

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

9/8/20

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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 Microsoft Word 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 Microsoft Word 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 ceesha.lofton@tncourts.gov, or via another digital storage device such as a flash drive. See section 1(g) of the application instructions for additional information related to hand-delivery of application packages.

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

PROFESSIONAL BACKGROUND AND WORK EXPERIENCE

1. State your present employment.

Phillips & Hale Attorneys and Counsellors, Partner/Attorney

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

2002. BPR# 022234.

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. 2002. BPR# 022234.

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).

Phillips & Hale 2002 – Present

Ball & Scott 2006 (I worked as an independent contractor with the firm Ball & Scott in Knoxville when my wife and I were first married, and before we moved back to Rogersville).

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.

I practice law in the firm of Phillips & Hale. The firm currently consists of my uncle, James O. Phillips III, and myself. From 2002-2021, I had the privilege of practicing law with my father, William E. Phillips, who passed away from Covid-19 January 20, 2021. Our firm is a small one, that has consisted entirely of family members, and that has been dedicated to serving the citizens of Hawkins County, the Third Judicial District, all of Tennessee and beyond, since 1916.

30% Domestic relations: Divorce, child custody, dependency and neglect actions, delinquency, Department of Children's Services actions, paternity actions, termination of parental rights, adoptions, and appellate work attendant thereto.

20% City Attorney for Rogersville, Tennessee and Church Hill, Tennessee. Accordingly, legal research and argument preparation ranging from eminent domain, to zoning, to municipal utilities, and to the boundaries of utility districts are included in my responsibilities. As City Attorney for the Town of Rogersville, I serve as Board Attorney for the Rogersville City School District and provide legal consultation on education law, employee contracts, and Board of Education policy interpretation, as requested.

25% Criminal defense: Private and appointed clients, hundreds of general sessions and criminal court cases in every county in the Third Judicial District, jury trials; I have handled cases from DUI to First Degree Murder; I have practiced criminal law in the United States District Court for the Eastern District of Tennessee.

10% Wills and Estates/Probate: I have served as personal representative and attorney for several estates. I have been appointed Administrator CTA and have overseen the sale of real property in insolvent estates.

5% I have prosecuted and represented clients in many tort cases from simple dog bites to the cutting edge (and I believe a case of first impression in Tennessee) regarding the anonymous libel of a citizen on a public internet forum. I was able to use developing but prevailing law to identify the anonymous defendant.

5% Business/Contract litigation and creation: I have represented businesses in the development and enforcement of contracts. Including purchasing transactions, independent contracts, real estate, banking, and subcontractor contracts and recovery.

5% Counsel for Civis Bank.

I would also like to include civil rights litigation. While my experience in the field probably does not warrant the assignment of a particular percentage, it has been, without question, my most challenging, engaging, and rewarding practice of law.

7. Describe generally your experience (over your entire time as a licensed attorney) in trial courts, appellate courts, administrative bodies, legislative or regulatory bodies, other forums, and/or transactional matters.

I have had a breadth of experience in practicing before many tribunals.

Juvenile Court: I have represented and advocated for the best interest of children as Guardian ad Litem; I have represented parents in every possible capacity; I have represented children who have been charged with delinquent acts. I have represented clients in every capacity and in every conceivable matter that can come before the Juvenile Court.

General Session Court: I represent criminal defendants in Sessions Court, appointed and hired,

on a weekly basis. I have also represented civil plaintiffs and defendants in Sessions Court ranging from torts, to landlord tenant, to property disputes, to orders of protection.

Circuit Court: I have represented plaintiffs and defendants on a myriad of matters in Circuit Court, including domestic relations, divorce, modification of parenting plans, termination of parental rights, adoptions, torts, civil rights, contract disputes, utility boundaries, partnerships, writs of certiorari, etc.

Chancery Court: I have served as personal representative and been appointed as Administrator CTA over estates, I have represented personal representatives of estates. I have served as Guardian ad Litem in conservatorship actions for incapacitated adults and youth. I have been appointed to, and otherwise represented, parents in termination of rights and adoption proceedings. I have represented many petitioners in termination and adoption proceedings. I have been appointed and continue to serve as trustee over numerous trusts. I have represented clients regarding injunctive relief and property disputes.

Courts of Appeal: I have personally prepared and argued many cases before the Tennessee Court of Appeals. Over the years, appellate practice has proven to be one of my most fond areas of practice. I appreciate the intellectual challenge of assessing legal arguments, deconstructing them, applying the applicable law to each piece, and presenting a coherent and sound argument in the face of pointed and informed inquiry.

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

I have always enjoyed appellate work. One issue I argued on an appeal was whether a court could hold the State of Tennessee in contempt in the context of a Department of Children's Services proceeding in Juvenile Court. The Court of Appeals held that a court had the authority to hold the state in contempt. One of the highlights of my legal career was arguing before the United States 6th Circuit Court of Appeals in Cincinnati. I was representing an indigent client *pro bono* who, we argued, had a child removed from his custody without due process.

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

I assist the Board of Law Examiners by interviewing prospective attorneys.

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

I previously submitted an application for judgeship to the Governor's Council for Judicial Appointments in 2015, following the passing of Judge Michael Faulk.

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.

Sewanee: The University of the South, Bachelor of Arts in Philosophy and English Literature, 1999

University of Memphis: Cecil C. Humphreys School of Law, Juris Doctorate 2002

PERSONAL INFORMATION

12. State your date of birth.

I am 44 years old. [REDACTED] 1976.

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

I have lived continuously in the State of Tennessee for 44 years.

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

Rogersville and Hawkins County have been my principal residence for my entire life. I lived in Chattanooga for four years as a boarding student during high school. I lived in Sewanee, Tennessee for four years as a college student. I lived in Memphis for three years as a law student. I lived in Knoxville for one year during my first year of marriage before returning home to Rogersville with my wife in 2007.

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

Hawkins 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.

Not applicable.

17. Have you ever pled guilty or been convicted or are now on diversion for violation of any law, regulation or ordinance other than minor traffic offenses? If so, state the approximate date, charge and disposition of the case.

Misdemeanor reckless driving, Shelby County General Sessions, 2000.

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. You may wish to request a report from the appropriate supervisory authority (or authorities) for a complete history.

I have no history of discipline, nor have I ever had to answer a complaint.

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.

Holston Presbytery: Member of Permanent Judicial Commission, 2014 - 2020
Board of Directors for Holston Presbytery Camp and Retreat Center, 2014 - 2020
Rogersville Presbyterian Church: Elder, 2011 – 2013, 2015 – 2018
Rogersville Heritage Association: Board of Directors, 2003 – present
Hawkins County Imagination Library Foundation: Board Member, 2014 - present
Rogersville Parks and Recreation Little League Baseball Coach, 2014 - present

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.

Kappa Alpha Order, fraternity, limited to male college students
Red Ribbon Society, honor society limited to male students at the University of the South
Keo-Kio, honor society limited to students at The McCallie School (all male school)

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.

Hawkins County Bar Association, 2002 - present.

Tennessee Bar Association, 2002 – present.

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.

None.

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.

Board of Education, Rogersville City School, 2007-2010

City Attorney, Church Hill, Tennessee, 2017 – present.

City Attorney, Rogersville, Tennessee, 2021 – present.

ESSAYS/PERSONAL STATEMENTS

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

I am seeking the appointment of Circuit Judge for the Third Judicial District of Tennessee because I believe that I can faithfully fulfill the duties of the office with competence and studied reason. It would be my dedicated goal to maintain the intellectual and professional integrity of the office established by those judges who preceded me, and which our community justly deserves. I feel I have the constitution and ability to do justice to the honor of the office and to safeguard the community which it serves.

I have a deep sense of duty to my community, in which my family has practiced law for more than 100 years. I feel I have a very real obligation to live up to the precedent of service to the community and to the law that those attorneys of Phillips & Hale who came before me worked so hard to establish.

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 to Circuit Court Judge for the Third Judicial District of Tennessee. The Third Judicial District consists of Hawkins, Hamblen, Hancock, and Greene counties, all of which are located in Northeast Tennessee. The district has one Chancellor; three Circuit Judges who primarily hear civil causes of action, including appeals of decisions from Juvenile, Municipal, and General Sessions Courts; and one Circuit Judge who presides over criminal court.

At 44 years old, I believe that if appointed to Circuit Judge I would bring with me an appropriately measured and contemporary perspective, colored by nearly 20 years of experience, such that it would better enable the court to apply the law as it is written to current and evolving issues within our community.

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

The law should be applied as the General Assembly intended it, and pursuant to well settled rules of statutory construction. It is not the duty of a Circuit Judge to write law, but rather to apply the law as it is written to the facts of the controversy before that judge.

Pursuant to our oath and our rules of professional conduct, I believe most attorneys have zealously advocated for clients with whom they disagreed, or for the enforcement of a particular law with which they disagreed. Some of the most common questions I receive from non-attorney friends are: How can you represent that criminal defendant? Or, how can you represent that client when you know they are wrong? I explain that it is my duty to make sure that my clients are treated fairly and equally under the law. Sometimes that may result in an outcome that some might find contrary to their personal sense of justice, but it ensures that the law will be enforced as it is written and applied equally to the next litigant or defendant.

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. The Honorable Jim Sells
Mayor of Rogersville, Tennessee
[REDACTED]

B. Scott Collins, Clerk and Master -Hancock County (Retired)

Loan Officer, Civis Bank (Retired) [REDACTED]
C. Bill Bovender, Attorney Hunter, Smith, and Davis- Kingsport, Tennessee [REDACTED]
D. Amy Skelton, Attorney Skelton and Skelton -Rogersville, Tennessee [REDACTED]
E. Kevin Keeton, Attorney Point and Keeton -Rogersville, Tennessee [REDACTED]

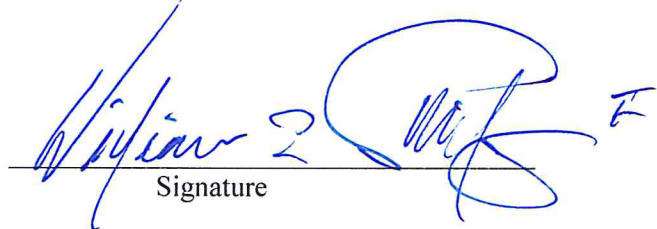
AFFIRMATION CONCERNING APPLICATION

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] 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: July 26, 2021.


 Signature

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



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

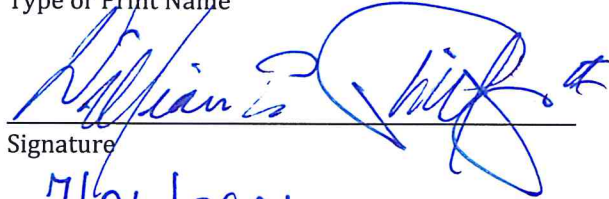
511 UNION STREET, SUITE 600
NASHVILLE CITY CENTER
NASHVILLE, TN 37219

**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.

William E. Phillips II
Type or Print Name


Signature

7/26/2021
Date

022234
BPR #

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