

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

9/8/20

Name: Robert Floyd Davis

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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.

Partner at Davis, Kessler & Davis Attorneys at Law
Municipal Judge – City of Decherd, Tennessee

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

I have been licensed to practice law since 2011 and my Tennessee Board of Professional Responsibility is 030129

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 # 030129 (2011 active)
Georgia Bar # 996855 (2019 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).

I have been an attorney at Davis, Kessler & Davis since 2013.

I have been the Municipal Judge for the City of Decherd since 2017.

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 am a general practitioner who practices a wide variety of subject matters. The breakdown is as follows: Personal Injury 75%, Criminal Defense / Civil Rights 15 %, and Family Law 10%.

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.

Since becoming licensed in 2011, I have practiced law consistently in State and Federal Courts in Tennessee. I have tried approximately eight (8) cases to a jury verdict as lead counsel and many more as second chair. I have tried three (3) jury trials to verdict since the Court's reopening for jury trials since the beginning of the pandemic.

Early on in my practice, I had numerous hearings and bench trials in Juvenile Court through to the Court of Appeals. I have tried numerous divorce cases in Circuit and Chancery Court. I have handled sentencing hearings and plea agreements in Criminal Court. Today, my practice is primarily personal injury work, however, I am familiar with inner workings of the criminal courts throughout Tennessee.

Aside from trials and hearings, I have resolved numerous cases through negotiation and/or mediation. I have an active cases load of about one hundred (100) cases at any given time throughout my practice.

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

Not applicable.

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

I have been the Municipal Judge for the City of Decherd for the past 5 years. I have proven to have the temperament and patience that is required for a judicial position. I have worked seamlessly with Court staff and the police officers in order to ensure that Court runs smoothly and efficiently. In the five years as Judge, I have not had any of my rulings appealed or challenged. I take that as indication that I am a fair and impartial Judge who tries to rule on the merits of the case.

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

Not applicable

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.

Baylor School 1999-2003 High School Diploma

Indiana University 2003-2004 Transferred to University of Tennessee

University of Tennessee 2004-2008 Bachelor of Science in Business Administration (B.S.)

California Western School of Law 2008-2011 Doctor of Jurisprudence (J.D.)

Chapman School of Law 2011-2012 Masters of Law (LL.M) in Alternative Dispute Resolution

PERSONAL INFORMATION

12. State your date of birth.

1984

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

8 years

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

8 years

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

Hamilton

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.

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

Not applicable

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.

Tennessee Trial Lawyers Association 2014 - Present

Keenan Trial Institute Graduate 2019

Tennessee Bar Association 2013 – Present

Common House Chattanooga 2020 - 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.

Not applicable

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 Trial Lawyers Association 2014 - Present

Keenan Trial Institute Graduate 2019

Tennessee Bar Association 2013 – Present

Common House Chattanooga 2020 - 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.

Chapman University – Excellence in Mediation LL.M.

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.

Not applicable

ESSAYS/PERSONAL STATEMENTS

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

I am applying for this position because I want to use my education and experience in the Court system to help the community of Hamilton County. I believe that I have the trial experience as a practicing trial lawyer to handle evidentiary and procedural issues from day one. I understand from my time as a Municipal Judge that the legal system can be overwhelming for individuals and it is important for a Judge to be patient and informative to make sure that people get a fair outcome through the legal process.

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)*)

The 11th Judicial District is a single county district with three Criminal Court Judges. Each Judge is in charge of hearing both felony and misdemeanor criminal cases. Most of the time, the trials would be in front of a jury, although they could be bench trials.

In today's legal world, fewer and fewer lawyers have jury trial experience. I believe that my jury trial experience will have me ready day one for the job as Criminal Court Judge. I also have experience behind the bench with my position as Decherd City Judge for the past five years. I believe that I will bring a fair and balance approach to the bench and allow citizens of Hamilton County to have their day in Court.

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)*

In my opinion, the Judicial Branch of Government is independent from the Legislative Branch. It is the job of the legislators to make the law as they see fit. It is then up to the judges to uphold the law as it is written, not as they see fit. If a Judge wants to be part of writing the law then he or she could certainly run for an office in the legislation. The main scenario that comes to mind in my experience as a licensed attorney is Tenn. Code. Ann. section 29-39-102 which caps the amount of non-economic damages can be awarded to an injured person. This statute can be used to go against what a jury of a person's peers determines a person is deserved due do negligence of a third party. In my practice of representing injured parties, I have seen instances where they should be awarded more than the caps on damages allow for, however, I understand what the law requires. If selected to be a Judge, I understand that my job is to follow the law as it is written regardless if I believe it is fair, just, reasonable or not. My job is to call ball and strikes within the strike zone that the Legislative Branch sets out for Tennesseans.

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. Senator Janice Bowling

Nashville, TN 37243

<p>B. Hon. Justin Angel Circuit Court Judge 12th Judicial District ██████████ Pikeville, TN 37367 ██████████</p>
<p>C. Hon. Melissa Thomas Willis ██████████ Jasper, TN 37347 ██████████</p>
<p>D. Hon. William A. Lockhart ██████████ Manchester, TN 37355 ██████████</p>
<p>E. Bradley Sherman Circuit Court Judge Candidate ██████████ Cowan, Tennessee 37318 ██████████</p>


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 Criminal Court of the 11th 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: July 12, 2022.



Signature

When completed, return this questionnaire to Ceesha 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.

Robert Davis
Type or Print Name

[Signature]
Signature

7-12-22
Date

030129
BPR #

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

Georgia # 996855
