

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

1/17/23

Name: H. Daniel Forrester, III

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(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.

I currently am a solo practitioner. My office is located in Anderson County, Tennessee (Law Office of H. Daniel Forrester, 224 North Main Street, Clinton, Anderson County, Tennessee 37716). I primarily handle cases in Anderson County courts, including Chancery, General Sessions, Juvenile and Circuit/Criminal Court. I also handle cases in other counties, including but not limited to Knox, Roane, Morgan, Campbell, Claiborne, Union, and Scott County.

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

2005, BPR # 024428

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 # 024428, 2005, 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).

Legal Experience since Graduation from Law School:

June 2005-January 2006 District Attorney General's Office: While waiting for my bar exam and the results of the exam, I worked as a clerk for the Tennessee District Attorney General's Office for the 7th Judicial District (Anderson County) which was then headed by Jim Ramsey. I performed research and drafted memorandums on various criminal issues as identified and requested by the prosecutors and law enforcement.

January 2006-February 2007- Ridenour & Ridenour Law Firm: I worked as an associate for

Ridenour & Ridenour after passing the bar exam. Here I worked on various general civil litigation, criminal cases, and domestic relations matters. This ranged from involvement with cases involving Family Medical Leave Act (FMLA), personal injury cases, divorces, custody matters, juvenile court matters, and criminal matters.

February 2007-June 2007 – I briefly shared office space with another attorney and handled primarily domestic relations matters, criminal, and juvenile matters.

June 2007 – December 2009 – Fox and Farley Law Firm: Here I worked under Michael Farley as an associate. The office handled various types of civil cases and personal injury cases. I primarily focused on divorce, custody, juvenile, criminal matters, and adoption/termination cases.

December 2009-Present – Law Office of H. Daniel Forrester – After working at Fox and Farley, I started my own practice and am still at that same location today. I operate a general practice and try to meet the legal needs of the community. My practice primarily focuses on divorce, custody, juvenile, termination/adoptions, and criminal matters. I also handle conservatorship matters, various estate matters, personal injury, breach of contract cases, and detainer warrants. I also prepare wills, deeds, and powers of attorney for clients. I associated with Sal Varsalona and attorney Elizabeth Burrell from 2016 until 2020. However, we remained separate in practice and simply shared office space for a period of time.

Other Occupational Experience:

Pre 2002 – At about age fourteen (14), I worked various odd jobs including mowing yards around the neighborhood. At sixteen (16), I worked at a grocery store, the LaFollette Country Club, and at times McDonald's. During undergraduate school I worked various jobs from McDonald's, as a dishwasher at Grady's Restaurant, to a server at Olive Garden.

Fall 2003 - I worked as a intern for the Duvall County Public Defender's Office in Jacksonville, Florida while attending Law School. This involved attending Criminal Court, meeting with clients, and handling motions and appearances under the supervision of a licensed attorney.

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.

The majority of my law practice is in domestic relations. I frequently handle divorce matters, custody matters, and juvenile matters. This consists of divorces, both contested and uncontested, and various issues such as division of property and alimony. I also handle a very high amount of custody cases that consist of modifications of current custody orders/permanent parenting plans, Petitions to Establish Paternity and to Set Coparenting, and Dependency and Neglect Cases. In addition to the above matters, I also handle adoption cases and termination of parental rights cases. I would estimate the combined cases above account for about sixty-five (65) percent of my practice.

The other estimated twenty-five (25) percent of my practice is criminal defense. This involves representing clients at the sessions level of court charged with various misdemeanor and felonies as well as in Criminal Court.

I handle orders of protection, representing both petitioners and respondents either seeking to obtain, or defend against an order of protection.

I also handle conservatorships. I have represented parties as petitioners, other related parties, and have often served as a guardian *ad litem* on various conservatorships. This accounts for about five to ten (5-10) percent of my practice.

I also handle some various civil matters, such as personal injury cases, detainer warrants, and other various types of suits such as breach of contract cases, estates, and some matters involving real property. This would account for the remaining five to ten (5-10) percent of my practice.

Lastly, I am a Rule 31 Mediator, and conduct mediations every month for attorneys and their client involving custody and divorce matters. I did not include mediations conducted in the above percentages, but have conducted well over one-hundred (100) mediations since being certified as a Rule 31 Mediator in 2018.

For reference I opened 225 new files in 2022.

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 been in general civil/criminal practice for my entire career since November 2005. The majority of my practice has consisted of domestic relations cases. During this time, I have practiced in various juvenile, general sessions, chancery, circuit and criminal courts in Anderson, Campbell, Union, Scott, Knox, Morgan, Roane, and other counties in the area. I have primarily practiced in chancery courts. This involves handling irreconcilable difference divorces (uncontested), contested divorces, custody matters, including matters that involved emergency proceedings. All of the above consists of typically taking cases from the initial intake of the

client, filing pleadings, conducting discovery, handling various motions, and when necessary having a trial to conclude the matter. I have also handled numerous termination of parental rights cases/adoptions in the chancery court and juvenile court, and have served as guardian *ad litem* on those cases as well.

I have been fortunate to have the opportunity to appear before various Chancellors, Circuit, and Criminal Court Judges and have been able to learn from observing and appearing before various judges throughout the area.

In addition, I have also handled numerous criminal cases ranging from various misdemeanors to felonies. This also consists of cases that typically begin in sessions court, and representing those clients until criminal court and the case is concluded. This consists of the initial intake, sessions court, preliminary hearings, to formal discovery in criminal court, handling various discovery or suppression motions, and if needed, a jury trial. I have conducted misdemeanor and felony trials.

I have also represented clients in conservatorship actions, and probate/estate matters as well in chancery court.

I am a Rule 31 mediator. I mediate custody and divorce cases for attorneys and their clients in Anderson, Knox, and other surrounding counties.

I have represented clients on appeal on divorce matters, and on termination of parental rights cases. This involved handling the appeal from filing the notice of appeal, ensuring the record is complete on appeal, and preparing the appropriate motions and appellate briefs for the appeal. I have also argued before the Tennessee Court of Appeals.

I have had a handful of cases over the years make it to federal court, but this is not a usual part of my practice.

I have appeared before the social security office for disability hearings but have not done so in some time.

During the course of my practice, I would estimate that I have handled over 1000 custody/divorce matters. I have also conducted well over 100 mediations since becoming a Rule 31 Mediator in 2018.

The question also asks about my own personal work and work habits. Each day of the week I consistently go to the gym or do some physical activity before arriving to work. From there I typically attend any court appearances for the morning. The afternoons normally consist of appointments, phone calls, and drafting of pleadings/motions etc. Overall, I typically plan a structured day each day. Often I will take work home with me and work on nights and weekends.

I frequently spend nights and weekends drafting extensive pleadings such as briefs, or to prepare for a trial or hearing when needed. However, I do try to put a limit to each work day to make sure I also have time to spend with my family, and engage in several hobbies as well.

I have not appeared in front of an administrative, regulatory, or legislative body.

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

I have found that cases where I have been involved with a family or an individual that resulted in a positive influence or change in their life are the ones that stand out for me.

I have had clients that were juveniles that were in the juvenile court for delinquent charges or other matters. Some of these clients come by the office, sometimes years after the fact, and tell me how good they are doing now and that they were very grateful for my help in representing them.

I have had for example, a grandmother that came by my office fifteen years after I was able to help her obtain custody of her grandchildren who were in a very bad situation. She brought her grandchildren by (who were now teenagers) to let me know how well they are doing now and to say thank you for helping her.

Last, I had a young lady that developed a drug problem, and subsequently lost custody of her child and was charged with a number of criminal charges due to her addiction. At one point she almost committed suicide. I managed to get her into drug court. She actually graduated from drug court, regained custody of her child, and obtained a very good corporate job. I and my office kept in touch with her during all of this time, and even for a good period of time after. I even spoke for her on her graduation night from drug court.

Instances like the ones above where you get to see what a positive difference you were able to make in a person's life, or their family's life and wellbeing, will always stand out to me the most.

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

I have heard matters for the Anderson County Juvenile Court for a period of two weeks in August 2022 in place of the Honorable Brian Hunt. During this time, I entered orders and heard any emergency motions or matters set on the Court's docket. I also handled detention hearings and delinquency matters.

I have also provided legal assistance to the LaFollette Country Club Board of Directors for no charge and have served on the board of directors in 2018 as well. The golf course has always been very beneficial to the community and has always allowed various schools to play and practice there at a reduced or no fee. The club has also been very good at encouraging children to play the game by allowing them to play for free in some instances.

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

None

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.

Florida Coastal School of Law, Jacksonville, FL (Aug., 2002 to May 2005).

J.D. Degree (Doctor of Jurisprudence), May 2005

Dean's List, May 2005

Dean's Scholar, Fall 2003

Mock Trial Team, 2005

East Tennessee State University, Johnson City, TN (August 1996-May 2000).

B.S. Criminal Justice, Marketing minor.

PERSONAL INFORMATION

12. State your date of birth.

1977

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

From birth until 2002, at which time I lived in Florida until 2005, and then from 2005 until present.

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

Since September, 2022.

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

Anderson County, Tennessee

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.

None

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.

Yes, divorce, Anderson County Chancery, (08CH8582)- It was an amicable divorce and settled by agreement. The Final Decree was entered in April 2009. We currently exercise joint custody with our child of the marriage.

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.

None

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.

I was a member of a fraternity, Tau Kappa Epsilon during undergraduate school from 1996 to 2000. I do not know that resignation is necessary but will do so if necessary.

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.

I have been a member of the Tennessee Bar Association, the Anderson County Bar Association, and the Campbell County Bar Association. I do not know if I could list the exact dates for the

last ten years for each organization. I have not held any offices of any of the listed associations.

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.

None

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.

None

ESSAYS/PERSONAL STATEMENTS

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

Chancery court serves a very important role for the community in handling cases such as estates, conservatorships, property disputes, divorces, and custody matters, among others.

Custody cases and termination/adoption cases are some of the most important cases handled by this court, particularly cases involving families and children impacted by abuse, and/or drug related issues. The Court has the ability to protect children, and to issue orders as necessary for the best interest of children. The court also provides permanency and stability for children through adoptions. Some of the children subject to adoption petitions have been removed from homes where they were exposed to drugs, physical abuse, and/or neglect.

If appointed Chancellor, it would give the ability to continue to make a difference in the community in Anderson County by being able to address these issues and do what is in the best interest of children affected by these issues.

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

The Chancery Court Judicial Seat is located in Clinton, Anderson County, Tennessee. It is in the Seventh Judicial District which consists solely of Anderson County. There are currently two sessions court judges, a juvenile court judge, and a circuit/criminal court judge.

The Chancery Court was established by public act in 1974. It is actually a circuit court, but is designated as a chancery court. However, it has the same jurisdiction to hear cases as the

Anderson County Circuit Court.

The Anderson County Chancery Court hears matters of equity such as Divorces, Adoptions/Terminations, Custody Cases, Probate and Estate Matters, Property Matters, Conservatorships, and Orders of Protection as well.

I have been practicing in Anderson county and have good relationships with the bar, the elected judges, and the clerks of chancery and circuit court. My selection would ensure that the court quickly resumes operating again due to my experience and practice in this particular court. I have good working relationships with the sitting judges. Due to my criminal practice and experience, I would also be able to hear conflict cases for Circuit/Criminal Court for Judge Spitzer.

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)*

I think as a judge it is very important to follow the law and Constitution regardless of one's personal beliefs.

One example in custody and divorce cases is the application of the child support guidelines. The child support guidelines require that we use the gross monthly income of each parent when calculating support. This can create a large payment for the parent. In some cases, one or both parents are forced to work more than one job, or overtime to pay their bills etc. due to a loss of both incomes in the household. The increase of pay from overtime or a second job will result in an increase in the monthly child support obligation since it is included as gross monthly income. It creates instances where the parent is then forced to keep working overtime and extra hours to pay for a larger child support obligation. Thus, unintentionally increasing the burden on the obligor parent for making more money above their standard pay.

Another law that can have a disproportionate outcome with attorney fees is regarding issuance of orders of protection under T.C.A. § 36-3-617. This section provides that attorney fees shall be assessed against the Respondent if an Order of Protection is issued, or extended etc.

The Respondent can only be awarded attorney fees if the court finds by clear and convincing evidence that the petitioner was not a defined victim, and knew at the time the petition was filed that the allegations were false.

This makes it very hard for Respondents to recover fees on frivolously filed orders of protection.

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. Lauren Biloski, Attorney At Law, Office [REDACTED]
B. Chad Isabelle, Accountant, Office [REDACTED]
C. Jim Doane, Bondsman, Tennessee Bonding, [REDACTED]
D. Laura Metcalf, Attorney At Law, Office [REDACTED]
E. Angie Perez, Deputy Clerk Anderson County Circuit Court, [REDACTED] (cell)

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] Anderson County Chancery Court 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: February 02, 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.

Henry Daniel Forrester III
Type or Print Name


Signature

02-02-2023
Date

024428
BPR #

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