

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

1/17/23

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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.

Managing Attorney at Baker, Foster & Potter, P.C.

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

1999 BPR #019834

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.

State of Tennessee - BPR #019834
Date of Licensure: 1999
Status: 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).

Roger A. Miller, Attorney at Law also d/b/a The Miller Law Firm – from 1999 until 2014 - managed a solo law practice doing criminal, civil, family, probate, and bankruptcy law, as well as some transactional work;
Anderson County General Sessions Court Judge – from 2014 to 2022 managed and heard large volume criminal and civil dockets, as well as hearing orders of protection and mental health commitments;
Baker, Foster & Potter, PC – Managing Attorney – Since September 2022 I have been supervising as many as 14 attorneys in three offices in Middle and Eastern Tennessee, focusing primarily in family and criminal law.
Before completing my legal education, I worked over 12 years as an EMT/Paramedic providing emergency medical care at Anderson County EMS, Med-Flight, and the Methodist Medical

Center of Oak Ridge Emergency Room.

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.

As the managing attorney at my Firm, I handle my own caseload as well as manage as many as 14 attorneys primarily in the following areas of law: Domestic/Family Law: 70% Criminal Law: 25% Other: 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.

For over 15 years I was in private practice appearing in various local, county, and state courts throughout East Tennessee, handling criminal and civil cases, including family law and divorces, as well as doing probate, bankruptcy and transactional work. I also did Appellate work having briefed and argued both criminal and civil cases in the Tennessee Appellate Courts. I am also admitted to the Federal Bar and have practiced in the Federal Courts, regularly practicing in the Federal Bankruptcy Court for the Eastern District of Tennessee. I then took the bench in September of 2014 as the Judge of the General Session Court for Anderson County where for eight years I managed the Court and its dockets, hearing criminal and civil cases, as well as orders of protections and involuntary commitments to mental health facilities.

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

I have argued important or significant cases in trial court and on appeal to the Tennessee Court of Appeals, including winning on appeal an important case on a question of seizure and suppression of evidence for a criminal client. In addition, I have made many decisions and have written several opinions in cases that have come before me while serving as the Judge of the Anderson County General Sessions Court regarding important evidentiary and other questions.

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

I have taught law courses at three different colleges, including helping to start the paralegal program at one local technical college. I have regularly spoken to various groups across Anderson County educating them on the legal system. They have consisted of everything from boy scout groups, local high school classes, senior citizens, community organizations, court clerks, and family justice center staff, as well as inmates at the county detention center.

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.

Roane State Community College, Attended 1982-1993, acquired an Associate of Applied Science Degree in Emergency Medical Technology;
University of the State of New York, Attended 1993-1995, acquired a Bachelor of Arts Degree, majoring in Sociology and Psychology;
Cumberland School of Law-Samford University, attended 1995-1998, and acquired a Juris Doctorate Degree.

PERSONAL INFORMATION

12. State your date of birth.

█/1962

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

I have lived in Tennessee for my entire life of 60 years.

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

I have lived in and around Anderson County my entire life and have continuously lived in Anderson County for at least the last 28 years.

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.

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.

To the best of my knowledge, in my almost 24 year legal career, six complaints have been filed against me, with none of them being in the last twelve years, and all but one being summarily dismissed with or without investigation. With that one being a complaint not long after I began practicing for unintentionally not doing a non-specialization disclosure for bankruptcy in a yellow page ad, which was made a requirement just shortly before I placed the ad, and I believe is no longer required. In addition, I found that approximately 47 other attorneys did the same.

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)?

Yes, approximately 20 years ago.

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.

I filed a paternity action in Anderson County Juvenile Court for my son when he was born in 2004 and was eventually awarded 50/50 custody. There were a couple of modification actions filed by mother subsequent to that. I filed a complaint for divorce in January 2023. There was also a frivolous civil action filed against me a few years ago regarding a home purchase over ten years ago that was dismissed by the Plaintiff almost immediately. To the best of my knowledge, any other possible legal proceedings have been so long ago that I don't recall any specific information pertaining to them.

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 in the last five years.

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.

1999-2022-Anderson County Bar Association. Previously a member of the Tennessee Bar Association, the American Bar Association, and the Tennessee Association of Criminal Defense Lawyers.

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.

N/A

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.

Elected Anderson County General Sessions Judge in August 2014.

ESSAYS/PERSONAL STATEMENTS

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

I am seeking the position of Chancellor for the 7th Judicial District of Tennessee because I know that I am qualified for the position, and I believe my experience and judicial demeanor is what is needed for this position. I know that I would again represent the judiciary of Tennessee with honesty and integrity and continue to serve the people of the 7th Judicial District of Tennessee. I love being a part of the judiciary. When I took the bench in 2014 I felt like I was finally doing what I was meant to be doing professionally. I have spent much of my life serving the citizens of the County and will continue to do so if appointed. I care about Anderson County, and know that as a member of the judiciary, I will continue to administer justice in a fair and equitable manner, treating all with kindness and respect.

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 to be appointed as the Chancellor for the 7th Judicial District in Anderson County,

to primarily hear divorce and post-divorce issue cases, probate matters and other matters of equity brought before the Court. I would bring my experience as well as my demeanor to the Court to provide a fair and just experience for those that need it at a less than desirable time in their lives. I believe I would have a positive impact on the court. I have proven my respect for the Court and those that utilize the court system, including, but not limited to, staff, officers of the court, and all litigants that appear before the court. If I am appointed to the position, everyone that appears before the Chancery Court, despite the outcome, will leave knowing they have been heard and treated with respect.

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 will uphold the laws despite my personal feelings or opinion, as I did so during my eight years as the General Sessions Judge. I have always defended and protected the law to the best of my ability, and I hope to once again take the oath to uphold the law as a member of the Judiciary. I believe my past legal decisions and court demeanor while serving as the General Sessions Court Judge demonstrates my ability to do just that. I will continue to follow the letter of the law and my interpretation of the substance of the law without any regard to whether I agree or not. And I will not legislate from the bench any political or personal beliefs. But instead, I will be steadfast in following the laws of the State of Tennessee and the United States. There were times, as an attorney, and more particularly as a judge, I disagreed with or did not necessarily support a previous court decision or statute, remarkably, a decision addressing search or seizure of one's person or property in criminal cases. However, I always made decisions and ruled according to the current law applied to the facts presented.

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. Ryan Spitzer - Circuit Court Judge for the 7 th Judicial District of Tennessee	██████████
B. Randy McNally - Lieutenant Governor of the State of Tennessee	██████████
C. Chuck Fleischman - U.S. Congressman for the 3 rd District of Tennessee	██████████
D. Victoria Bowling - Anderson County General Sessions Judge	██████████
E. Rachel Shell – Judicial Assistant-Retired	██████████

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 **Chancery Court for the 7th Judicial District 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: January 31, 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.

Roger A. Miller
Type or Print Name



Signature

01/30/2023
Date

019834
BPR #

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

