

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

9/8/20

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(including county)

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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.

I am self-employed.

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

1994. Tennessee BPR No. 016728.

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. Tennessee BPR No. 016728.

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).

In my 26 years of the practice of law I have been involved, almost exclusively, in the area of civil litigation. After a clerkship with Hodges, Doughty & Carson during law school, I was hired by the Carpenter & O'Connor firm in Knoxville. I was given the responsibility of handling all of the firms subrogation files. Since the firm was founded upon insurance defense, the representative insurance companies would send a multitude of subrogation cases involving personal injury and/or property damage for filing, collection, and/or trial. I prepared and tried these tort cases throughout the state.

During this time I was also assigned to the firm's senior partner to assist him in the preparation of trial memorandum, appellate briefs, and the preparation of cases for trial. His practice was diverse, but was mostly concentrated upon the defense of insurance companies in fire and arson cases. These cases were tried in the Circuit, Chancery, and Federal Courts throughout East and Middle Tennessee. After a very short time, I was allowed to gain the invaluable trial experiences concerning all the technical aspects of jury and non-jury trials as lead counsel.

As my trial experience grew, I was given the opportunity to handle these types of cases on my own. With this independence, I developed my own book of insurance clients and other clientele outside the insurance industry. My non-insurance clients were typically individuals who needed assistance with litigation matters. I have also assisted insurance companies in the investigation of theft and fire loss claims throughout the State through the taking of over 200 Examinations Under Oath during my career.

After six years as an associate and four years as a partner at Carpenter & O'Connor, I was invited to join the firm of Hodges, Doughty & Carson in Knoxville. This experience was of great benefit to me since that firm handled litigation of all types, and was not limited to insurance defense. During my ten (10) years at Hodges, Doughty & Carson I believe that I tried more lawsuits than any member of the firm. This was no small feat, since I believe that the firm had some of the best and busiest lawyers in this region during my time there. It was during this time (2004-2015), that I began to have an interest in family law matters. This interest has burgeoned into a large percentage of my current practice and perhaps the most fulfilling.

I left Hodges, Doughty & Carson in 2015 and established my own law firm. Since that time I have represented clients almost exclusively in the Chancery Court for Knox County. My representation of clients has included cases involving nearly every cognizable cause of action which can be brought in Chancery Court. This experience, I believe, would serve me well should I be privileged to receive the appointment as Chancellor.

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.

My present practice is almost exclusively in the Chancery Courts of East and Middle Tennessee. I represent individual and corporate clients in the litigation of disputes in the areas of contract law (20%), construction (15%), probate (10%), divorce, custody and child support (20%), conservatorship (20%), and general litigation (15%).

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.

My practice has been that of a litigation attorney. I began my career working on subrogation cases for insurance companies. At the same time I was mentored by a very experienced litigation attorney who taught me how to practice in the courts of record. I handled hundreds of subrogation matters. I was also allowed to participate as a second chair lawyer in a vast number of jury and non-jury matters in the Circuit, Chancery, and Federal Courts throughout the state.

When I had garnered sufficient experience, I was allowed to handle cases on my own. I have been trying jury and non-jury cases in the courts of this state for 26 years. This trial experience also developed into appellate experience. I have been lead counsel on 20 cases in the Appellate Courts of Tennessee.

For the last six years I have focused my practice to Chancery Court matters. I have filed and/or tried nearly every type of cognizable action in the Chancery Courts of Knox County.

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

I have been the attorney of record in twenty (20) civil appellate cases, as attorney for the Appellant or the Appellee. I believe that the case of *Town of Crossville Housing Authority v. Murphy*, 466 S.W. 3d 574 (Tenn. App. 2014), is illustrative of the type and quality of the representation I have attempted to provide to my clients over my legal career.

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

Not Applicable.

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

I applied for the position of Magistrate Judge for the United States District Court for the Eastern District of Tennessee in the Spring of 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.

University of Tennessee: 1982-1988 (Bachelor of Arts Degree).

Memphis State University (Cecil C. Humphreys School of Law): 1991-1992.

Transferred to the University of Tennessee College of Law after my first year of law school.

University of Tennessee College of Law: 1992-1994. Received law degree in Spring of 1994.

PERSONAL INFORMATION

12. State your date of birth.

██████████ 1964.

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

56 years.

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

56 years, with the exception of the nine months I lived in Memphis during my first year of law school.

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

Knox 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.

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.

I responded to a complaint lodged against me with the Tennessee Board of Professional Responsibility in 2015, by my client Caroline Swann. The complaint concerned a claim of legal malpractice relating to the running of a statute of limitations as it applied to her claim for property damage against a contractor who had performed construction at her home. The Board conducted an investigation of the circumstances surrounding the claim and issued a private reprimand to 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.

I currently have a tax lien for income taxes for the years of 2013, 2014, and 2015, stemming from my divorce in 2016, and the resulting allocation of marital debts incurred during the marriage. My attorney has been in communication with the IRS and is confident we can modify the existing repayment plan in place so that this debt can be fully retired prior to the end of this calendar year.

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.

C.H.F., Inc. v. Christopher D. Heagerty and Kimberlie Heagerty, Davidson County General Sessions Court No. 16GC15K0. This matter was a suit of collection of medical bills incurred for treatment in 2015. The civil warrant was not served on me and a judgment was entered, but was subsequently paid in full.

Christopher D. Heagerty v. Kimberlie M. Heagerty, Knox County Chancery Court No. 191805-2. This divorce action was settled after mediation.

Caroline Swann v. Christopher D. Heagerty and Hodges, Doughty & Carson, Jefferson County Circuit Court No. 15-cv-132. This malpractice action was settled after mediation. The suit involved the running of the statute of limitations in relation to the Plaintiff's property damage claim resulting from construction at her home.

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.

Sacred Heart Cathedral, Knoxville, TN - Communicant.

University of Tennessee - Sigma Chi Fraternity Housing Corporation - Member (2007-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.
- 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.

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: (1994-2015).

Knoxville Bar Association: (1994-2015, 2019, 2020).

Hamilton Burnett Inns of Court: Member (2010-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.

2005 Recipient of The Legal Aid of East Tennessee "Pro Bono Partner Award."

2017 Recipient of a Tennessee Supreme Court commendation for pro bono hours expended during the calendar year.

Tennessee Bar Association Leadership Law - Class of 2005.

Cityview Magazine: Best Lawyers - Insurance Law.

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.

Knox County Election Commission: Member (2002-Present); Chairman (2004-Present). The Election Commission is appointed by members of the Knox County legislative delegation. Each appointment is for a two (2) year term.

ESSAYS/PERSONAL STATEMENTS

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

I have been privileged to practice in the Knox County Chancery Court for 26 years. For the last 6 years I have practiced almost exclusively in this court. I believe that an excellent job is done by all of the Chancellors, the Clerk and Master, and the court staff. It is my desire to serve the citizens of Knox County by maintaining the high standards already in place in this Court. I seek this appointment because I believe that my perceived talents and litigation experience would assist in the preservation of the high standards already in place.

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 seek the appointment to the position of Chancellor for the Knox County Chancery Court, Division III. The 6th Judicial District serves only Knox County. The Court hears all cases for which it possesses subject matter jurisdiction under the *Tennessee Code Annotated*. There are three divisions of the Chancery Court in this district. If selected, I believe that my appointment would foster the existing sense of collegiality between the bench and bar, and would cause no adverse effects since I am familiar with all of the Chancellors, the Clerk and Master, and staff through years of practice in this 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)*

It is the responsibility of the judiciary to uphold and enforce the law. This is true regardless of any personal thoughts or convictions that the individual judge may have regarding the rule, statute, or regulation in question. A judge should interpret, not legislate. Legislation is the business of the General Assembly.

On several occasions as a lawyer I have come across situations where claimants were denied access to a remedy because they had brought their claims outside the statute of limitations or contractual limitations period. As counsel for the defendant in these actions, I advanced the limitations period provided by a statute or contract to deny redress to the Plaintiff or claimant. While some of the claimants or Plaintiffs were highly sympathetic, the statute or contractual limitation period clearly excluded their claims from consideration.

In like manner, as an election official I have had to turn away a would be voter on election day because the individual had failed to register or timely register to insure their right to vote in a particular election.

While both of these situations led to a harsh result, because the rules, statutes, or regulations had been put in place for reasons known to the legislative body, it was beyond my authority or discretion to ignore the plainly stated rule, statute or regulation.

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. Congressman Timothy F. Burchett, [REDACTED]	Knoxville, TN 37919. Phone: [REDACTED]
B. Robert E. Petrone, Retired, [REDACTED]	Knoxville, TN 37919. Phone: [REDACTED]
C. Chancellor John F. Weaver, [REDACTED]	Knoxville, TN 37902. Phone: [REDACTED]
D. David N. Wedekind, Esq., Hodges, Doughty & Carson, PLLC (Of Counsel), [REDACTED]	Road, Knoxville, TN 37919. Phone: [REDACTED]
E. J. Chadwick Hatmaker, Esq., Woolf, McClane, Bright, Allen & Carpenter, PLLC, [REDACTED]	Knoxville, TN 37902. Phone: [REDACTED]

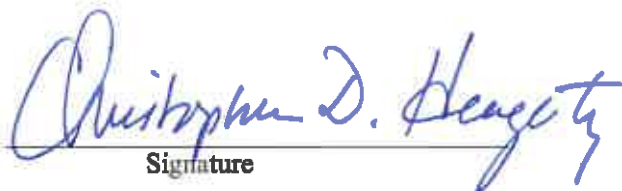
AFFIRMATION CONCERNING APPLICATION

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] Knox County Chancery 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: September 30, 20 20.


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.

Christopher Donn Heagerty

Type or Print Name

Christopher D. Heagerty

Signature

9/30/20

Date

016728

BPR #

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