

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

1/17/23

Name: Dustin Faeder

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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. Your complete application, including both the original and digital copies, must be received by the Administrative Office of the Courts on or before the deadline prescribed in the Notice of Vacancy. 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.

Self-Employed Attorney

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

2013, 032581

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.

I was also admitted to the MI bar in 2013, but did not complete the licensure process as my wife and I decided to move back home to TN.

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).

I voluntarily went inactive with the TN Bar from September, 2023 through August, 2024, to be a stay-at-home dad to my four young children in support of my wife's career. At the time she was codirector of a counterterrorism center, which required frequent travel.

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).

-Adjunct Philosophy Professor at Eastern Michigan University, 2007-8  
-Philosophy Lecturer at Washtenaw Community College, 2007-8  
-LSAT Prep Teacher, 2007-8  
-Graduate Student Instructor in Formal Logic at the University of Michigan, 2009-10  
-Landlord, 2017-Present

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 has always been focused on indigent defense. I have mostly done dependent-neglect work, but have also done quite a bit of criminal defense. I currently have about 85 cases. 2 of those are in the Court of Criminal Appeals. Another 15 are in various criminal courts in Davidson County. A couple more are bound over from Davidson County General Sessions. On the other 65 or so, I am Guardian ad Litem.

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 2013, I have always worked as a solo practitioner, without an assistant, personally handling all aspects of practice. I have done a significant amount of work in juvenile, general sessions, and criminal courts across various Middle TN counties. I have tried many cases, including a criminal jury trial in Williamson County and a criminal jury trial in Davidson County. I have also done roughly 10 appeals in the CCA. On the civil side, I have tried multiple civil cases in Davidson County Circuit Court and pursued two appeals in the Court of Appeals. Additionally, I litigated a civil rights suit in federal court.

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

I have had several successes in the Court of Criminal Appeals: (1) In State v Bart Leo Tucker, M2016-01960-CCA-R3-CD, the CCA reversed and dismissed a conviction and associated 5-year sentence for Worthless Check by accepting my “verbal postdating” theory, ultimately ruling that the evidence was insufficient. I was also the trial attorney; (2) In State v Darren Marion Little, M2022-00738-CCA-R3-CD, I obtained a remand for the trial court to sentence the defendant in a lower range, which ultimately resulted in an approximately 5-year sentence reduction; (3) In Joshua Allen Felts v State, M2022-01736-CCA-R3-PC, I obtained a reversal of 4 theft convictions based on ineffective assistance of counsel for failing to object to hearsay. Those charges were ultimately dismissed. Additionally, I am currently awaiting a decision from the CCA that, if successful, would be the first time in TN history that an appellate court applies Ex Post Facto protections to the Sex Offender Registry.

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

10. I have been an Arbitrator for the Financial Industry Regulatory Authority since 2019. In this capacity, I have been part of prehearing events for several cases, but only one proceeded to arbitration. I was on a panel of 3 that decided the case after a week-long



hearing, including expert witnesses. Since then, I have been qualified as a Chairperson Arbitrator and am currently assigned as such to a pending arbitration. I have also served as “special judge” in Davidson County Juvenile Court and, until the pandemic, regularly presided over Youth Court, a diversionary program held in Davidson County high schools. Also, I have significant experience defending against Orders of Protection (“OPs”) and allegations of OP violations.

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

I applied to be on the Court of Criminal Appeals in late 2020. At the time, I was 37 and was the only applicant under 40. It was obvious that I would not be selected, but it was important to me to gain experience in the application process.

### **EDUCATION**

12. 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 Michigan Law School, JD, 2008-10

-Public Service Fellowships for internships at the Washtenaw County Public Defender’s Office during and after law school, a Bergstrom Fellowship in Child Advocacy, and an Equal Justice America Fellowship.

-My years at the University of Michigan Law School were paid for by service as a Graduate Student Instructor of Formal Logic while pursuing the JD.

Tufts University, 2005-7, Philosophy MA

-Tufts is recognized as having the nation’s leading master’s program in philosophy. One of my professors at Tufts was Erin Kelly. She was John Rawls’ last PhD student and has since won a Pulitzer. She taught me Philosophy of Law, which motivated me to attend law school. I was the only student from a class of 11 to graduate within 2 years. The program was difficult because it required passing 4 comprehensive examinations—Epistemology, Ethics, Metaphysics, and one optional field. My optional field was Philosophy of Law. During this program, I served as a teaching assistant in several courses. Earning this MA allowed me to first be hired as an adjunct philosophy professor at age 24.

Vanderbilt University, 2001-5, Philosophy & German Studies Majors with an Economics Minor

-Harold Stirling Vanderbilt 4-Year Full-Tuition Honors Scholarship.

-National Merit Scholarship

-Phi Beta Kappa

-Award for Top German Studies Student

-High Honors in German Studies, writing a thesis in German that was a Freudian reading of Thomas Mann's Death in Venice.

-Honors in Philosophy, writing a thesis on the nature of value (i.e. axiology).

-Honors in the College of Arts & Sciences.

-Studied abroad in London and Germany from Summer 2003-Summer 2004.

**PERSONAL INFORMATION**

13. State your date of birth.

██████

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

12 year

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

12 years

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

Davidson

17. 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

18. 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

19. 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

20. Please identify the number of formal complaints you have responded to that were filed against you with any supervisory authority, including but not limited to a court, a board of professional responsibility, or a board of judicial conduct, alleging any breach of ethics or unprofessional conduct by you. Please provide any relevant details on any such complaint if the complaint was not dismissed by the court or board receiving the complaint. You may wish to request a report from the appropriate supervisory authority (or authorities) for a complete history.

I have been the subject of roughly a dozen bar complaints since beginning practice in 2014. I have been asked to respond to a handful of these. They were all dismissed without the need for a hearing.

21. 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.

Yes. Two creditors registered judgments against me in 2024. Additionally, one of those creditors attempted to garnish my wages in 2024.

22. Have you ever filed bankruptcy (including personally or as part of any partnership, LLC, corporation, or other business organization)?

Yes, I filed Chapter 7 Bankruptcy in 2024. Discharge was granted.

23. 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.

-In November, 2024, my wife and I filed an Eviction against Kenneth Williams and Cayetona Quinn, which was granted: 24GT11950.

-As previously disclosed, I filed for Chapter 7 Bankruptcy in 2024, #3:24-bk-04331 in the U.S. Bankruptcy Court for the Middle District of TN.

-In 2022, I sued Victor Abbott in Davidson County General Sessions Court for unpaid legal fees, which were granted and subsequently collected in full: 22GC8492.

-In 2017, I was a respondent in *Christian v Reynolds-Christian*. This was a civil rights action in the US District Court for the Middle District of TN, 3:2017cv00809. Basically, the mother of a child who had long been in DCS custody tried to sue everybody involved in the case. As former GAL for her child, I was included. The case was immediately dismissed against me because I was not a government actor and, thus, could not be subject to a §1983 claim. The case was only even brought to my attention after this dismissal.

-In 2014, I obtained an Order of Protection against Minki Feigerle in Davidson County General Sessions Court, Case # 14OP2215.

-In 2002, I was charged with misdemeanor theft in Davidson County. The case was dismissed and expunged.

-Significantly, I have recently been involved in a cluster of OP cases. This is very complicated. The core of these cases is that I protested the prudish, provincial attitudes of a cluster of neighbors by wearing colorful underwear I named my "Amicus Briefs" on the public street near my house, spurring four different neighbors to seek OPs against me based on a "stalking" theory. This resulted in numerous cases, as follows. (1) In 22OP2599, in Davidson County General Sessions, Chris Lance sought an OP against me, which was denied after a hearing. (2) The other three were granted in General Sessions then heard *de novo* in Davidson County Circuit Court as Case #s 22X886 (Brian Johnson), 22X889 (Kate Johnson), and 22X890 (Linda Lance). These were initially filed in 2022, litigated in 2023, and nominally granted in 2024. My position is that all of the orders issued in 2024 were *void ab initio* due to noncompliance with both constitutional protections and statutory requirements. 22X886 has expired, so that is a non-issue. Mrs. Lance sought an extension of 22X890 in 2025, but that was denied so that order has also expired. An extension was granted to Mrs. Johnson in 22X889, which is currently under review by the Court



of Appeals. It is noteworthy that Mrs. Johnson alleged that the OP had been violated, but the Circuit Court ruled that there had been no violation. (3) The appeal of the Extension, M2025-00198-COA-R3-CV, has been submitted on briefs and is awaiting decision. (4) I was criminally charged in 2025-A-423 for allegedly violating the OP in 22X890 (the same OP that the Circuit Court ruled had not been violated). That charge has been retired without costs, as it was already determined through litigation that no violation occurred and there are strong reasons to believe the OP was invalid. Perhaps oddly, but worth mentioning, Judge Cheryl Blackburn, whom I am applying to replace, presided over that retirement, which provided me with the opportunity to congratulate her on her own retirement.

It is also worth noting that this case cluster involves significant constitutional and structural issues about the nature of public streets and sidewalks, both definitionally and regarding the rights that pedestrians have while using those streets and sidewalks. The pending decision from the Court of Appeals has the potential to deeply inform a variety of future cases.

24. 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.

Not Applicable

25. 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, unless you count the Boy Scouts. I became an Eagle Scout in 2001.

### **ACHIEVEMENTS**

26. 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 Association of Criminal Defense Lawyers (TACDL), 2014-Present
- Inducted as a Life Member of TACDL in 2017
- TACDL Publications Committee 2017-2025
- TACDL Amicus Committee 2025-Present
- Tennessee Bar Association 2014-20
- Nashville Bar Association 2014-15 & 2018-19

27. 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.

Every year for roughly a decade, the Tennessee Supreme Court has named me an Attorney for Justice due to my pro bono work.

28. 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.

Aside from applying to the CCA in 2020, none.

### **ESSAYS/PERSONAL STATEMENTS**

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

Many local judges believe they simply don't have to follow the law. They know their word is final in nearly all cases, so they rule however they want and do their best to cobble together legal reasoning that would arguably support their decisions. They hide behind judicial immunity and the byzantine appellate process, imposing their version of morality rather than the law. For some judges, this is simply incompetence, as they lack the ability to understand complicated legal issues. In worst case scenarios, judges abuse their authority by using it to target those who have irked them. I have a special talent for ferreting out legal nuance, combined with a deep respect for the law—especially constitutional principles. These traits make me particularly fit for the judiciary. Providing consistent, diligent, and lawful rulings as Criminal Court Judge is the best and most impactful way that I could serve Davidson County.

30. Describe the judgeship you seek (i.e. geographic area, types of cases, number of judges, etc. and explain how your selection would impact the court. *(150 words or less)*

I am seeking appointment to the Criminal Court of Davidson County, in the 20<sup>th</sup> Judicial District, in Nashville. I would be working in an individual capacity assigned to a specific courtroom, doing 100% criminal law. My commitments would be to fairness, transparency, and upholding the rule of law. One impact I hope to have is creating respect for the jurisdictional boundaries of Criminal Court. The appellate caselaw is clear that bindover from General Sessions only gives Criminal Court jurisdiction over bond; an indictment or information is required for Criminal Court to receive plenary jurisdiction. As it stands, the Court Clerks send all motions after bindover to Criminal Court, even those for which General Sessions retains jurisdiction. This is illegal and significantly impacts rights, especially given that it is taking approximately 6 to 9 months for bound-over cases to be indicted. As Judge, I would respect the limits of judicial authority.

31. 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. I am a strong supporter of forming beliefs based on reasons. One manifestation of that is trust in evidence-based conclusions, especially those produced by following the scientific method. Accordingly, my wife and I have vaccinated our children as recommended by their pediatrician. We regularly get flu shots and got the COVID-19 vaccine as soon as it was available after being proven safe and effective. Nonetheless, I was once appointed to represent an anti-vax mother whose child was in DCS custody and who wanted to keep her child from being vaccinated. As a tireless advocate for children's welfare, I vehemently disagree with this decision. Moreover, I strongly oppose the TN law allowing parents to refuse to vaccinate their children on religious grounds: I believe vaccinations should be mandatory for every child unless medically contraindicated. In the case at hand, however, my client's position was that her religion opposed abortion and vaccines are made from aborted fetuses, so she had a religious objection to vaccination. Despite both my personal distaste for this particular piece of advocacy and the fact that vaccines are not actually made from aborted fetuses, I obtained an order from a Magistrate prohibiting DCS from vaccinating my client's child. My obligation was to the client and her wishes, not to the child or what I want the law to be. As a judge, similarly, I would respect the law as required by Tennessee and United States jurisprudence.

### REFERENCES

32. 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. Juvenile Court Judge Sheila Calloway, (615) 862-8000

B. Juvenile Court Magistrate Mike O'Neil, [REDACTED]
C. Juvenile Court Magistrate Elijah Wilhoite, [REDACTED]
D. Chris Marsh, Capital One Executive [REDACTED]
E. Wife, Amy Faeder, [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] Criminal Court of Davidson 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: JUNE 25th, 2025.

  
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Signature

When completed, return this questionnaire to John Jefferson at the 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.

DUSTIN FAEDER

Type or Print Name



Signature

6/25/25

Date

032581

BPR #

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