

APPLICATION OF
DOUGLAS T. JENKINS
FOR
CHANCELLOR, 3RD
JUDICIAL DISTRICT

Tennessee Judicial Nominating Commission
Application for Nomination to Judicial Office

Rev. 26 November 2012

Name: Douglas T. Jenkins

Office Address: 107 East Main Street, Suite 321
(including county) Rogersville, Hawkins County, Tennessee 37857

Office Phone: (423) 921-8800 Facsimile: (423) 921-8845

Email Address: [REDACTED]

Home Address: [REDACTED]
(including county) [REDACTED]

Home Phone: [REDACTED] Cellular Phone: [REDACTED]

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 and 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.

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

PROFESSIONAL BACKGROUND AND WORK EXPERIENCE

1. State your present employment.

Sole Practitioner, in Rogersville, Hawkins County, Tennessee

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

1995- BPR 017422

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- BPR 017422 -10/23/1995- 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).

1997- Present Sole Practitioner- Law Office of Douglas T. Jenkins, Rogersville, TN

1995-1997 Attorney- Law Offices of Terry, Terry & Stapleton, Morristown, TN

1986-Present Private Family Farm Owner/Manager, Hawkins County, TN

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, I have been continuously employed.

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.

Domestic Relations 30%	Probate/Wills/Estates/Estate Litigation 20%
Criminal Defense 20%	Other types of Litigation 20%
Social Security 10%	

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.

I have handled (opened and closed) over 3000 files in my office over the last 17 years. Those cases were mainly in General Sessions, Circuit, Chancery, Federal, and administrative Courts in East Tennessee. I have been admitted *pro hac vice* to assist in cases in Virginia. I have been involved in at least 35 cases in the Court of Appeals and Court of Criminal Appeals. Of those cases, at least 9 resulted in reported opinions. I have been involved representing appellant, appellee, or amicus in 4 cases before the Tennessee Supreme Court. I have been involved in 2 cases in the 6th Circuit Court of Appeals. I have filed one application for permission to appeal to the United States Supreme Court that was not granted. I have tried over two dozen civil and criminal jury trials. I have handled appeals for discharged state employees through the administrative process and all the way to Chancery Court in Davidson County. I have represented three water utility districts as retained counsel for grants or litigation. I routinely write wills and deeds. I have represented clients in litigation in will contests, declaratory

judgments in probate and other issues, criminal cases, personal injury cases, worker's compensation cases, debt cases, civil rights cases, retaliatory discharge cases, violations of city ordinance cases, landlord/tenant cases, social security disability cases, TennCare claims cases, wrongful death cases, boundary line dispute cases, ERISA cases, divorce cases, nuisance cases, dependent/neglect and termination of parental rights cases, adoptions, restrictive land covenant cases, wildlife and fish cases, alimony cases, child support cases, child custody cases, right of way cases, contract cases, construction cases, partnership dissolution/disagreement cases, labor law cases, class action cases, credit life and life insurance cases, partition cases, and several more.

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

I have a little niche carved out for myself in the area of probate litigation and specifically will contests. I have handled over a dozen will contests, or suits over wills, and have never lost one. A very few days ago the Tennessee Supreme Court reversed a jury verdict of mine and Attorney Denise Stapleton in *In re: The Estate of Raymond Smallman* (no SW cite yet available). The case was remanded for a new trial based on evidentiary issues. The case is noteworthy because it is one of the few cases ever tried in Tennessee where a marriage has been challenged after the death of one of the parties. The case will have precedential value once it is finally concluded.

I also, along with my brother, W. Lewis Jenkins, Jr., wrote an amicus brief to the Tennessee Supreme Court for several of the non-lawyer general sessions judges back in 1998. The style is *City of White House vs. Whitley*, 979 SW 2d 262 (Tenn. 1998). The Supreme Court followed part of our argument that non-lawyer judges could continue to incarcerate criminals if the defendants waived the fact that the non-lawyer judges were not "learned in the law" as required by the Constitution.

I was also involved, with others, in the Tennessee Supreme Court case *In re: Estate of McFarland*, 167 SW 3d 299 (Tenn. 2005), which is a precedent holographic will/anti-lapse statute case. We lost in the Supreme Court, but the legislature thereafter enacted a statute, T.C.A. 32-3-112, which makes our theory of the case the present law in our state.

I am presently involved in *McCoy vs. Bales*, E2012-02503-COA-R3-CV, which is a novel case in which a boundary line dispute was tried to a jury in Chancery Court (Hancock County). The jury adopted my surveyor's plat as the correct line, and the McCoy plaintiff has appealed.

I have successfully handled high profile criminal cases, as retained counsel, involving everything from embezzling hundreds of thousands of dollars to murder. I will not mention the styles of those cases herein as I understand this application is public.

This is a representative sample of some of my highlights and hopefully will give you an idea of the range of my experience.

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.

I substituted as General Sessions Judge for the late Judge David L. Brand, Hawkins County General Sessions Court. I have also substituted as Juvenile Judge for John Anderson and Herbert Holcomb, Hawkins County Juvenile Court. I have done so probably on about a dozen or more occasions.

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.

I have served as guardian ad litem for minors, incompetent adults, and missing and unknown heirs. I have been attorney ad litem for a ward of the court on one occasion. I have been appointed administrator of two estates at the request of the Bureau of TennCare. I have also been appointed by the Court as administrator of several estates to either administer them or accept service of process for a deceased tortfeasor.

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

I practice law in a small town where I grew up and married. I know a lot of people. My wife and I are related to a lot of people. This has given me an unbelievably large network of folks to bring or refer cases to me. I have never specialized in any area of the law, but my situation has allowed me to have exposure to many, many different types of cases from run of the mill probate, personal injury, worker's compensation, criminal defense, products liability, domestic, and administrative law – to complicated will, trust, injury, major crimes and even a few tax issues. My familiarity with these many areas of the law gives me a good basis to handle not only the everyday matters that come through Chancery Court, but also the most complicated.

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.

None

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.

B.S. - Tennessee Tech University, 1990

J.D. – Nashville School of Law, 1995

PERSONAL INFORMATION

15. State your age and date of birth.

44 years of age; 03/20/1968

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

I have lived in Tennessee my entire life.

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

I have lived in Hawkins County, Tennessee most of my life. I left briefly to attend college at Tennessee Tech. I also lived in Franklin, TN to attend the Nashville School of Law. Upon completion of law school, I returned to Hawkins County in 1995 and have continued to reside in this county since that time.

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

Hawkins County

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.

None

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.

No

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.

No

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.

Rogersville Heritage Association, Current Vice-President, 2011-Present

Hawkins County Farmer's Cooperative Board of Directors 2011-Present

Master Mason, Overton Lodge #5, 1998-Present

Tennessee Baptist Association, Committee on Constitution and Bylaws, 2007-2010

Hawkins County Chamber of Commerce

The Chip Hale Center, past member of the Board of Directors

Choptack Missionary Baptist Church, Member

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.

- 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.

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.

TN Supreme Court Advisory Commission on the Rules of Practice and Procedure, 2011-Present

First District Investigating Committee, Board of Law Examiners 2010-Present

U.S. District Court District at Greeneville, Attorney Admissions Advisory Committee

Hawkins County Bar Association, Past President, Past Vice-President, Past Treasurer
Tennessee Bar Association

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.

None

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

None

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.

None

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.

None

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 attached two briefs I have written to the Court of Appeals. 100% my work.

ESSAYS/PERSONAL STATEMENTS

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

I want to use my range of experience to benefit others. I want to help people who find themselves as litigants in our legal systems to be treated fairly, and to *feel* that they have been treated fairly.

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)*

I have never sought recognition for my pro bono work. Because of the nature of my practice, I advise the folks who can't pay, or can't pay much almost every day. I want badly to ensure that they have access to the legal system regardless of their ability to pay what the service may be worth. I also routinely do court appointed criminal work without seeking compensation.

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)*

I am applying to be Chancellor for the 3rd Judicial District. This district consists of Greene, Hamblen, Hancock, and Hawkins Counties. This position is the only judge over the Chancery Court for the 3rd Judicial District. I am in all the above named counties on a monthly, if not weekly, basis actively practicing law.

I have tried bench trials and jury trials in all 3rd Judicial District Counties. I know and have a good working relationship with all the clerks and court officers. My selection would provide an accepted and smooth transition from former Chancellor Frierson to the next Chancellor.

I understand all the competing interests that come before the Chancery Court. I know how to treat them all fairly. I have been through the legal "trenches" with all of them: husbands, wives, children, heirs, victims, perpetrators, business persons, employees, the injured – all of them. I know generally what they expect, what they think is fair, and what really is fair in most any case that might make it way in Chancery Court.

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 am a member of the Rogersville/Hawkins County Chamber of Commerce, the Rogersville Heritage Association, the Hawkins County Farmer's Cooperative, the Masonic Lodge and Choptack Baptist Church. I intend to remain on the boards if I can do so without violating the Rules of Judicial Conduct. I am also involved with youth sports and school activities with my

children, which I intend to continue.

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 been accustomed to hard work since I was a child. I grew up on a farm. I worked at a bank after college and while in law school. I presently own and manage a family farm. I am a father to four children. I am an avid historian and genealogist. All the above give me a well rounded and in-depth understanding of people from all walks of life. I believe I can use all those things together and manage the matters in Chancery Court for the 3rd Judicial District effectively. I can also do so in a manner that leaves the litigants and lawyers that come before me with the feeling that - though they may not completely prevail - they have had their day in court and were treated fairly by one who understands their situation.

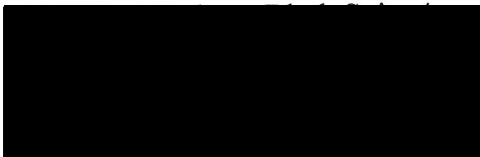
40. Will you uphold the law even if you disagree with the substance of the law (e.g., statute or rule) at issue? Give an example from your experience as a licensed attorney that supports your response to this question. *(250 words or less)*

Yes. All lawyers deal with the conflict between their own beliefs and a law or situation repugnant to those beliefs. A couple of examples for me are I once argued in the Court of Appeals that a mother was wrong for not wanting my client to take her child to a sports bar. In reality, I more or less agreed with her stance on drinking, but I argued the legal position of my client. Also, many times in criminal cases I have been faced with situations repugnant to me personally; however, it was necessary for me to discharge my duty to my client by ignoring the repugnant situation and arguing the facts and law of my client's case. Often times in voir dire in criminal cases I ask the jury not to judge my client on their personal beliefs but on the law that judge charges them. This is necessary for the system to work.

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. Bridget Baird
Senior Field Director for Senator Bob Corker



B. Philip L. Boyd, Esq.



C. D. Scott Hurley, Esq.
The Hurley Law Firm, PC



D. Hugh Kyle Johnson
Johnson-Johnson Real Estate and Auction Company, Inc.



E. F. Braxton Terry, Esq.
TERRY, TERRY & STAPLETON



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

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

Dated: March 8, 2013.


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 and to the office of the Governor.

Douglas T. Jenkins

Type or Printed Name

[Signature]

Signature

03/11/2013

Date

017422

BPR #

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