

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

04/15/16

Name: Robert Thomas Bateman

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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 word processing 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 word processing 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 debra.hayes@tncourts.gov, or via another digital storage device such as flash drive or CD.

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

PROFESSIONAL BACKGROUND AND WORK EXPERIENCE

1. State your present employment.

Bateman & Bateman, P.C., Attorneys at Law
212 Madison Street, Second Floor, Clarksville, TN 37040
(931) 647 5959

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

1990, TNBPR # 14240

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.

The only state in which I am, or have ever been, licensed is Tennessee. Please see response to question 2 regarding my Tennessee license information which has been active from the date I was first licensed to the present.

I have been admitted to practice in several federal courts including the United States Supreme Court, 1994; United States Court of Appeals, Sixth Circuit, 1990; United States Court of Federal Claims, 2005; United States District Court, Middle District of Tennessee, 1991; United States District Court, Western District of Tennessee, 2011; United States District Court, Colorado, 2016.

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).

Since completion of my legal education and passing of the bar exam in 1990, the only

profession, business, or occupation I have engaged in has been the practice of law. I began practice as an associate with my father, Thomas N. Bateman. In the fall of 1995, Thomas N. Bateman, Stephen R. Darnell, and I formed the firm known as Bateman, Bateman & Darnell, P.C. In the spring of 2000, Mr. Darnell left the firm to pursue other opportunities in the legal field and, since that date, I have practiced with the firm known as Bateman & Bateman, P.C. with Thomas N. Bateman. Recently, in 2015, the firm added Ms. Ashleigh L. Travis as an associate. Ms. Travis had previously worked as a paralegal for Bateman & Bateman, P.C. before obtaining her law license.

Prior to beginning my legal education, I worked for a local accounting firm while attending college. Subsequently, I obtained a Bachelor of Business Administration degree from Austin Peay State University with a major in accounting. In 1988, I passed the Certified Public Accounting exam and was licensed by the State of Tennessee as a Certified Public Accountant. However, since I do not actively practice accounting, I requested that the Tennessee Board of Accountancy place my CPA license on an inactive status.

In the summer of 1989, during the first half of summer break between my second and third year of law school, I clerked for the law firm of Armstrong Allen in Memphis, Tennessee.

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 have a general practice of law which primarily focuses on civil litigation. I would estimate that 80% of my practice relates to civil litigation. Of this total, 60% would be tort-related claims, 20% business litigation, and 20% family law. I estimate 5% of my practice is criminal defense. Lastly, the remaining 15% of my practice is comprised of various other areas of general practice, including estate planning and settlement.

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.

During my 28 years of practice, I have been fortunate to have handled a wide variety of legal matters and have represented a wide range of clients with varying degrees of economic resources — clients worth millions of dollars to those who literally did not have a dime. I have tried cases in the Circuit, Chancery, General Sessions, and Juvenile Courts of the State of Tennessee. I have also tried cases in the United States District Court for the Middle District of Tennessee as well as the United States Bankruptcy Court for the Middle District of Tennessee. I have argued appeals in the Tennessee Court of Appeals, Tennessee Court of Criminal Appeals, Tennessee Supreme Court, and the United States Court of Appeals for the Sixth Circuit.

My practice has mainly focused on civil litigation. Currently, the majority of the matters I handle are tort-related claims. I have also represented clients and litigated matters involving employment discrimination claims before the EEOC, federal administrative EEO offices, and

before State and Federal Courts. I represented a "whistle blower" who brought a health care fraud claim on behalf of the United States under the Federal False Claims Act which was successfully litigated and upheld on appeal. I have litigated will contests and estate disputes, boundary line and water easement disputes, business disputes, construction disputes, and workers compensation claims. Over the years, I have handled contested divorces and child custody matters. I have handled criminal matters in General Sessions Court, Circuit Court, the Tennessee Court of Criminal Appeals, and the Tennessee Supreme Court. All of the appellate court criminal cases were the result of being appointed to represent indigent clients.

I believe one of the best indications of the types of legal matters I have litigated would be to outline appellate cases in which I have been involved. Although the outcomes were not always successful in all the cases listed below, I believe this listing demonstrates my competency in dealing with a wide range of legal matters.

The following are appellate criminal cases in which I prepared the brief and presented oral argument before the respective appellate court. In all of these matters listed, I was appointed to represent an indigent client.

State v. Downey, No. M200900158CCAR3CD, 2009 WL 3064861 (Tenn. Crim. App. Sept. 25, 2009). This was an appeal as of right following remand to the trial court on the issue of consecutive sentencing. This is the final appellate decision of the two companion appellate decisions that immediately follow.

State v. Downey, 259 S.W.3d 723 (Tenn. 2008). The Tennessee Supreme Court granted an application for permission to appeal on several issues in this criminal case. Oral argument was heard in this case on May 8, 2008, in Jacksboro, Campbell County, Tennessee, as part of the Tennessee Supreme Court's SCALES (Supreme Court Advancing Legal Education for Students) project.

State v. Downey, M2005-02335-CCA-R3CD, WL 465125 (Tenn. Crim. App. February 13, 2007). This was an appeal as of right of several issues in this criminal case. The Tennessee Supreme Court granted an application for permission to appeal this decision in the citation referred to directly above.

State v. Dycus, M200502252CCAR3CD, 2006 WL 1446687 (Tenn. Crim. App. May 25, 2006). This was an appeal as of right from the order of the trial court revoking the Defendant's probation and ordering her to serve the remainder of her sentence.

Brooks v. State, M2002-00386-CCA-R3PC, 2003 WL 288434 (Tenn. Crim App. February 11, 2003). This was an appeal as of right following the denial of a petition for post-conviction relief from convictions for first degree felony murder, especially aggravated robbery, theft of property over \$1,000, and setting fire to personal property.

State v. Elrod, M2001-01125-CCA-R3CD, 2002 WL 125692 (Tenn. Crim App. January 31, 2002). This was an appeal as of right following convictions for aggravated assault.

Clardy v. State, M2001-01029-CCA-R3PC, 2002 WL 122922 (Tenn. Crim App. January 23,

2002). This was an appeal as of right following the trial court's denial of a petition for post-conviction relief. The Court of Criminal Appeals reversed the judgment of the post-conviction court and remanded the case for a new trial.

State v. Cauthern, 967 S.W.2d 726 (Tenn. 1998). This was a mandatory review by the Tennessee Supreme Court of the trial court's decision in a resentencing in a death penalty case in which I was appointed as "second chair."

State v. Cauthern, 02C01-9506-CC-00164, 1996 WL 937660 (Tenn. Crim App. December 02, 1996). This was an appeal as of right of the trial court's decision in a resentencing in a death penalty case in which I was appointed as "second chair." Review of this case by the Tennessee Supreme Court is referenced in the citation referred to directly above.

The following is a list of civil appellate cases that I have litigated in the State of Tennessee.

In re: Estate of McCollum, M201502169COAR3CV, 2017 WL 6026588 (Tenn. Ct. App. Dec. 5, 2017). This was an appeal regarding an estate in which an heir of the estate attempted to intervene in the matter without standing to pursue any claims. In this case, I drafted the brief and argued the case for the appellee.

Tommy Burney Homes v. Francis, M201400729COAR3CV, 2015 WL 9946265 (Tenn. Ct. App. Aug. 12, 2015). This was an appeal regarding whether a judgment entered without proper service of process in a detainer action was void. In this case, I drafted the brief and argued the case for the appellant.

Dickson v. Long, M200800279COAR3CV, 2009 WL 961784 (Tenn. Ct. App. April 08, 2009). This was an appeal as of right from a trial court's decision in a dispute between family members over the conveyance of real property by an elderly mother to her step-daughter that addressed issues of undue influence and lack of mental capacity. In this case, I drafted the brief and argued the case for the appellant.

Smith v. Cherry, M2005-01168-COA-R3CV, 2006 WL 1724629 (Tenn. Ct. App. June 22, 2006). This was an appeal from the trial court's award to the Plaintiff of \$300,000 for injuries sustained in a vehicular accident when the Plaintiff's vehicle was struck by a motorist pursued by a City of Clarksville police officer. In this case, I drafted the brief and argued the case for the appellee. The Court of Appeals affirmed the decision of the trial court.

Dowlen v. Mathews, M2001-03160-COA-R3CV, 2003 WL 1129558 (Tenn. Ct. App. March 14, 2003). This was an appeal from the trial court's directed verdict in a police officer's lawsuit against a Clarksville resident for assault, defamation, and intentional infliction of emotional distress after the officer responded to a noise complaint at the resident's home. In this case, I drafted the brief and argued the case for the appellant.

Chadwick v. Clarksville Montgomery County Unified School System, 01A01-9504-CV-00166, 1995 WL 675876 (Tenn. Ct. App. November 15, 1995). This was an appeal in which a sixth grade student was injured at an elementary school. I drafted the brief in this appeal for the

appellant.

Brown v. Brown, 863 S.W.2d 432 (Tenn. Ct. App. 1993). This was an appeal from the trial court's denial of an ex-wife's petition to set aside a divorce decree on various grounds. In this case, I drafted the brief.

The following are appellate cases I litigated in the United States Court of Appeals for the Sixth Circuit.

Butts v. McCullough, 237 F. App'x 1 (6th Cir. 2007). I prepared the brief and argued the case for the appellee in this appeal following a jury trial in the United States District Court for the Middle District of Tennessee in an employment discrimination case.

U.S. v. Goforth, 465 F.3d 730 (6th Cir. 2006). I prepared a brief on behalf of the Relator in an action to collect a previous judgment entered in a Federal False Claims Act case. The case was argued by attorneys for the United States.

U.S. ex rel. Augustine v. Century Health Services, Inc., 289 F.3d 409 (6th Cir. 2002). I prepared a brief on behalf of the Relator in a Federal False Claims Act case. The case was argued by attorneys for the United States.

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

I take pride in the fact that I have a very diverse practice. For instance, one day I may be representing a client in General Sessions Court and then the very next day be representing a client in a case in an appellate court. I always try to remember when dealing with a client's case, whether the case involves a few hundred dollars or hundreds of thousands of dollars, whether it is a felony or a misdemeanor, the case is always of great importance to my client. In fact, the case may be my client's only legal matter and is quite literally my client's most important case.

However, two cases stand out for very different reasons. The first is *State v. Downey*, 259 S.W.3d 723 (Tenn. 2008), a case referred to in response to Question 7. As noted above, oral argument was heard in Jacksboro, Campbell County, Tennessee as part of the Tennessee Supreme Court's SCALES project.

The website for the Tennessee Courts (tncourts.gov) explains that the SCALES program is a "Tennessee Supreme Court initiative designed to educate high school students about the judicial branch of government. SCALES, which stands for Supreme Court Advancing Legal Education for Students, gives students a unique opportunity to hear the oral arguments for an actual Supreme Court case in a nearby community."

Oral argument before the Tennessee Supreme Court was held in a local high school with students from several high schools in attendance. Immediately after adversary counsel and I argued the case, we spoke with various students and answered students' questions about the appellate case

they just heard and our legal system in general. The questions raised by the students were thought-provoking and intelligent and allowed me to view the legal process and this case, in particular, in a different light. Interacting with the students in this manner gave me insight into how the public actually views lawyers, judges, and the legal process as a whole. Surprisingly, the students were engaged and, in my eyes, it reaffirmed that lawyers, judges, and the judicial system actually can have a positive impact on society.

The other case, also referred to in response to Question 7, is *United States of America ex. rel., Edward T. Augustine v. Century Health Services, Inc.*, 136 F.Supp.2d 876 (M.D. Tenn. 2000). I represented a "whistle blower" who brought a health care fraud claim on behalf of the United States under the Federal False Claims Act. Ultimately, the United States intervened in the case and a \$7.62 million dollar judgment was entered against the Defendants.

The December 20, 2001 edition of *The Tennessean* reported that prosecutors believed the judgment was the largest civil health care fraud judgment handed down in the United States District Court for the Middle District of Tennessee up to that time. The case was upheld on appeal. *U.S. ex rel. Augustine v. Century Health Services, Inc.*, 289 F.3d 409 (6th Cir. 2002). The case also resulted in collateral litigation regarding the collectability of the judgment from former executives of the Defendant.

This case stands out because it involved very interesting and complex issues dealing with the Federal False Claims Act and ESOP plans. While litigating this case, I was able to work with many excellent attorneys from the U.S. Attorney's office for the Middle District of Tennessee, the U.S. Department of Justice, and the U.S. Department of Labor and exposed fraudulent billing practices that had ultimately wasted the taxpayers' dollars.

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

In March 2012, I was appointed to the Hearing Committee roster for the Tennessee Board of Professional Responsibility for District VI for a three-year term. In March 2015, I was reappointed for another three-year term. I have served as a panel member in several matters. I have served as panel chair on one matter.

During the second half of the summer between my second and third year of law school, I interned for the Hon. Thomas A. Higgins, United States District Judge, Middle District of Tennessee. I researched various legal issues, prepared memoranda for the Court, and observed court proceedings.

On January 24, 2017, after having completed the training and application process, I become listed as a Rule 31 Civil Mediator by the Tennessee Alternative Dispute Commission.

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

In December 2001, at the age of 36, I submitted an application to the Tennessee Judicial Selection Commission for the vacant Division I Circuit Court position in the 19th Judicial District. My name was not submitted to the Governor as a nominee.

In June, 2015, I submitted an application to The Governor's Council for Judicial Appointments for the then newly created Division IV Circuit Court position in the 19th Judicial District. My name was submitted to the Governor as a nominee.

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.

Austin Peay State University. Dates of attendance: Sept. 1983 - Dec. 1986.

Degree Awarded: Bachelor of Business Administration. *Summa Cum Laude*.

Major: Accounting.

Forms of Recognition: Alpha Lamda Delta Freshman Honor Society, Omicron Delta Kappa Leadership Honor Society, University Service Scholarship, Dean's List Honor Student (1984 - 1987), Outstanding Senior Accounting Student (1986 - 1987).

Vanderbilt University School of Law. Dates of attendance: Sept. 1987 - May 1990.

Degree Awarded: Doctor of Jurisprudence.

PERSONAL INFORMATION

12. State your date of birth.

1965

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

I have lived in Tennessee my entire life.

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

I have lived in Montgomery County my entire life with the exception of 1987 to 1990 while attending law school.

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

Montgomery.

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.

In 2004, I responded to notification from the Tennessee Board of Professional Responsibility about a complaint that had been submitted by another attorney. After my response and appropriate follow-up responses, the Disciplinary Counsel handling the matter recommended the matter be dismissed. This recommendation was approved and the complaint was dismissed.

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.

Yes.

I was a co-defendant/counter-plaintiff in a lawsuit styled *Robert R. Lafferty, d/b/a R. Lafferty & Son, General Contractors vs. Stephen R. Darnell, Paul D. Welker, Thomas N. Bateman, and Robert T. Bateman* filed in the Chancery Court for Montgomery County, Tennessee under Docket No. 95-11-0103. This lawsuit was filed in the fall of 1995. The dispute arose out of a construction contract for renovations to a building that was ultimately used as a law office by the four defendants/counter-plaintiffs. Following a period of discovery, the matter was settled with the plaintiff/counter-defendant paying a sum of money to me and the other defendants/counter-plaintiffs.

I was also a party to a divorce action from my first wife. On July 29, 2002, a complaint for divorce was filed in the Circuit Court for Montgomery, County Tennessee styled *Robert T. Bateman v. Paula M. Bateman*, Docket No. 50200483. On October 28, 2002, a final decree of divorce was entered incorporating an agreed parenting plan and marital dissolution agreement. A revised agreed parenting plan was entered by the Court on September 26, 2011.

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.

Austin Peay State University College of Business Board of Advisors. Member, 2011 - 2013.

(Co Vice-Chairperson – 2011. By-Laws Revision Committee - 2011)

Austin Peay State University Tower Club. Member, 1992 - present.

National Rifle Association. Member, approximately 1990 - present.

Aircraft Owners and Pilots Association. Member, approximately 2015-present.

Boat Owners Association of the U.S. Member, approximately 2005-present.

Montgomery County Republican Party Executive Committee. Member, 2017-present.

Leadership Clarksville Alumni. Member, 1992 - present.

(Graduate of Class of '92. Offices held: Board of Trustees, approximately 1994 - 1996).

Clarksville High School Wildcat Touchdown Club. Member, 2013 - 2014.

At the present time, I attend various Baptist churches and am a member of First Baptist Church, Clarksville, Tennessee and have been since childhood.

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.

The only potential organizations that would be responsive to this question would be my membership in my college fraternity, Sigma Chi and my membership in the Cub Scouts and Boys Scouts in my youth. College fraternity membership was limited to males just as college sorority membership was limited to females. At the time of my membership, the Cub Scouts and

Boy Scouts limited membership to males just as the Girl Scouts limited membership to females.

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.

American Bar Association. Member, 1990 - present.

Tennessee Bar Association. Member, 1990 - present.

(Member Continuing Legal Education Committee 2013 - 2014)

Montgomery County Bar Association. Member, 1990 - present.

(Secretary/Treasurer, 1992. Vice President, 1994. President, 1995.)

Tennessee Trial Lawyers Association. Member, 1990 - present.

Federal Bar Association. Member, mid-1990s - 2006.

Association of Trial Lawyers of America. Member, mid-1990s - 2010.

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 an AV® Preeminent™ Peer Review Rating by Martindale-Hubbell.

On March 17, 2018, I received a certificate of appreciation from the Tennessee Board of Professional Responsibility for my service as a hearing committee member from 2012-2018.

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 served on the City of Clarksville Ethics Commission from 2013 until November 2015. Members of the Commission are appointed by the Mayor of the City of Clarksville subject to the approval by a vote of the City Council.

I was a candidate on the March 2016 Republican primary ballot in Montgomery County for the position of Circuit Court Judge, Part IV, 19th Judicial District. I received 6,215 votes and Judge Jill Barte Ayers received 8,595 votes. During this same election, the open seat for Circuit Court

Judge, Part III, 19th Judicial District was held. Judge Ted A. Crozier, Jr. won with 7,981 votes. The combined total of the other two candidates in the race for Part III was 7,383.

ESSAYS/PERSONAL STATEMENTS

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

In the practice of law, one advocates for a client's position and, within ethical restraints, one must always advocate for the client's ultimate goal. A member of the judiciary must use his or her ability to determine the facts and apply the law to reach a just result not based upon advocacy but on the state of the facts and law as found. I believe I have always been effective advocating my clients' positions. I believe my true strength is my ability to analyze the factual situation presented and apply the relevant legal standards to obtain a fair outcome for the parties involved. I believe this strength will allow me to preside over a jury and instruct it to apply the law or to act as a finder of fact and apply the law to the case. This new challenge is the reason I seek this position.

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 19th Judicial District is comprised of Montgomery and Robertson counties. It is presently served by four Circuit Judges and one Chancellor. Circuit Court Division V was created to address the need for additional judicial resources in the District. The *Annual Report of the Tennessee Judiciary (Fiscal Year 2016 - 2017)* shows that the Circuit Court of the District disposed of 2,937 civil matters and 6,841 criminal counts in that reporting period. In addition, the Chancery Court for the District disposed of 3,582 civil matters in that reporting period. From these statistics, it is clear that the person who becomes judge for Division V will need to be able to handle both civil and criminal matters. Since my law practice has covered a wide range of practice areas, I will be able to handle both criminal and civil matters. I will not be limited to only one category of cases.

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.

At the risk of appearing to summarize a high school civics class, I believe it is the function of the legislative body to enact the law. Ultimate questions of the constitutionality of a legislative enactment, interpretation of a legislative enactment, or announcement of a rule of law in the absence of a legislative enactment is for the appellate courts. If the appellate court of last resort finds that a legislative enactment is not permitted because of a constitutional prohibition, the

legislative body and, ultimately, the electorate has the authority to change the Court's decision by amending the Constitution.

However, a trial court is simply to apply the law as outlined by Constitutional provisions, statutes, or case law to the specific facts presented in a case whether or not it agrees with the law. Likewise, for society to be governed by the rule of law, litigants in a case must follow the decisions of a trial court unless that decision is overturned on appeal.

Many times I have been required to admonish clients that even if the client and I do not agree with the decision of the trial court the client and I must abide by the ruling. Examples include ensuring a client follows a trial court's order regarding parenting time schedules in domestic relations cases and ensuring a client follows a trial court's order to allow access to medical, employment, or business records that might be discoverable but not relevant to the pending matter in a discovery dispute.

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.	Billy P. Atkins, Chairman Legends Bank Clarksville, TN 37040
B.	Sen. Kerry Roberts Tennessee Senate District 25 Cordell Hull Bldg.; Nashville, TN 37243
C.	Ashleigh L. Travis, Attorney at Law Bateman & Bateman, P.C. Clarksville, TN 37040.
D.	Jack B. Turner Jack B. Turner & Associates Clarksville, Tennessee 37040
	M. Joel Wallace, Attorney at Law and member of Clarksville City Council (2009-2017) Cunningham, Mitchell & Rocconi Clarksville, TN 37040

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 Circuit Court of the 19th Judicial District of Tennessee, Part V 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 20, 2018.



Signature

When completed, return this questionnaire to Debbie Hayes, 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 T. Bateman
Type or Print Name


Signature

July 20, 2018
Date

14240
BPR #

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

Tennessee Board of Accountancy

CPA License# 9763 (inactive)