

**Tennessee Trial Court Vacancy Commission**  
***Application for Nomination to Judicial Office***

9/8/20

Name: Daniel Kidd

Office Address: 1308 Wilson Road, Ste. 102, Knoxville, TN 37912  
(including county) Knox County

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(including county) Knox 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](http://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](mailto: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.

The Law Office of Daniel Kidd

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

1997 - BPR 018747

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 – active since being admitted in 1997 – Bar# 018747

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 always operated my own office as a Solo Practitioner since being admitted. Prior to Law School, I was employed at Eli Lilly & Co., in Indianapolis, Indiana.

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 practice consists almost exclusively of civil litigation in Knox and all surrounding counties. For the past several years, my practice can be broken down as follows:

Family Law, e.g., divorces, support, visitation, alimony, adoptions, termination of parental rights, etc. – 40%;

Probate and related matters, e.g., administration of estates, will contests, etc. 20%;

Property Disputes, e.g., title and boundary disputes, partitions, fraudulent transfers, etc. – 10%;

Conservatorships and Guardianships, e.g., representing Petitioners and Respondents in contested Conservatorships, demands for and challenges to accountings, etc. – 5%;

Business Litigation, e.g., collection of debt(s), dissolution of partnership, transfer of business interest, zoning applications, etc. – 5%;

Construction/Home Improvement/Consumer Protection disputes – 2%

Detainer Warrants and General Sessions matters (civil) – 3-5 cases per year

Personal Injury – 1 or 2 cases per year.

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 began my practice with a focus on bankruptcy law and federal court practice. I moved away from those areas as the other aspects of my practice grew. I have always had a large concentration in all areas of family law, including early on being appointed as a Guardian *ad Litem* for children and as an attorney for indigent parents in Juvenile Court. I am a litigator and for the past 17 years, my practice is divided between Chancery, Probate, 4<sup>th</sup> Circuit and the other civil courts of Knox County and all surrounding counties and occasionally outlying places as far away as Paris, Tennessee. Until just a few years ago, I regularly represented SS/SSI claimants and even litigated a TennCare decision in Davidson County Chancery Court. I have represented parties at the appellate level but I have not represented anyone before any legislative bodies. I have represented individuals and businesses before various local regulatory departments, e.g. Codes Enforcement, Board of Zoning, Beer Board, etc.

My transactional experience consists mainly of uncontested divorces and conservatorships, sales of business interests, and drafting Powers of Attorney and simple Wills.

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

I had my very first jury trial in Chancery Court, Part 3, with the former Chancellor Sharon Bell, presiding. The jury returned a verdict in favor of my client.

I can remember five of my cases which were appealed to the Tennessee Court of Appeals. Although none of them changed the law, some may be noteworthy to the extent that they demonstrate the range of cases and the variety of legal issues which I have handled.

In 2010, I appealed a decision in a divorce case which included the issues of the granting of the divorce to only one party, the denial of a Motion to Recuse, the division of marital property and, alimony.

In 2013, I appealed a decision terminating my incarcerated client's parental rights and raised the issue of which party had the burden of establishing the periods of incarceration of the defendant/parent. The Appellate Court remanded the case for additional findings but did not specifically address that issue.

In 2014, I filed for Judicial Review of a TennCare decision in the Chancery Court of Davidson County after TennCare determined that my client's conservator was ineligible for certain program re-imbursments because the conservator, "was a family member of the Petitioner," because the Conservator's mother and step-father had adopted the Petitioner. We argued that the Conservator did not become a family member as a result of the adoption because all the case law plainly stated that "the act of adoption does not make the person adopted the next of kin or heir to the relatives of the adoptive parents."

In 2016, I filed an appeal which raised a constitutional challenge to the 2012 amendment to T.C.A. 20-12-119(c), (the mandatory awarding of attorney fees after a successful Motion to Dismiss). The Court of Appeals upheld the statute as amended.

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

After graduating law school in Indiana, I moved to Knoxville and quickly built a successful solo practice by working hard and developing a reputation for fair-mindedness, thoroughness and preparedness. Early in my career, before I had even a part time staff, I was scheduled for two

jury trials in federal court only one day apart. It never occurred to me that I could have asked for a continuance of one of the cases. I simply set to work and got prepared for both trials.

The motto at my office is "Justice for All." I have never shied away from difficult cases or difficult clients. I am often retained as the third or fourth or even fifth attorney on a case. On one occasion in Juvenile Court, after several other attorneys declined to take the appointment, I was asked by Judge Irwin to represent a man who was the subject of a separate investigation in which it was alleged that he had been hired as a hit man to kill a local attorney. The client had also had a 4-hour standoff with the local SWAT team when DCS attempted to remove his children. I accepted the appointment and represented the client through the conclusion of his juvenile court litigation.

I believe I have earned a positive ranking with the local bar as someone who doggedly advocates for my clients but maintains a relationship with opposing counsel based on civility and congeniality. I learned a long time ago that an attorney should not make it personal. Regardless of how intense the legal battle is, I have conducted myself with a sense of propriety .

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

For the past five years, I have been looking for a different challenge in the legal field. In 2017, I submitted my name as a candidate to replace Magistrate Kay Kaserman, who was retiring from the bench.

I submitted my application to be considered for appointment as a US Immigration Judge in various cities in 2016- 18. I do not believe I have any active applications at this time.

#### 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.

Indiana University – Purdue University at Indianapolis (IUPUI) Bachelors of Science – graduated 1992

Indiana University College of Law – Aug., 1994 -Dec., 1996 – graduated Cum Laude

PERSONAL INFORMATION

12. State your date of birth.

██████████ 1960

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

I moved here in December, 1996

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

December, 1996

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

Knox

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.

N/A

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 can remember only two formal complaints.

A complaint was made against me by a Chiropractor (I do not know the exact date but I believe it was in the mid-2000s). I represented a patient of his in a car wreck case. After the case began, my client sought the opinion(s) of an orthopedic surgeon regarding her injuries and suggested treatment and discharged the Chiropractor. He filed a complaint claiming that I had unethically encouraged the client to discharge him. The complaint was dismissed after my client submitted a sworn statement that she had other, more personal reasons, for ending her chiropractic treatment.

A complaint was made against me in 2011 by a former client who had instructed me to not sign anything when I received a Motion to Substitute a Party and a proposed Final Judgment in a Circuit Court case which we had appealed from General Sessions. When I tried to explain that there did not seem to be a valid legal basis (or any negative consequences to her\*) to oppose the Motion and the Judgment was going to become final whether I signed it or not, she demanded her file and sent me a check for part of her bill with my office, stating it was "payment in full," and later told me "I thought I fired you already." I filed a Motion to Withdraw and the Court entered the Judgment and heard and granted both Motions on the same day (the client did not attend). In her rambling complaint, the client complained of many things, including that I failed to appear on her behalf to oppose the entry of the judgment and the Motion to Substitute. The complaint was ultimately dismissed.

- The Circuit Court judgment was \$24,000 less than the Sessions Court judgment, and the substitution of parties additionally benefited the client because the substituted party was not seeking attorney fees, which had been granted to the original party.

I have recently requested a complete history from the Board of Professional Responsibility, and I will supplement this Response if the report contains additional complaints.

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.

I was sued in 2010 for malpractice by a former Juvenile Court client whom I was appointed to represent in a Termination of Parental Rights litigation. (Alina Sabes vs. Daniel Kidd, Knox County Circuit Court – dkt#3-507-10). I was her fifth attorney and she had sued the first four attorneys as well as the Guardian *ad Litem* in the case. The case against me was dismissed (just like all the others).

I was sued twice in 2012 or 2013 by a former client in Knox County Sessions Court (B. Holleman vs. Daniel Kidd\*). I represented her in a bitter post-divorce case in Chancery Court and also was representing her in claim for Social Security Disability. For good cause, I sought to withdraw as her counsel. She opposed my withdrawal, but I was ultimately permitted to do so. She then sued me in General Sessions court (separately for both actions), claiming that it was a breach of contract. That case related to the post-divorce action was dismissed when the General Sessions Judge found that the issue of my withdrawal had been fully adjudicated in the Chancery Court. In the second case, the General Sessions Judge dismissed that case when the client testified that she nonetheless won her Social Security case and I had waived any payment of attorney fees which are normally awarded (\$6,000) in successful SSA claims.

- I cannot remember the docket numbers, but the client filed both cases on the same day.

I can remember suing only two former clients for collection of my attorney fees. Both were several years ago in Knox County General Sessions Court. I can only remember the name of one client, J. Cheng. She paid her bill and case was non-suited. The other client's case was also non-suited when he settled his account with my office.

In the Estate of David Allen Kidd ( Hancock County Superior Court, Part 1 ( 30D01-1704-EU-000049 ), I was the Personal Representative for the Probate Administration of my brother's case in Indiana. I appeared *pro se*, since I have never been licensed in Indiana.

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.

Board Member (and general legal counsel) – Center for English and Assimilation – 2016-2020

I was also a Board Member of the Covenant Health’s Cottage Training Center for Mental Health - I believe it was a 2 year term sometime between 2000 – 2004.

I have attended church at Eternal Life Harvest Center in East Knoxville for the past 12 years.

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.

Knox County Bar – since 1997

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 have received recognition in multiple years from the Tennessee Supreme Court and/or the Knoxville Legal Area Services (KLAS) for outstanding pro bono service.

In 2015, I became certified as a Family Law mediator, although I am no longer active as a mediator.

Early in my career, I self-published a small booklet, "Don't Lose This Book, The Good, The Bad, and The Ugly About Consumer Bankruptcy."

I co-wrote a large CLE manual on adoption law.

I have been a CLE presenter or co-presenter several times over the years, including classes for new Attorneys and solo practitioners, and covering a variety of family law topics, such as adoptions, Dependency and Neglect litigation, termination of parental rights, and, training of Guardian *ad Items*.

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 was a candidate for Judge of 4<sup>th</sup> Circuit Court in 2014. I handily won the Democratic nomination but lost in the general election to the current judge.

### ESSAYS/PERSONAL STATEMENTS

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

As Chancellor, I want to foster an atmosphere of courtesy and graciousness so all parties will feel that they were treated with respect and dignity. I want litigants and attorneys alike to be assured that they will be afforded the full measure of the Court's attention, knowledge and receptiveness to each case. My extensive and varied legal experience over the past 20 years and my personal temperament, patience, and good humor have uniquely prepared me to preside over a Court that all of Knox County can be proud of.

Private citizens are naturally intimidated and anxious when they have to appear in court. Attorneys experience frustration with Judges who are not willing to be educated about the nuances of the law in a particular case. I want the attorneys who appear before Chancery Court to have a Chancellor that appreciates and respects the hard work attorneys do.

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)

Knox County has three Chancery Courts and like most Chancery Courts across the state, cases which involve divorce matters and probate make up the bulk of the numbers of cases that are adjudicated by the Chancellors. Chancery Court also handles a large amount of Conservatorships and Guardianships and property issues, such as title and boundary disputes, partitions, property tax sales (and challenges). The remainder of Chancery Court actions is quite varied, including contracts, specific performance, Declaratory Actions, review of certain local legislative or administrative actions, etc.

My experience over the past twenty years mirrors the extensive variety of cases handled by Chancellor Moyers and Chancery Court. For that reason, I believe I will be able to step into the role seamlessly without a great learning curve. My appointment to the bench will not negatively impact the Court but will provide a smooth transition for the litigants and attorneys.

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)*

Yes. In 2018, I was representing a single man who had physical custody of the 4 year old daughter of his ex-girlfriend who lived in another county and was currently incarcerated in another state and facing a lengthy prison sentence. Mother executed a proper Power of Attorney for Care of a Minor Child when the child was turned over to my client, and we filed a Petition for Custody in Knox County almost immediately. Unbeknownst to us, DCS in the child's home county had filed a D&N Petition but did not name my client as a Respondent. My client was thrilled with his new role as a de-facto father. He changed his work schedule, arranged for Daycare for the child and was looking forward to including the child in his family's Thanksgiving. Meanwhile the other Juvenile Court conducted a hearing and ordered the removal of the child from Mother's custody and ordered the attachment of the child. Even though my client had not received proper service (or even notice) of the action, and even though it was going to be incredibly traumatic to the little girl, I advised my client that he had to immediately turn over the child. It remains one of the hardest conversations I have ever had with a client. Despite this experience, the client and I have maintained a friendship and a continuing professional relationship.

### 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. (Ret.) Judge Joseph M. Ayers, [REDACTED] LaFollette, TN 37766. [REDACTED]
B. Attorney Robert Godwin, [REDACTED] Knoxville, TN 37918. [REDACTED]
C. Sandra Fugate, retired UT Professor and current Executive Director for the Center of English and Assimilation, [REDACTED]
D. Attorney David Hamilton, [REDACTED] Knoxville, TN 37912, [REDACTED]
E. Jacqueline Davis, widow of Dr. James H. Davis, founder and Pastor of Eternal Life Harvest Center, [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] Chancery Court of Knox County 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: 9-28, 2020

  
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.

Daniel Kidd  
Type or Print Name

[Signature]  
Signature

9c 28. 2020  
Date

018747  
BPR #

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

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