

Supreme Court of Tennessee

Application for Tennessee Attorney General and Reporter

CONTACT INFORMATION

Name: Herbert H. Slatery III
Home Address:
Office Address: First Floor, State Capitol, 600 Charlotte Avenue, Nashville, TN 37243
Home Phone: Office Phone: 615-253-7732
Cell Phone:

PERSONAL INFORMATION

1. Please provide the following:

| | | | | | |
|--|----|-------------------------|---------------|---------------------------------------|---------------|
| Age: | 62 | Date of birth: | March 8, 1952 | City and state (or country) of birth: | Knoxville, TN |
| Social Security No. | | TN Driver's License No. | | | |
| Tennessee Board of Professional Responsibility No. | | | 009077 | Year licensed to practice: | 1980 |

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

Since 1975

3. Are you registered to vote in Tennessee? If so, please give the county.

Knox County, TN

4. In what states have you lived since age 21? Indicate length of stay and approximate dates.

| State | Length | From | To |
|-----------|--------------|-------------|-----------|
| Virginia | App. 2 years | August 1973 | July 1975 |
| Tennessee | 39 yrs. | July 1975 | present |
| | | | |
| | | | |

5. Family Status:

a) If you are presently married, give the full name and present address of your spouse, the date and place of your marriage, and your spouse's occupation and place of employment.

| Spouse's Name | | Address | Date of Marriage | Place of Marriage |
|-----------------------------------|--|---------------------|------------------|-------------------|
| Cary P. Slatery | | | May 22, 1976 | Memphis TN |
| Occupation | | Place of Employment | | |
| Homemaker and Community Volunteer | | | | |

b) If you have been married previously, state the name of your former spouse, the date and place of the marriage, and the date the marriage terminated. If the marriage was terminated by divorce, give the date and place of the divorce, the name and location of the court, and the present or last known address of your former spouse.

| Former Spouse's Name | | Date of Marriage | Place of Marriage | Date Marriage Terminated |
|----------------------|--------------|------------------|-----------------------|--------------------------|
| | | | | |
| Divorced Spouse | Divorce Date | Place of Divorce | Court Name & Location | Spouse Address |
| | | | | |
| | | | | |

c) If you have children, state the name, age, address, present occupation, and name and address of the employer of each, if applicable.

| Name | Age | Address |
|---|----------------------------------|---|
| Harrison Slatery | 30 | |
| Occupation | Employer Name | Employer Address |
| Project Management - Residential Construction | Schmid & Rhodes Construction Co. | 6714 Albunda Drive, Knoxville, TN 37919 |

| Name | Age | Address |
|------------------|-----------------------------|--------------------------------------|
| Frances S. Cowan | 33 | |
| Occupation | Employer Name | Employer Address |
| Executive Asst. | Knox Area Rescue Ministries | 418 N. Broadway, Knoxville, TN 37917 |

| Name | Age | Address |
|------------|---------------|------------------|
| | | |
| Occupation | Employer Name | Employer Address |
| | | |

| Name | Age | Address |
|------------|---------------|------------------|
| | | |
| Occupation | Employer Name | Employer Address |
| | | |

6. If you have served in the military, please state the branch of service, your service number, the dates of active duty, and your rank/rate at separation. If your discharge was other than honorable, please explain. Please list any decorations, honors or achievements in connection with your military service.

| Branch | Service Number | Dates | Rank/Rate |
|-------------------------|----------------|-------|-----------|
| Not applicable | | | |
| | | | |
| Additional Information: | | | |

7. If you are not physically and mentally able to perform the essential duties of Attorney General and Reporter without accommodations, please identify any accommodations you may need to perform the job.

| |
|----------------|
| Not applicable |
|----------------|

8. If you have ever pleaded guilty to or been convicted of a violation of any law (other than a minor traffic offense), regulation, or ordinance; give the date, court, charge, and disposition. This question includes any convictions that have been expunged and any convictions for which you are on diversion.

| Date | Court | Charge | Disposition |
|----------------|-------|--------|-------------|
| Not applicable | | | |
| | | | |

9. If, to your knowledge, you have ever been under federal, state, or local investigation for possible violation of a criminal statute, give details.

| |
|----------------|
| Not applicable |
|----------------|

10. If a tax lien or other collection procedure has ever been instituted against you by any federal,

state, or local authority, or any private party, give details.

Not applicable

11. If you have not complied with all federal and state tax laws, including social security tax laws, please explain.

Not applicable

12. If you have ever been a party in any legal proceedings, give details, including the date, court, docket number, nature of proceedings, and resolution.

Not applicable

EDUCATION

13. List each college, law school, and other graduate school you have attended, including dates of attendance, degree awarded, and major. If you left before obtaining a degree, please give your reason for leaving.

| School | Dates | Degree | Major |
|-------------------------|-----------|--------|--------------------|
| University of Virginia | 1970-1974 | B.A. | Government Affairs |
| University of Tennessee | 1978-1980 | J.D. | |
| Explanation (if needed) | | | |

14. For your law school education only, please give your academic standing (class rank), whether you served on the staff of a legal publication such as the law review, including your position and responsibilities, and whether you were a member of a moot court or mock trial team. List any honors, awards, or other forms of recognition you received in law school.

Rank was top 15%; Member and Articles Editor for Tennessee Law Review

LEGAL BACKGROUND AND EXPERIENCE

15. If you are licensed to practice law in any state other than Tennessee, please give the year and whether your license is currently active. Please also list all courts to which you have been admitted, including administrative bodies that require special admission to practice.

| State and Bar No. | Year | License Status |
|--|------|----------------|
| Not applicable | | |
| Court Admissions: Tennessee Supreme Court; United States District Court (E.D. Tenn.) | | |

16. If you have ever been denied admission to, suspended by, or placed on inactive status by the Bar of any state, please give dates, even if the action was temporary, and explain.

Not applicable

17. If you have been disciplined or cited for a breach of ethics or unprofessional conduct by any court, administrative agency, bar association, disciplinary committee, or other professional group, give details.

Not applicable

18. 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, and participation in any committees you consider significant.

| Group | Dates | Office | Dates |
|--|---|--------|-------|
| Tennessee Bar Association | Since admission to the bar | | |
| Knoxville Bar Association | Since admission to the Bar | | |
| American Bar Association | At least 15 years, but dropped membership in 2010 | | |
| Knoxville Bar Foundation | 2008 - present | | |
| Harry Phillips American Inn of Court | 2011 - present | | |
| Committees: Member, Tennessee Bar Association Business Corporation Law Revision Committee 1984-1986; Chair, Tennessee Bar Association Nonprofit Corporation Law Revision Committee 1986-1987 | | | |

19. List honors, prizes, awards, or other forms of recognition that you have received since your graduation from law school that are directly related to legal accomplishments.

My Martindale Hubbell rating for the past twenty years or so has been AV.

20. If you have served as a judicial law clerk for a judge or as a staff attorney to a court, give the name of the judge or court and dates of service, and describe your experience.

Not applicable

21. Indicate your present employment, and list any professional partners or other members if applicable.

| Current Employment | Date Employed |
|---------------------------------|---------------|
| Counsel to Governor Bill Haslam | January 2011 |
| Partners or other members: | |

22. Other than service as a judicial law clerk for a judge or as a staff attorney to a court, list and briefly describe your prior employment in the legal field since the completion of your legal education and give the dates of such employment. If you have had any periods of unemployment in excess of six months since completion of your legal education, please describe what you did during those periods.

From 1980 through 2010 I practiced with Egerton, McAfee, Armistead & Davis, P.C. in Knoxville, TN. I became Counsel to Governor Bill Haslam, my current position, in January, 2011.

23. Describe the nature of your present law practice; list the major areas of law in which you practice and the approximate percentage each constitutes of your total practice.

My current practice with the Haslam Administration is wide-ranging. The legal office has played a significant role in drafting the major pieces of legislation proposed by the Governor during his term such as tort reform, the Tennessee Excellence, Accountability and Management Act that changed government employment law in Tennessee, and the bill that changed the Tennessee Regulatory Authority. Other legislation in which we played a significant role included the recent legislation changing the workers' compensation law and the Tennessee Promise bill providing for last dollar scholarships so that any student may obtain two years of community college at no cost. I have been responsible for testifying before many of the legislative committees considering and evaluating the proposed legislation and interacting with almost all legislators on not only these bills, but also other legislative matters of importance to the Governor, especially matters affecting the judiciary. My office reviews, revises, and drafts amendments with respect to all of the legislation proposed by the 23 departments in the executive branch. We coordinate the timely signing of the bills and deal directly with the engrossing clerks of both Houses and the Secretary of State to effect the signing and recording of the bills passed by the General Assembly. The legal office oversees the process for selecting and appointing of all judges to fill vacancies in courts of record, handles ethics compliance and issues affecting the Executive Branch, coordinates Administration initiatives with the general counsels in all of the departments,

responds to all public record requests of the Governor's office and advises the 23 departments on their disclosure obligations, drafts any executive orders issues by the Governor, oversees important litigation matters handled by the Attorney General's office on behalf of the Governor, the 23 Commissioners and the departments that they manage, and handles any other legal matters as directed by the Governor. I also negotiate and manage difficult transactional matters involving the executive branch, review procurement documents such as requests for proposals and their resulting contracts entered into by many departments, participate in preparing for the annual meetings with bond rating agencies, and will advise the Governor, and work with the Department of Correction and the Attorney General as the sentences in capital cases are carried out. Over the past three years I along with the Governor's senior staff have participated in the detailed meetings on the state budget. My responsibilities also include assisting, and interacting, with the judicial branch on a number of matters such as the appointment of special supreme courts, drafting and filing the most recent bill on judicial compensation, and dealing with the Administration of the Courts and the conferences for the district attorney generals and public defenders.

24. List other areas of law in which you have practiced and describe any other legal experience that you would like to bring to the attention of the Court.

Before joining the Haslam Administration I practiced for 30 years for a Knoxville firm that was founded in 1933. In the earlier years as an associate my practice was quite diverse, involving transactional matters, collection suits and general sessions matters, and commercial lawsuits in Chancery Court such as breach of contract claims arising from sales of businesses, enforcing and defending liens arising from construction work, and litigation related to banking matters like bankruptcy and disputes arising from trust and estate matters. As my practice developed it continued to be based largely on commercial and business matters. I became a shareholder three years after joining the firm. My practice eventually evolved into one overseeing the numerous and diverse legal needs of large, closely held corporations and two quasi-governmental entities. This involved overseeing major matters of litigation, often handled day-to-day by trial lawyers in our firm and outside counsel in other jurisdictions, being responsible for substantial transactional matters such as purchasing and selling businesses, putting major financings in place, raising capital in private placements, and representing borrowers and lenders in bond issues, securitizations, mezzanine financings, and lending syndications.

The two quasi-governmental entities I represented were The Industrial Development Board of the County of Knox ("IDB") and The Public Building Authority of the County of Knox and the City of Knoxville ("PBA"). As the IDB's general counsel I handled tax exempt bond issues, payment in lieu of tax transactions and tax increment financing projects. For a time the PBA was the project development entity for virtually all major construction projects for the City and the County, including the convention center and new schools.

25. If you have practiced in proceedings before administrative boards or commissions, state the agencies and the approximate number of proceedings in which you appeared before each agency. Of that total, indicate in how many you appeared as sole counsel, how many as chief

counsel, and how many as associate counsel.

My experience is limited to appearances before City Council and County Commission on land use matters and projects related to the IDB and PBA. In representing the Governor I have appeared before the Senate Judiciary, Commerce and Labor, Government Operations, State and Local Government and Finance, Ways and Means Committees. Similarly in the House I have appeared before the Business and Utilities, Civil Justice, Government Operations, Insurance and Banking, State Government, and Finance, Ways and Means Committees.

| Agency | Total | Sole Counsel | Chief Counsel | Assoc. Counsel |
|--------|-------|--------------|---------------|----------------|
| | | | | |

26. If you have handled matters that have been arbitrated or mediated, state the approximate number. Of that total, indicate in how many you were involved as sole counsel, how many as chief counsel, and how many as associate counsel.

I have been involved in a small number of mediations as both chief and sole counsel.

| Approx. Number | Sole Counsel | Chief Counsel | Assoc. Counsel |
|----------------|--------------|---------------|----------------|
| | | | |

27. Please describe your trial court experience during the past ten years. Approximate the number of trial court matters in which you appeared. Of this total, state the number that was before a federal court, the number that was before a Tennessee court of record, and the number that was before a Tennessee court that was not of record (general sessions, municipal). State the approximate percentage of these matters that were criminal, and the approximate percentage that were civil. Indicate in how many matters you were sole counsel, how many you were chief counsel, and how many you were associate counsel. Please indicate the approximate percentage of your cases that were tried to resolution, how many were dismissed upon pre-trial motion, and how many were settled prior to trial.

During the past 10 years my actual trial court experience is quite limited, primarily to the oversight role described in Question 24.

28. Please describe your appellate court experience. Approximate the number of matters in which you appeared as counsel of record in Tennessee appellate courts, the number in federal courts, and the number in other states. Give the approximate percentage that were criminal and the approximate percentage that were civil.

My appellate court experience is similarly limited.

29. List any noteworthy cases you handled as an attorney before mediators, arbitrators, administrative agencies, trial courts, or appellate courts. As to each case, please : (1) give the date or period of the proceedings; (2) identify the court or agency; (3) summarize the

substance of the case; and (4) explain why the case is significant.

I defended a large private wholesale grocer in a dispute involving an allegation of shareholder oppression in the Chancery Court for Knox County in 2008. The case was significant because Tennessee, at the time, had very little law on the rights of a minority shareholder claiming oppression by a majority shareholder. The only remedy in Tennessee was dissolution, according to the statute. There was one unreported case decided by the Tennessee Court of Appeals. The issues before the Chancery Court were whether oppression occurred, a factual determination, and if so, would the Court enforce the sole statutory remedy of dissolution or configure another remedy that the legislature did not provide. The parties mediated the case, the mediation failed, and they eventually entered into a confidential settlement.

30. If you have served as a mediator, an arbitrator, or a judicial officer, please describe, including the dates, the courts or agencies involved, whether you were elected or appointed, and a description of your duties.

Not applicable

31. If you have served as a mediator, an arbitrator, or a judicial officer, please list any noteworthy cases you handled in these capacities. As to each case: (1) give the date or period of the proceedings; (2) identify the court or agency; (3) summarize the substance of the case; and (4) explain why the case is significant.

Not applicable

32. Describe the *pro bono* service you have given throughout your legal career, and describe activities in which you have been involved that demonstrate commitment to equal justice and equal access to justice.

From time to time I have represented borrowers on a pro bono basis in bank transactions. I regularly wrote wills on a pro bono and discounted basis. As an elder at my church I often assisted church members on legal matters without charge relating to issues like immigration, landlord tenant disputes, and domestic relations. The work I am now doing, I hope, is furthering a commitment to justice as I advise the various departments on matters related to health care, children, intellectual disabilities, and administration of federal programs.

33. List any legal articles or books you have published.

I wrote Tennessee's New Nonprofit Corporation Act in 1987 that described the new nonprofit corporation statute drafted by a TBA Committee that I chaired. It was published by M. Lee Smith Publishers and Printers but is now out of print. In law school my casenote and comment were published by the Tennessee Law Review.

34. List any law school courses, CLE seminars, or other law-related courses that you have taught within the last three years.

I am unsure whether this goes to Question 34 or 35, but I have participated in two programs at the Harry Phillips Inn of Court. Separately, I spoke on tort reform before that organization and a number of other groups. Years ago I participated in seminars on the new Business Corporation Act and the Tennessee Nonprofit Corporation Act.

35. List any presentations you have made to civic groups on legal topics within the past three years.

I have led seminars, discussions and general talks to numerous organizations on the Proposed Amendment 2 to the Tennessee Constitution providing for a modified federal system of appointing judges. Those organizations included the Tennessee Business Roundtable, the Judicial Conference, Executive Boards for the Tennessee Sheriffs and Court Clerks, several local bar association boards, and leaders of many other civic organizations like the League of Women voters. I recently taught a CLE Seminar to state attorneys on judicial selection.

36. State any other information about your legal experience that may reflect positively or adversely on you or that you believe should be disclosed in connection with your application for Attorney General and Reporter.

NON-LEGAL/CIVIC INFORMATION

37. Describe any occupation, business, or profession other than the practice of law in which you have ever been engaged. Please give details, including approximate dates.

Not applicable

38. If your current income is derived from sources other than the practice of law, specify the other income sources and the approximate percentage of your total income each source represents.

I will provide my most recent Ethics Disclosure filed as Counsel to the Governor, which provides that and other information. The additional income is approximately 15% of total income.

39. If you are now an officer, director, or major stockholder (5% or more) of any for-profit organization or you are otherwise engaged in the management of any for-profit enterprise, please give details, including the name and nature of the organization, your position, the nature of your duties, and your term of service. If you are selected as Attorney General and Reporter, and you would consider continuation of your involvement, please address whether such continuation would be a conflict of interest.

I am an outside director (but not a shareholder) of The H.T. Hackney Co., a Tennessee corporation and wholesale grocery company. I am also the Secretary of WBL Corporation, an insurance holding company in which my brother is involved. My duties are primarily ministerial in that role. If necessary, I will resign from these positions upon appointment.

40. List all non-profit organizations other than legal professional associations to which you have belonged within the last ten years, including civic, charitable, religious, educational, social, and fraternal organizations. If you have held an office in any of these non-profit organizations, please give titles and approximate dates. If you have received any honors, prizes, awards, or other forms of recognition in connection with your participation in such non-profit organizations, please list.

Cedar Springs Presbyterian Church in Knoxville, Tennessee – Elder for over 30 years
State Board of Equalization
The Public Building Authority of the County of Knox and the City of Knoxville – Director
Cherokee Country Club in Knoxville, Tennessee - Member
The Golf Club of Tennessee in Kingston Springs, Tennessee – Member
Bill Haslam for Governor – political campaign, currently a Vice President (previously the Treasurer for 4 years)

41. If you are selected for this position, how much of your current level of civic and community involvement do you feel that you could continue?

The activities associated with these organizations would not impede my ability to perform all of my responsibilities as the Attorney General, should I be appointed.

42. If you have ever belonged to an organization, association, club, or society which limits its membership to those of any particular race, religion, national origin, or gender, please list the organization and describe the basis of the membership limitation. Do not include organizations formed for a religious purpose, such as a church or synagogue. Please address whether you would withdraw from any such organization if you are selected as Attorney General and Reporter.

Not applicable

43. If you have served in a fiduciary capacity other than as a lawyer representing clients, please describe.

I am the Governor's designee and Co-Trustee for the Tennessee Promise Scholarship Endowment Trust. I serve as Trustee of two testamentary trusts and one unfunded, *inter vivos* trust, the beneficiaries of which are immediate family members. I also serve as the trustee of two life insurance trusts (with minimal assets other than the policies) for two close friends.

MANAGEMENT AND GOVERNMENT EXPERIENCE

44. Describe your management philosophy and your views on delegation to subordinates.

My management philosophy starts with an understanding that you lead people and manage tasks. The key to any great organization is leadership. Jim Collins in his legendary book Good to Great quotes President Harry Truman saying “You can accomplish anything in life, provided that you do not mind who gets the credit.” Collins goes on to describe what he calls a Level 5 leader, someone who has great personal humility and an unusual professional drive for results. A Level 5 leader looks out the window instead of in the mirror to apportion credit for results, says Collins. I think people want to follow great leaders. They have difficulty in finding them, especially in the political world. From the start a good manager will get to know his people, genuinely seek them out, communicate consistently with them, set goals and walk with them on the journey. I have had the privilege of observing a large number of businesses over the years, some successes and some failures. I have seen some colossal mistakes by management and some moving examples of how to manage. For instance, I watched a CEO of a large company acquire another sizeable business from a Fortune 500 company and the first thing that CEO did was to go down on the closing date to the warehouse floor during the night shift and introduce himself to the hourly workers on that shift. The response? “Nobody from headquarters has ever been down here as long as I have worked here.” I have no idea how fast that story traveled. I do have an idea why that warehouse had very few labor problems. Frankly, Governor Haslam does the same thing when he personally visits departments, which he does regularly. The whole key to good management is people. As Collins says, it is about getting the right people on the bus and in the right positions. After that the leader cares for them, points a direction, defines what constitutes success and works with them to get there.

Delegation is essential in a large organization. Done correctly it evidences trust, stretches those doing the work, rewards good performance, enhances working with a team and builds leaders for the future, all of which are characteristics of a thriving, stable organization.

45. Describe any management experience you have had in the legal profession, such as managing attorneys, paralegals, and legal support staff. Approximate the number of persons over whom you had management responsibilities, and indicate whether your experience included preparing and managing a budget.

At my firm I had the opportunity to be a member of the management team for a few years as a relatively young partner. Frankly, I had a lot of ideas, no experience, and very little humility. Several years later the firm elected me as President. I managed the firm for about eight years. The responsibilities included preparing and monitoring the firm budget, negotiating office leases, overseeing personnel matters, handling compensation issues and chairing the compensation committee, making a major move from an office building the firm occupied in 1933 to new space, and hiring new attorneys and staff. The firm had approximately 20 lawyers and 15 staff when I left in 2010, and still is one of the largest

firms in Knoxville.

In my current position I participate in the state budget discussions, meetings and decisions, starting each fall and continuing through the enactment of the appropriations bill each Session.

46. Describe any management experience you have had in federal, state or local government. Approximate the number of persons over whom you had management responsibilities, and indicate whether your experience included preparing and managing a budget.

As the Governor's counsel, I manage the legal office consisting of two attorneys and an executive assistant. This involves the preparation, approval and implementation of performance plans and interim and annual performance evaluations. While they do not directly report to me, I interact frequently with the general counsels of the departments and serve as a liaison to the Governor's office on matters of law and policy. The Governor's legal office also approves the employment of attorneys in each of the departments.

47. Describe any other management experience you have had. Approximate the number of persons over whom you had management responsibilities, and indicate whether your experience included preparing and managing a budget.

Not applicable

48. List any judicial or non-judicial government offices you have held, and describe your experience. Include the date, the position, whether the position was elected or appointed, and whether your responsibilities included legal matters or policy matters. If you have been a candidate for government office but were not selected, please list this as well, including date, position, and whether the position was elected or appointed.

Not applicable

49. Other than as an elected or appointed official, please describe any experience you have had with the legislative or executive branches of government, federal, state, or local. Indicate whether your experience related to legal matters or policy matters.

See Question 23

50. Describe any other government experience you have had. Please indicate whether any such experience involved legal matters or policy matters.

See Question 23

51. State any other information about your management or government experience that may reflect positively or adversely on you or which you believe should be disclosed in connection with your application for Attorney General and Reporter.

PERSONAL PERSPECTIVE

52. What are your reasons for seeking this position?

First, I have a genuine interest in seeing the Office of the Attorney General continue operating at a high level, as it has for many years. The quality of the attorneys assuming that position over the years is a testament not only to the Court's ability to evaluate and select those attorneys but also to the selection process itself. Over the past three and a half years working in the executive branch, I have acquired a deep appreciation for the independence afforded to the position by the Tennessee Constitution. In rendering opinions, making strategic decisions in litigation, and providing legal counsel I have observed how the Attorney General has the opportunity to independently make decisions without having to take into account, in an overbearing fashion, the political consequences of those decisions to his office. The Attorney General may focus his time, energy and attention on his constitutional responsibilities without campaigning for office and without being affected by how those decisions would affect his own future. He acts in the best interests of the State of Tennessee and not for his personal ambition.

Second, at my career stage, the magnitude of the challenges of being an Attorney General is appealing. The idea of assuming that position with the validation of the Court would be an honor, to say the least. That kind of opportunity is rare and it quickly passes.

Third, I think that I would be particularly suited to carry on the high level of services rendered by that office. My temperament, my experience in managing a law firm, my knowledge of how the executive branch operates, my familiarity with the budgeting process and financial background, the credibility that I have worked to build with the leaders and members of the General Assembly, and my working relationships with those commissioners leading the departments and agencies all create a set of circumstances that would provide a foundation, from which to successfully carry out my responsibilities. I would not be starting "from scratch" in most instances. I am familiar with many of the more complex cases overseen by the Attorney General, the history of dealing with the opponents, and the plans to resolve the disputes. I have had the privilege of working with many of the lawyers in the Attorney General's office, all of whom are impressive lawyers. All of this will facilitate the transition to new responsibilities.

53. Describe your perception of the primary duties, responsibilities, characteristics, and qualifications for the position of Attorney General and Reporter. Describe which of these may be delegated in whole or in part to subordinates and which may not.

First, I think there is a significant management responsibility that must be carried out diligently. The Attorney General is responsible for 175 attorneys and a significant number

of additional staff, which places a premium on personnel decisions, understanding the effect of decisions on employee morale, and creating an atmosphere fostering high performance. He or she must capably manage a budget of approximately \$25,000,000, adjust to the current financial circumstances of the State, and competently testify before legislative committees on budgetary matters.

Second, the Attorney General has a role in determining policy. He or she will often be called upon to determine what action or lack of action would be in the best interests of the State. These decisions will range from determining whether to file, or refrain from filing, actions on behalf of the State, determining whether to investigate matters, choosing strategic alternatives in pending cases, selecting outside counsel to represent the State, choosing which attorneys to be involved in cases, settling cases, and issuing decisions that have the force of law absent legislative or court action. These decisions should not be made in a vacuum. They will require consultation with a number of parties, communication skills that anticipate and prevent misunderstandings and accurately describe decisions, and a humble approach to matters having such gravitas.

Third, the Attorney General has to perform. Lawyers generally offer two things: expertise and availability. Responsiveness to the legislature, the executive branch and the judiciary is a *sine qua non* for this role. Promptness in rendering opinions is a critical obligation and illustration of this responsibility. The Attorney General must zealously represent the interests of the State in all litigation. Great effort must be the rule, as it has been. Informed, researched effort must be exhibited at each opportunity.

54. What is your view of the role of Attorney General and Reporter with respect to the executive branch, the legislative branch, and the judicial branch of state government?

The Supreme Court entrusts great responsibilities to the Attorney General. How he or she carries out those responsibilities will reflect on the Court. While the Court may not be the specific client in any instance, how well the Attorney General performs should validate the appointment. In particular, the attorneys appearing before the courts of our State should exhibit the highest degree of respect and decorum, a studied understanding of the law and a principled, diligent, zealous representation of the clients. It should go without saying that the Attorney General should be readily available to advise the Court on any matter for which he or she is responsible.

The Attorney General's role with the legislature again is to maximize availability, especially while the General Assembly is in session. As opinion requests increase during session the Attorney General must plan for those requests, have specific procedures to promptly respond to those requests and measure and report the timing of the requests and the subsequent issuance of the opinions. The legislature will also seek counsel on the State's ability to investigate matters, initiate lawsuits, and respond to matters posed by constituents, and at times engage in the consideration of pending bills.

The Attorney General's role with the executive branch is multi-faceted. He or she will

engage with the Governor's office on legislative initiatives, compromises of lawsuits, engagement of outside counsel, matters such as judicial selection procedures, enforcement of capital sentences, and strategic decisions and reports on pending lawsuits. At times, the Governor will have specific requests warranting face-to-face discussions. There are 23 departments in the executive branch and many more boards and commissions. Providing counsel to these departments, agencies and commissions requires availability, prompt responses and expertise to be rendered by the appropriate attorneys in the Office.

55. If selected as Attorney General and Reporter, what is your estimate of the amount of time you will actually appear in court or oral arguments in appellate matters?

My responsibility in this regard would be to get the very best attorneys before the Court, which will require a determination of oral advocacy abilities, experience, familiarity with the case, credibility before the appellate judges, and scheduling considerations. In most cases that will likely be attorneys other than myself, especially before trial courts. There will be some cases of note that would require more involvement on my part, in which circumstances I will fulfill that role.

56. If selected as Attorney General and Reporter, what will be your policy regarding personally practicing before the Tennessee Supreme Court?

It will be similar to what I answered in the previous question. By the time a case reaches the Supreme Court, especially if it is one involving broad policy matters, my involvement will require more serious consideration. That said, the very best person in the Attorney General's office for that case and argument will be the one before the Court.

57. Describe life experiences, personal involvements, or talents that you have that you feel will be of assistance to the Tennessee Supreme Court in evaluating and understanding your candidacy for this position.

I have been married for over 38 years to a wonderful (and very patient) woman, originally from Memphis; we have two children who are both married, have three post secondary degrees between them, and have stable jobs. I have been an active elder in my church for over 30 years. I practiced with the same firm for over 30 years, and now have the unique honor of serving as Counsel to the Governor. With that kind of history you witness a lot of life, make a lot of decisions, and deal with the consequences of those decisions, both favorable and adverse. I have lived in all three grand divisions of the State and believe that I understand to a credible extent the differences in these communities. The long term nature of these experiences and relationships will be of great benefit if appointed to this position, and I hope they evidence some stability and maturity that will, in turn, benefit the office and the State.

AGREEMENT

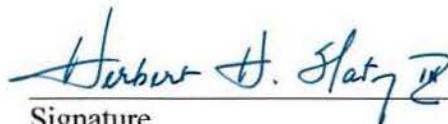
58. Read, and if you agree to the provisions, sign the following:

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 appointment for the office of Tennessee Attorney General and Reporter, and, if appointed, I agree to serve in that office. If, between the time this application is filed and the time the Court makes its final selection, there are any changes that occur in the accuracy of the information provided here, I agree to file a written notification advising the Court of the specific changes and the reasons therefore.

I understand that the information provided in this application shall be open to inspection upon filing with the Administrative Office of the Courts and that the Administrative Office of the Courts may publicize the names of persons who apply for the position of Attorney General and Reporter.

I knowingly, willingly, and without reservation waive any right or privilege of confidentiality relative to any background checks that may be performed, including, but not limited to, the Tennessee Bureau of Investigation criminal and civil background investigation, including any check of financial or credit information, conducted for the purpose of review by the Tennessee Supreme Court. I also specifically waive any rights or privileges of confidentiality otherwise conferred in relation to checks of the Board of Professional Responsibility, Board of Judicial Conduct, Board of Law Examiners, or similar entity.

Dated: August 28, 2014.



Signature

Return your completed application to:
Debra Hayes
Administrative Office of the Courts, Suite 600
511 Union Street
Nashville, Tennessee 37219