

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

1/17/23

Name: DEREK RAY HOWARD

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(including county)

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Home Address: [REDACTED] Arrington, Tennessee 37014 Rutherford County
(including 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.

Self-employed as sole practitioner in Rutherford County, Tennessee since October 2004.

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

Licensed in 2004

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# 023696

4. Have you ever been denied admission to, suspended or placed on inactive status by the Bar of any State? If so, explain. (This applies even if the denial was temporary).

NO

5. List your professional or business employment/experience since the completion of your legal education. Also include here a description of any occupation, business, or profession other than the practice of law in which you have ever been engaged (excluding military service, which is covered by a separate question).

I opened my own law office in October 2004 in Murfreesboro and have primarily focused on practicing criminal defense and divorce since that time. Current owner of a building on the historic square in Murfreesboro which leases to other attorneys in the area.

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.

Criminal Law practice is approximately 60% of my business with Domestic/Divorce Law making up the other 40% of my practice. I have handled every type of criminal matter from DUI cases to Murder trials in the last 19 years.

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 represented clients ranging from DUI and Drugs to Assault, Murder and Rape through General Sessions Court to the Court of Criminal Appeals. Additionally, my divorce practice has ranged from simple divorce to complex divorces dealing with multiple businesses and streams of income. Included in that practice I have represented clients on Custodial issues and trials along with visitation modifications.

I have sat as Special Judge in the General Sessions courts of Rutherford County, Tennessee on numerous occasions in the last 19 years.

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

I have handled Rape Jury Trials, Murder Jury Trials, Drug Jury Trials and Divorce Bench Trials dealing with Custody, Spousal Support, Relocation, Distribution of Assets, Father's Rights, and Modifications of divorce decrees. I have in several of the Murder/Rape trials followed those matters to the Court of Criminal Appeals by drafting and arguing the Motions for New Trial and Post-Conviction Relief.

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

I worked as Paralegal/Investigator with the State of Tennessee Attorney General's Office in Nashville from 2000 until I opened my practice in October 2004. This worked was extremely varied from working with the Consumer Protection/Advocate Division as well as Special Counsel, at the time, Steve Hart. I worked with the Tobacco Division during the negotiations and settlement of those actions and distribution of monies. Further, I was tasked with identifying and bringing actions against individuals and businesses in the State of Tennessee related to the price gouging that followed the September 11 attacks in 2001. In this position I worked with many different divisions of the Tennessee State government from Charitable Organizations, Consumer Protection Division, Tennessee Board of Law Examiners and the Governor's Office.

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

I applied to be appointed to General Sessions Judge vacancy in Rutherford County, Tennessee in August of 2017 I believe was the year.

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.

Northeast Mississippi Community College from August 1992 to May 1996. Associates Degree Criminal Justice. I had quit college after the first year to build bridges and did not return until 1995.

University of North Alabama August 1997 to May 1999. B.S. Political Science Degree. While at UNA I was a founding member of the UNA Mock Trial Team winning National Awards as Attorney and Witness in 1999.

Nashville School of Law August 2000 to May 2004 Doctor of Jurisprudence.

PERSONAL INFORMATION

12. State your date of birth.

1974

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

Except for College I have lived in Tennessee my entire life.

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

August 2003

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

Rutherford 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.

Convicted of DUI in Booneville, Mississippi in April 1993

18. To your knowledge, are you now under federal, state or local investigation for possible violation of a criminal statute or disciplinary rule? If so, give details.

NO

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

I have had one formal complaint since opening my practice in 2004 and this complaint occurred at the onset of the Covid shutdowns. The allegation was that I had not been working on behalf my client when I had appeared in court for that client on at least three occasions. The complaint was resolved with an informal reprimand because I did not have contract with the client.

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.

NOT APPLICABLE

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

NOT APPLICABLE

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.

NOT APPLICABLE

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.

Mt. Moriah Masonic Lodge

Savannah TN Masonic Lodge

Knights Templar Commandery Murfreesboro

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.

Masonic Lodge does not permit women members, however, Eastern Star which is also part of the Masonic Lodge Body is specifically for women.

The Masonic Lodges of the United States are one of the most charitable organizations in existence supporting LeBonheur Children's Hospital and other medical research across the

nation. At the expense of the Masonic Lodges of each state houses are owned and operated near major research hospitals for children where families can be housed and transported from the housing to the hospital where their children are being treated.

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.

Rutherford/Cannon County, Tennessee Bar Association since 2004

Andrew Jackson Inns of Court Rutherford County, Tennessee since 2007

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.

Mentor with the Nashville School of Law Rigorous Writing Program

Mentor of the year in 2022

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.

NOT APPLICABLE

ESSAYS/PERSONAL STATEMENTS

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

I am seeking this position because I believe that the Rutherford County Bench is one of the best in the State. For the last nineteen years I have built a successful practice in Rutherford County, Tennessee focusing primarily on Criminal and Domestic law. I have been goal oriented and task driven from an early age with the ability to set goals and work tirelessly to achieve those goals. I have built a successful trial practice since opening my office in 2004. Upon graduating from law school my objective was to try as many cases as possible in front of juries and judges of Rutherford County. The next natural evolution for me is to transition to Judge to continue my long standing commitment to the citizens of Rutherford County, Tennessee. I have a laid back demeanor and cannot be outworked by anyone.

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 am seeking appointment to the Circuit Court Judgeship in Rutherford and Cannon County, Tennessee. This position will oversee a variety of cases from Divorce to Medical Malpractice cases. Currently, there are six Circuit Court Judges in the judicial district. The vast majority of the cases handled by these positions are divorce or divorce related in some way. My selection to Court will bring 19 years of experience in divorce and family law with a mixture of various civil matters I have handled in my career. In the process of building a successful practice I have handled numerous divorce, custody, custody modification, relocation, spousal support and asset identification and distribution trials in the last nineteen years. Additionally, I have tried numerous murder, rape, assault, drug and DUI cases before juries of Rutherford County. My strong work ethic and experience make me an excellent choice for the Judgeship.

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. It is the duty of the presiding judge to uphold any duly enacted laws or rules of this State without regard for his/her personal opinion on that law. One current interest is a relatively new statute enacted wherein police officers are able to seize weapons of individuals they believe to be under the influence of alcohol or narcotics. This particular statute has recently come into play where a client was visiting friends at a party and walked out to speak with the friends. Officers approached and claimed to smell marijuana. They searched all four parties finding marijuana on two other individuals and guns in their vehicle. Police searched my clients' vehicle and found his legally owned handgun. Police seized that handgun and charged my client with Possession of a handgun while under the influence. There was absolutely no proof that my client had been smoking marijuana and one of the officer's testified that he had seen my client leave the house and walk over to the group just minutes before the officers made contact. Simply because my client had been in the area where the other individuals were smoking marijuana he was, his vehicle was searched and he was arrested for possession of handgun under the influence. This particular statute does not explain or detail what exactly is meant by "Under the Influence" leaving this subjective analysis to the individual officer. This statute requires no Field Sobriety Tests or bloodwork for an individual to be deemed "Under the Influence".

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. [REDACTED]
B. Adam Dread, Esq. [REDACTED] Attorney at Law
C. [REDACTED]
D. Derrick Maddox: Allstate Insurance Murfreesboro, TN [REDACTED]
E. Deryl Long: MTEMC Murfreesboro, TN [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] Derek Ray Howard 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 25, 2023.

[Handwritten Signature]
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.

DEREK RAY HOWARD
Type or Print Name

DKRH
Signature

July 25, 2023
Date

023696
BPR #

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