of Contract Action Filed in Shelby County Docket CT-002760-16; Filed July 2016, Currently Pending (A Pro Se Plaintiff has sued me and 4 other attorneys.)

Cottrell v. Elsea; Breach of Contract, Filed in Shelby County Circuit Court September 2008, Dismissed May 2011.

Ward v. Bienvenu et al: Legal malpractice, Filed 2001 in Shelby County Circuit Court Dismissed November 2003.

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.

Somerville Theatrical Arts Rep (STAR) President 2010 to 2015 (Community Theater); Playhouse 51 (Community Theater) Arlington Community Theater (ACT)

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, I have never belonged to any such club.

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.

Memphis Bar Association; Tennessee Bar Association; Tennessee Association for Justice.

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.

I was asked to serve as a Hearing Officer for the Tennessee Board of Professional Responsibility. In 2008 or 2009 I was recognized for trying more jury trials than any other lawyers in the state of Tennessee.

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 have never sought office before.

ESSAYS/PERSONAL STATEMENTS

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

I am applying for this vacancy after considering it for many of the recent vacancies in Shelby County. The introduction says the Council is trying to appoint the best and most qualified candidate. I believe that my experience makes me that candidate. I have spent my practice becoming a proficient trial practitioner and I feel that at this point of my career, I can use the knowledge I have acquired to make a difference serving the public as a Circuit Judge. I feel it is important for the next Judge to have ample experience in the courtroom as that is where he or she will work everyday. I have over 100 Jury trials as a First Chair Litigator. I have a very good relationship with other members of the Bar and I feel that my ability to work with litigants and lawyers for such a long career, will allow me to move into the role of Circuit Judge easily.

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 want to be the Circuit Judge for Division 9 of the Shelby County Circuit Court for the Thirtieth Judicial District at Memphis. I am very familiar with the attorneys and other Judges in this area. I have a good working relationship with the vast majority of the Memphis Bar and I feel that the Bar's familiarity with me and my ability will create a smooth transition with little to no delay in moving pending cases.

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)*

Any Lawyer who has been in practice for any length of time has cases or statutes with which they do not agree. However, I do understand the weight of precedent and I absolutely can follow the law. In my practice, the best example of where I disagree with the law on a particular topic is the Made Whole Doctrine and where it intersects with TnCare. I once represented a little girl who was ejected from a vehicle and suffered a C1-C2 fracture. She was a ventilator dependent Quadriplegic. TNCare did not agree that the child was "not made whole" by the recovery and sought to get the entire proceeds of the settlement. The matter was argued before Judge Childers who made the finding that the Minor was not "Made Whole" from the recovery which under Tennessee law would nbar recovery by TNCare. TNCare appealed. The Court of Appeals agreed that the equitable principles of the Made Whole Doctrine should apply and we were able to secure some money for this child.

Subsequently, The Tennessee Legislature, in response to this ruling, changed the TNCare Statute and specifically stated that the Made Whole Doctrine did not apply to TNCare. While I disagree that this is good for Tennessee or fair to litigants, I do recognize that this is the law of the law and I , of course, follow the law.

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.Clarence Halmon, Partner Archibald & Halmon

B.Robert Moore Partner – Heaton & Moore

C.Walter Roop. President Roop Financial Services

D.Betty Ann Milligan Spicer Rudstrom

E.Jeri Smith PhD LMFT

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] 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: June 19, 2017.


Signature

When completed, return this questionnaire to Self, 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

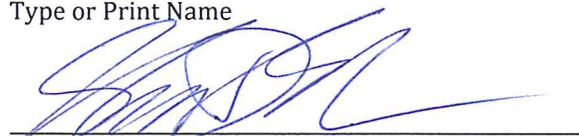
TENNESSEE BOARD OF PROFESSIONAL RESPONSIBILITY
TENNESSEE BOARD OF JUDICIAL CONDUCT
AND OTHER LICENSING BOARDS

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.

Shannon D. Eke

Type or Print Name



Signature

06/19/17

Date

17346

BPR #

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