

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

1/17/23

Name: Shawn C. Fry

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(including county)

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Cookeville, TN 38501 Putnam 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. 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.

Fry, Fry, Knight & Looper, Attorneys at Law

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

1996 TN BPR# 017988

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.

1996 Tennessee

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).

July 1994 – July 1996: I interned with the District Attorney’s Office, 13th Judicial District, where I was able to participate in thirteen (13) jury trials and over one hundred (100) preliminary hearings under the supervision of an Assistant District Attorney.

August 1996 – September 1998: I was hired as an Assistant District Attorney in the 13th Judicial District, the same District Attorney’s Office where I had interned for two (2) years.

September 1998 to Present: In September 1998, I left the District Attorney’s Office in good standing and opened Qualls and Fry with my former law partner, Steve Qualls. Steve and I practiced together for sixteen (16) years until he was elected as the Putnam County General Sessions Judge in 2014. Our office name has changed a few times since 2014 with the addition or departure of attorneys. Attorneys Brett Knight and Bo Murphy both joined our office in 2015. Mr. Murphy departed in March 2018 when he joined the U.S. Air Force as a JAG officer. Later

in 2018, Attorney Dana Looper joined our practice and we now operate under the name of Fry, Fry, Knight & Looper. My most important partner, in law as well as in life, is my wife, Dawn Fry, who has been practicing with me for the past 24 years.

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.

90% of my practice is in Criminal Law, both in General Sessions Court and Criminal Circuit Court. The remaining 10% of my practice is in various civil cases. I am the City Attorney for the City of Baxter and have represented Cookeville Boat Dock Utility District for the past 25 years. I have also served as the City Judge for Monterey since 2017.

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.

In the beginning of my career as an Assistant District Attorney, I was one of two attorneys assigned to the SAV Program (Skills to Avoid Violence) whose primary responsibility was the prosecution of domestic violence and child sex abuse cases. I was also assigned as the sole prosecutor in the General Sessions Court of Putnam County in front of Judge John Hudson whom I have listed as a reference. I handled everything from A misdemeanors to A felonies in both General Sessions and Criminal Court.

I left the District Attorney's office on good terms in order to start my own private practice firm with Steven Qualls (now General Sessions Judge Steven Qualls) whom I went to law school with, and we started the firm of Qualls & Fry. Coming from the DA's office, on my first day in private practice I did not have a single client. For the first ten years of my practice, I handled many different types of cases: criminal defense, personal injury, divorces, orders of protection, property line disputes, various other domestic related cases and even a couple of workers' comp cases. We also had a heavy real estate practice handling real estate closings for various banks and financial institutions. After a few years of practicing, we became Qualls, Fry and Dunaway when we added Dawn Fry, my wife, and Bryant Dunaway (now District Attorney General Bryant Dunaway).

Over the last fifteen (15) years, my practice has been focused on criminal defense, but I also handle the occasional civil case.

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

Two (2) separate times in my career, I have tried two (2) jury trials within the same day.

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

For more than ten (10) years, as part of the Business Law Class at Tennessee Tech University, I have taught the criminal law portion of their syllabus to more than eighty (80) students each semester.

In 1996, I helped create, with Judge John Hudson's assistance, the first written plea form that was used in Putnam County General Sessions Court that was utilized from 1996-2022. In 2022, I created a new Plea Form and Judgement Form, with new Putnam County General Sessions Judge Steven Randolph, that is now being used and has been very successful streamlining the process of entering pleas in General Sessions Court.

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

N/A

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.

1987-1991 Tennessee Technological University – Bachelor of Science in Business Administration

1992-1996 Nashville School of Law – Doctorate of Jurisprudence

PERSONAL INFORMATION

12. State your date of birth.

1968

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

53 years

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

53 years

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

Putnam

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.

None

20. Has a tax lien or other collection procedure been instituted against you by federal, state, or

local authorities or creditors within the last five (5) years? If so, give details.

No

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

No

22. Have you ever been a party in any legal proceedings (including divorces, domestic proceedings, and other types of proceedings)? If so, give details including the date, court and docket number and disposition. Provide a brief description of the case. This question does not seek, and you may exclude from your response, any matter where you were involved only as a nominal party, such as if you were the trustee under a deed of trust in a foreclosure proceeding.

No

23. List all organizations other than professional associations to which you have belonged within the last five (5) years, including civic, charitable, religious, educational, social and fraternal organizations. Give the titles and dates of any offices which you have held in such organizations.

I have attended the River Community Church for fifteen (15) years. I have also been involved with Rising Above Ministries since its creation in 2005.

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 for over 20 years

Tennessee Association of Criminal Defense Lawyers for approximately 20 years

Putnam County Bar Association for 27 years. I have served several terms as the Putnam County Bar President.

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 am a graduate of The Career Prosecutor Course in Houston, Texas. This is a two week training course specifically for prosecutors across the country.

In 2011, I was awarded "The Team Before Self Award" by the Putnam County Bar Association for my community service.

In 2022, our office was named First Place Law Firm in the Herald-Citizen's 2022 Reader's Choice Awards.

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 Republican candidate for the elected position of District Attorney General in the 13th District in 2014.

I am currently the City Judge in Monterey. It is an appointed position which I have held since being appointed by the Mayor of Monterey in 2017.

ESSAYS/PERSONAL STATEMENTS

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

I truly believe this Criminal Court III Judgeship was created at the perfect time in my life. Dawn and I will celebrate our 30th Anniversary this summer, and I've been practicing law now for 27

years. Our twins will turn twenty-one (21) years old in July. This fall, Sydney will begin her final year at UT Knoxville and our son, Austin, who has Autism, will begin his final year of the Independence Program.

As a prosecutor, I've argued many times that someone should go to prison. In private practice, I've argued and sought alternatives to my clients going to prison. I've represented first time offenders, multiple offenders, those with mental health issues and those with addiction issues. I've successfully worked to get clients into treatment as an alternative to jail time. I've successfully applied clients to Drug and Veterans Court treatment programs, as well as private programs like Teen Challenge. As judge, I would seek to work with as many alternative treatment programs as possible to help break the cycle of repeat offenders who struggle with addiction crimes.

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)*

This new Criminal Court III Judgeship serves the seven counties of Clay, Pickett, Overton, Putnam, Cumberland, DeKalb and White. Judge Gary McKenzie, Criminal Court I handles criminal cases and Judge Wesley Bray, Criminal Court II, presides over criminal cases and occasionally some civil cases to help Chancellor Ron Thurman and Circuit Judges Will Ridley and Caroline Knight.

I've practiced extensively in front of Judge McKenzie and Judge Bray. They've known me well both inside and outside of the courtroom for over 20 years. With seven (7) counties in this district, the largest in the state as to the number of counties, it's imperative that the three (3) Criminal Court Judges work together with court dates and trial schedules to ensure that the system works smoothly. With twenty-seven (27) years experience both prosecuting and defending criminal cases, I know the system well and I would bring a unique perspective to the position.

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)*

There is no question that I would uphold the law even if I disagreed with the substance of the law. Many times, in private practice, I argue for the constitutional rights of clients whom I know have violated the law. By arguing for the enforcement of these constitutional rights, it sometimes results in the exclusion of evidence which then results in charges being dismissed. I must set aside my personal feelings as to their unlawful actions and argue for the dismissal of their charges when evidence has been collected in violation of their constitutional rights.

As a former prosecutor, I had to examine the evidence and the facts as to the charges to determine an appropriate offer that equaled justice based on those facts. Sometimes the evidence would be

weak and although I was confident as to someone's guilt, the facts were just not enough to go forward in those cases, and I would have to dismiss those cases. When the facts were strong, especially in serious felony cases, I had no problem arguing that someone should have to go to prison for their actions.

As a Judge, one must set aside any preconceived notions and focus on the facts and the law as it applies to those facts. As a former prosecutor and private practice attorney, I have been on both sides and have always argued for enforcement of the law. I believe that this experience qualifies me perfectly for this new Criminal Court III Judgeship.

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. Judge Gary McKenzie, 13th District Criminal Court Judge, Part I, cell phone [REDACTED]
office address [REDACTED] Cookeville, TN 38501, office phone [REDACTED]
[REDACTED]

B. Judge Wesley Bray, 13th District Criminal Court Judge, Part II, cell phone [REDACTED]
office address [REDACTED] Cookeville, TN 38501, office phone [REDACTED]
[REDACTED]

C. Judge Steven Qualls, Putnam County General Sessions Judge, cell phone [REDACTED]
office address [REDACTED] Cookeville, TN 38501, office phone [REDACTED]
[REDACTED]

D. Becky Davidson, President of Rising Above Ministries, cell phone [REDACTED] home
address [REDACTED] Cookeville, TN 38506

E. Nancy Knowlton, formerly the Executive Director of the Cookeville Pregnancy Center and
current Community Relations Manager at Hope Center Adoption & Family Services, cell phone
[REDACTED] home address [REDACTED] Cookeville, TN 38506

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 III 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 2, 2023.



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.

Shawn C Fry

Type or Print Name

Shawn C Fry

Signature

June 2, 2023

Date

017988

BPR #

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

N/A