# **Tennessee Trial Court Vacancy Commission**

# Application for Nomination to Judicial Office

1/17/23

Name: David Henry Veile

Office Address: 509 New Highway 96 West, Suite 201

(including county)

Franklin, Williamson County, Tennessee 37064

Office Phone: <u>615-550-2800</u> Facsimile: <u>615-550-2807</u>

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Home Address: (including county)

Williamson County, Tennessee 37064

Home Phone: Cellular Phone:

# <u>INTRODUCTION</u>

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.

Attorney and Member of Schell & Oglesby, LLC

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

2004; BPR No. 023941

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 (BPR No. 023941; admitted October 21, 2004; license is currently active)

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).

Attorney (member) with Schell and Oglesby, LLC – April 2012 through present

Attorney (associate) with Lowery, Lowey & Cherry, PLLC – February 2008 through April 2012

Attorney (associate) with Rochelle, McCulloch & Aulds, PLLC – February 2005 through February 2008

Police Officer and Sergeant, Metropolitan Nashville Police Department – February 1998 through February 2005

American Cellular, Inc. (sales) – April 1996 through February 1998

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 am in private practice as a member of a firm consisting of five members, one associate, and one attorney of counsel based in Franklin, Tennessee. My practice currently consists of the following areas of law:

Criminal defense: 95%

General civil litigation (personal injury, family law, business litigation, probate): 5%

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 have enjoyed an extremely diverse practice, appearing before more than one hundred (100) judges in at least thirty-one (31) counties across this state regarding both criminal and civil matters. During my practice, I have represented many hundreds of clients in various municipal, general sessions, circuit, criminal, and chancery courts, as well as before the Court of Criminal Appeals, the Court of Appeals, the Tennessee Supreme Court, and the United States District Court for Middle Tennessee.

When I was first licensed, I was a sergeant with the Metropolitan Nashville Police Department, where I served as a patrol officer and subsequently as Law Instructor at the Metropolitan Nashville Police Department Training Academy. As a police officer in a major metropolitan area, I lived and breathed criminal law. As Law Instructor, I provided legal instruction to new recruits and existing officers in the areas of constitutional law, statutory law, criminal procedure, and legal issues involving the use of force.

When I left the police department to enter private practice in 2005, my practice initially consisted primarily of civil litigation. I represented plaintiffs and defendants in a variety of civil matters, including construction litigation, personal injury, breach of contract, condemnation of real property by public authorities, land use/zoning appeals, civil rights lawsuits (on behalf of plaintiffs and defendants), and probate matters. I have tried civil cases (jury and non-jury) in circuit and chancery courts, as well as numerous hearings and trials in general sessions courts.

I have represented clients on direct appeal (including brief and oral argument) in civil matters before the Court of Appeals, in criminal matters before the Court of Criminal Appeals, and civil and criminal matters before the Tennessee Supreme Court.

I have also represented clients before boards of zoning appeals and in disciplinary hearings/appeals before the Metropolitan Nashville Police Department Disciplinary Board, the Metropolitan Nashville Civil Service Commission, and the City of Lebanon.

As my legal career progressed, my practice shifted to criminal law. In the criminal arena, I initially prosecuted defendants during an internship with the 20th Judicial District Attorney's

Office (while serving as a Metropolitan Nashville Police Officer), and later as a special prosecutor in the municipal courts of Mt. Juliet and Lebanon. Over the course of my practice as a criminal defense attorney, I have represented individuals accused of crimes ranging from a speeding ticket to first degree murder. I have argued countless motions regarding search and seizure and the admissibility of evidence and tried criminal cases (jury and non-jury) in circuit/criminal courts, as well as bench trials and countless other hearings in general sessions courts. I have represented numerous clients on direct appeal (including brief and oral argument) before the Court of Criminal Appeals involving conviction, sentencing, and post-conviction relief. I have likewise appeared before the Tennessee Supreme Court in a criminal appeal.

In addition to the areas listed above, my practice has included domestic relations law, where I represented clients in matters involving divorce, post-divorce disputes, child custody, paternity matters, grandparent visitation, orders of protection, and contempt proceedings in circuit, chancery, juvenile, and general sessions courts.

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

I represented a funeral home in an appeal from a local board of zoning appeals to chancery court and ultimately to the Court of Appeals, where as a matter of first impression, the appellate court affirmed my client's position that a crematory is a lawful expansion of a funeral home's business, and permitted the funeral home to build a crematory on site. *See BMC Enterprises, Inc., v. City of Mt. Juliet*, 273 S.W.3d 619 (Tenn.Ct.App., 2008) *perm. app. denied* (Tenn. Oct. 27, 2008).

I represented a client before the Tennessee Supreme Court in the appeal of the denial of parole, in which the Tennessee Supreme Court held (in a split decision with two separate dissenting opinions) that the statute providing that a court clerk could not accept a filing from an inmate with outstanding court costs did not deny equal protection or due process. *See Hughes v. Tennessee Board of Probation and Parole*, 514 S.W.3d 707 (Tenn. 2017).

I represented a client before the Tennessee Supreme Court in an appeal involving the failure of an officer to provide a copy of the search warrant to the defendant at the time of the search warrant's execution. The Court affirmed that the Exclusionary Rule Reform Act was unconstitutional and expanded the good faith exception to the exclusion of evidence to include innocent technical violations of Rule 41 of the Tennessee Rules of Criminal Procedure. *See State v. Daniel*, 552 S.W.3d 832 (Tenn. 2018).

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

During law school, I was employed full-time as a police officer with the Metropolitan Nashville Police Department. In this capacity, I was ultimately assigned to teach criminal and

constitutional law to police recruits in the police academy (consisting of approximately 120 hours of instruction per academy session) and to all existing officers during mandatory annual training. I was certified as a Police Instructor by the Tennessee Peace Officer Standards and Training Commission in the specialized area of Criminal Law. Additionally, I conducted legal research for the members of the police department and assisted with drafting complicated search warrants and in preparing cases from the Police Department for presentation to the grand jury.

I have been listed as a Rule 31 General Civil and Family Mediator since 2019.

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

On September 21, 2011, I submitted an application to the Tennessee Judicial Nominating Commission for the vacant position of Circuit Court Judge, Division III, for the 21st Judicial District. The Judicial Nomination Commission considered my application on October 20, 2011, and I was honored to have my name submitted to the Governor as a nominee.

On August 24, 2014, I submitted an application to the Governor's Commission for Judicial Appointments for the vacant position of Circuit Court Judge, Division IV, for the 21st Judicial District. The Commission for Judicial Appointments considered my application on September 30, 2014, and I was again honored to have my name submitted to the Governor as a nominee.

On October 5, 2020, I submitted an application to the Governor's Council for Judicial Appointments for the vacant position of Judge, Middle Division, for the Court of Criminal Appeals. The Council for Judicial Appointments considered my application on October 26 and 27, 2020, and I was again honored to have my name 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.

# College:

University of Memphis – August, 1994 through December, 1995.

- Received the Cecil C. Humphreys Presidential Scholarship
- I left the University of Memphis due to a family emergency when my fiancée was critically injured in an automobile accident, and I returned to Nashville to assist with her care and extended recovery.

Middle Tennessee State University – August 1996 through August 1998.

- Degree Bachelor of Arts
- Major Foreign Language (Spanish); Minor Political Science
- Graduated cum laude

#### Law School:

Nashville School of Law – August 2000 through June 2004.

- Degree Doctor of Jurisprudence
- Ranked third in graduating class
- Inducted into the Honorable Society of Cooper's Inn
- Awarded the Candace Ripp Memorial Scholarship
- Awarded the Joe P. Binkley, Sr., Scholarship
- Awarded the Tulley Award

# **PERSONAL INFORMATION**

12. State your date of birth.

Age: 47 Date of Birth: 1976

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

47 years. (Tennessee has always been my home.)

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

16 years.

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

Williamson County.

16. Describe your military service, if applicable, including branch of service, dates of active duty, rank at separation, and decorations, honors, or achievements. Please also state whether you received an honorable discharge and, if not, describe why not.

Not applicable.		
17.	Have you ever pled guilty or been convicted or are now on diversion for violation of any law, regulation or ordinance other than minor traffic offenses? If so, state the approximate date, charge and disposition of the case.	
No.		
18.	To your knowledge, are you now under federal, state or local investigation for possible violation of a criminal statute or disciplinary rule? If so, give details.	
No.		
19.	Please identify the number of formal complaints you have responded to that were filed against you with any supervisory authority, including but not limited to a court, a board of professional responsibility, or a board of judicial conduct, alleging any breach of ethics or unprofessional conduct by you. Please provide any relevant details on any such complaint if the complaint was not dismissed by the court or board receiving the complaint. You may wish to request a report from the appropriate supervisory authority (or authorities) for a complete history.	
None	e.	
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.

# **Tennessee Commission on Continuing Legal Education**

- Chair, January 2022 through present
- Vice Chair, January 2021 through December 2021
- Secretary, January 2020 through December 2020
- Commissioner, appointed by the Tennessee Supreme Court to serve from January 2019 through December 2021, and reappointed to serve from January 2022 through December 2024

#### **Tennessee Criminal Justice Investment Task Force**

- Appointed by the Governor's Office to serve on the Violent Crime Task Force, June 2019 through August 2020

#### **Governor's Criminal Justice Review Subcommittee**

- Appointed by the Governor's Office, July 2020 through August 2020

#### **Integrated Criminal Justice Steering Committee**

- Member, 2018 to Present

#### 21st Judicial District Recovery Court

- Vice President, 2019 to July 2023
- Board of Directors, 2017 to July 2023

#### Redemption City Church, Franklin, Tennessee

- Served on Children's Ministry Team
- Served on Finance Team
- Served on Location Team

#### Nashville Youth Hockey League, Inc.

- Board of Directors, March 2022 through present
- Secretary, July 2022 through present

#### St. Paul's Episcopal Church, Franklin, Tennessee

- Member

- 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.

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** – Member, 2005 to Present.

#### **Board of Governors**

- Board Member representative from Young Lawyers Division, June 2011 to June 2013
- Elected to serve as Middle Tennessee Grand Division Governor, Position 2, from June 2014 to June 2017
- Elected to serve as District 6 Governor, June 2018 to Present
  - Responsible for governing the activities of, administering the business of, and acting for the Tennessee Bar Association in all matters, subject to the direction of the membership and the provisions of the Charter and Bylaws

#### **Executive Committee**

- Member, June 2014 to June 2017 and June 2019 to Present
  - Responsible for exercising the powers and duties of the Board of Governors when the Board is not in session

#### **Operations Committee**

- Chair, June 2019 to June 2020
  - Responsible for making recommendations to the Board of Governors on important operational details of the association, including election procedures, personnel, and administrative policy, and for overseeing the staff evaluation process

# **Membership Committee**

- Chair, June 2020 to Present
  - Responsible for developing membership programs and for reviewing and making recommendations regarding member benefits

#### **Criminal Justice Section**

- Chair, June 2015 to June 2016
- Vice Chair, June 2014 to 2015
- Executive Committee, 2013 to Present
  - Responsible for supervising and directing the affairs and policies of the section, with the purpose of facilitating better working relationships and communications between judges, prosecuting attorneys, private counsel, and public defenders, and to enhance and increase the professional skill of section members

# **Mentoring Committee**

- Co-Chair, June 2014 to June 2015
- Coordinator, Solo In a Box Program, June 2013 through 2014
  - Responsible for the development of a comprehensive, user-friendly guide to assist new lawyers with establishing and improving a law firm

# **Leadership Law Program** – Graduate, Class of 2012

# **Young Lawyers Division**

- President, June 2012 to June 2013
- President-Elect, June 2011 to June 2012
- Vice President, June 2010 to June 2011
- District 8 Representative, June 2006 to June 2010
- Executive Committee, June 2010 to June 2014
- Chair, Long Range Planning Committee, June 2010 to June 2011
- Chair, Wills for Heroes Committee, June 2009 to June 2011
  - Responsible for assisting with the coordination of 23 Wills for Heroes events across the state, during which 365 volunteer attorneys assisted 830 first responders and spouses with estate planning documents

#### **Tennessee Bar Association Young Lawyers Division Fellows**

- Inducted as Fellow, June 2014
- Liaison between the TBA YLD Fellows and the Young Lawyers Division, June 2014 to June 2015

# Williamson County Bar Association

- President, July 2019 to July 2020
  - Responsible for the coordination of monthly "lunch and learn" CLE seminars
- Vice President, July 2018 to July 2019
- Treasurer, July 2017 to July 2018
- Secretary, July 2016 to July 2017
- Member, April 2012 to Present

#### **American Bar Foundation** – Inducted as Fellow, March 2013

#### **American Bar Association**

- Member, May 2010 to July 2015
- Graduate, 2013 national ABA TIPS Leadership Academy
- Coordinator, 2013 ABA TIPS class service project
- Vice Chair, Tort Trial Insurance Practice Government Law Committee, August 2013 to July 2015
- Vice Chair, Tort Trial Insurance Practice Law in Public Service Committee, August 2013 to July 2014
- Vice Chair, Tort Trial Insurance Practice Business Law Committee, August 2013 to July 2015
- Vice Chair, Tort Trial Insurance Practice Trial Techniques Committee, August 2013 to 2014

**John Marshall American Inn of Court** – Barrister, August 2012 to Present

#### **Tennessee Association of Criminal Defense Lawyers**

- Member, 2008 to Present
- Board of Directors, August 2015 to August 2018

National Association of Criminal Defense Lawyers – Member, 2019 to Present

National College for DUI Defense – Member, 2015 to Present

### Legal Aid Society of Middle Tennessee and the Cumberlands

- 2016 Williamson County Campaign Chair
- 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.

Rated as AV® Preeminent<sup>TM</sup> in Criminal Law, General Practice, and Business Law by fellow attorneys and judges through Martindale-Hubbell®, which is the highest possible rating for legal ability and ethical standards

Recognized by Super Lawyers® as follows:

- Mid-South Super Lawyers, 2017 through 2022
- Mid-South Rising Stars, 2014 through 2016

Recognized by U.S. News and World Reports Best Lawyers®, in the areas of Criminal Defense and Family Law, 2022 and 2023

Received the 2009-2010 President's Distinguished Service Award from the Tennessee Bar Association Young Lawyers Division, June 4, 2010

Received the President's Special Recognition Award from the Tennessee Bar Association Young Lawyers Division, June 17, 2011

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.

On December 6, 2011, I filed a petition as candidate for Circuit Court Judge, Division III, for the Twenty-First Judicial District of Tennessee, while I and two other nominees for appointment to that judgeship were pending before the Governor for possible appointment. I withdrew my petition on December 14, 2011, when another nominee was appointed to that judgeship by the Governor.

## ESSAYS/PERSONAL STATEMENTS

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

I enjoy the intricate puzzle of constitutional, statutory, and procedural issues involved in the practice of law. A judge must engage in the cautious balancing act necessary to protect society from lawlessness while ensuring that our individual liberties are safeguarded. I enjoy considering the facts of a case, identifying the issues, and deducing how the law applies to those facts. As an attorney, my duty is to advocate for the interests of my clients. A judge is a public servant uniquely charged with the responsibility of fairly applying the laws that govern us. I want to serve as an impartial advocate not for any one position, but for justice and the rule of law. I believe that my diverse experience in both criminal and civil law will allow me to view all sides of an issue impartially and make a decision based solely upon the law.

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

I seek appointment to the 21<sup>st</sup> Judicial District Circuit Court, Division III, which has jurisdiction in Williamson County. The Court is comprised of four judges who also sit as chancellor when holding Chancery Court. The Court is divided into four divisions, with each judge hearing criminal, civil, and domestic matters. It is vital to have a judge with diverse experience in both civil and criminal courtrooms, and my experience simultaneously handling criminal, civil, and domestic matters would be beneficial to this Court.

I have represented clients from every socio-economic background, and I believe that I have the ability to ensure that every party has access to justice and an equal opportunity to present their case, regardless of whether they retain a partner at a multinational firm, a small-town lawyer, or they appear *pro se*.

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)

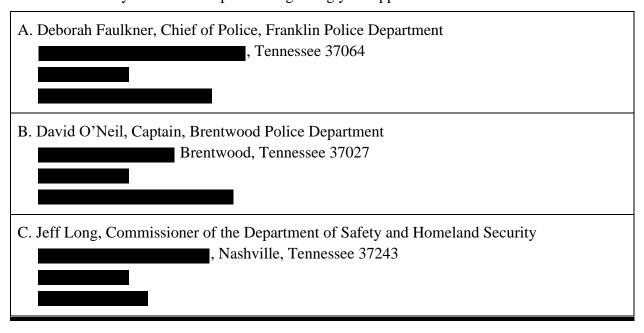
Yes. The governmental checks and balances established through the three co-equal branches of government dictate that as a judge, I must uphold the law established by the legislature even if I disagree with the substance of the law. Personal feelings, disagreement, or prejudices cannot be allowed to sway a judge from applying the law as enacted by the legislature.

As a criminal defense attorney who was formerly a police officer, I have had countless occasions wherein I have forced myself to set aside personal feelings in order to fulfill my duties to my client.

As a specific example, I recall sitting as a special judge for the Municipal Court of Mt. Juliet. A gentleman who possessed a commercial driver license (CDL) was charged with speeding while off work in his personal vehicle. Under federal law, he was ineligible to attend traffic school in lieu of a conviction because he had a CDL. I personally disagreed with the substance of this law as applied to this case, as it prevented this gentleman from benefiting from a program designed to improve driver skills simply because he had a CDL. However, the law on the matter was clear, and I did my duty as a judge based upon the law without regard to my personal opinion.

# **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.



D. Tim Richards, Founder/President, Let It Shine Gymnastics, Franklin, Tennessee 37067			
E. Honorable Timothy Easter, Judge, Court of Criminal Appeals			
, Nashville, Tennessee 37219			

# <u>AFFIRMATION CONCERNING APPLICATION</u>

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 <u>Judge of the Circuit Court, Division Three, of the Twenty-First Judicial District</u> 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 24, 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.

David Henry Veile	issued you a license, including the state issuing
Type or Print Name	the license and the license number.
	Not applicable
Signature	
July 24, 2023	
Date	
023941	_
BPR#	

Please identify other licensing boards that have