

Sunset Public Hearing Questions for
Trial Court Vacancy Commission
Created by Section 17-4-301, *Tennessee Code Annotated*
(Sunset termination June 2017)

1. Provide a brief introduction to the commission, including information about its purpose, statutory duties and staff.

The Trial Court Vacancy Commission is a diverse group of attorneys and non-attorneys with six (6) being selected by the Speaker of the House and six (6) selected by the Lt. Governor and a joint appointment of the Speaker and the Lt. Governor who serves as the chair of the commission. The commission is charged with interviewing individuals to fill trial court vacancies and providing recommendations to the Governor.

2. Provide a list of the commission members and describe how membership complies with Section 17-4-301, *Tennessee Code Annotated*. What criteria were used in selecting commission members?

Please see attached membership with appointing authority noted.

3. Are there any vacancies on the commission? If so, what is being done to fill those vacancies?

Presently there are no vacancies on the commission.

4. How many times has the commission met in 2016? How many members were present at each meeting?

The commission met three (3) times in 2016.

April 15, 2016 – 10 members present *

June 14, 2016 – 11 members present

August 8, 2016 – 9 members present

***One member had to leave after election of officers due to previous commitment, one member participated via video conference and another via phone conference.**

5. What per diem or travel reimbursement do members receive? How much was paid to commission members in 2016?

The members are reimbursed for their travel related expenses in accordance with judicial travel regulations. Reimbursements paid to members to date total \$782.17.

6. What are the commission's anticipated revenues and expenditures?

The commission will have no revenues. Expenditures depend solely on how frequently the commission is required to meet due to judicial vacancies. Expenditures to date total \$2,835.83.

7. Is the commission subject to Sunshine law requirements (Section 8-44-101 et seq., *Tennessee Code Annotated*) for public notice of meetings, prompt and full recording of minutes, and public access to minutes? If so, what procedures does the commission have for informing the public of its meetings and making its minutes available to the public?

Yes. As required by statute, adequate public notice is given via press release and posted on the Administrative Office of the Courts' website. Minutes are recorded and maintained by the Administrative Office of the Courts.

8. What policies and procedures does the commission have in place to address potential conflicts of interest by committee members, staff, and employees?

Each commissioner is requested to review applications prior to the scheduled meeting of the commission. If a commissioner feels there may be a conflict then the commissioner is excused from acting for as long as the applicant causing the conflict is still under consideration. If a commissioner thinks there may possibly be a conflict or an appearance of a conflict, that question is submitted to the three (3) commission officers for discussion. If the possible conflict is not resolved, the entire commission will discuss and act on the possible conflict at the Executive Session prior to the public hearing on the applicants. The decision of the commission is the final determination of any possible conflict.

9. What reports does the commission prepare on its operations, activities, and accomplishments, and who receives those reports? **None**

10. Has the commission promulgated rules and regulations as allowed in Section 17-4-304, *Tennessee Code Annotated*? If so, please cite the reference.

No. The commission has adopted only informal guidelines regarding its meetings.

11. What were the major accomplishments of the commission in 2016?

The commission was able to organize itself and conduct public hearings and submit a total of six (6) names to the Governor for selection of a Chancellor for Davidson County and a Circuit Judge for Shelby County.

12. Has the commission developed quantitative performance measures for ensuring it is meeting its goals? What performance indicators or goals does management plan to use to measure the effectiveness and efficiency of the commission?

This question is not particularly germane to this commission.

13. Describe any items related to the commission that require legislative attention and your proposed legislative changes.

Modify Tennessee Code Annotated 17-4-304(b) - delete the current language and add the following: The commission shall have the authority to promulgate guidelines for the commission's operations and hearings.

14. Should the commission be continued? To what extent and in what ways would the absence of the commission endanger the public health, safety or welfare?

Yes. It is strongly suggested that this commission be continued in its present form. The commission provides legislative insight and oversight to the selection process of trial judges appointed by the Governor.

Trial Court Vacancy Commission

2016 Tenn. Pub. Acts Chapter 528, §17

(Tenn. Code Ann. §17-4-301, et seq.)

Chair: Thomas Lawless

Vice Chair: J. Bartlett Quinn

Secretary: Gilbert W. McCarter II

Bradford Box, Esq.

Rainey, Kizer, Reviere & Bell PLC
209 E Main Street
Jackson, TN 38301

Phone: (731) 423-2414

Fax: (731) 426-8150

E-mail: bbox@raineykizer.com

Term: 2/1/16 – 1/31/22

Appointed by: Speaker of the House

Initial 6 year term per §17-4-301(b)(1)(G)

Hon. William C. Koch, Jr.

Nashville School of Law
4013 Armory Oaks Drive
Nashville, TN 37204

Phone: (615) 780-2242

Fax: (615) 244-2383

E-mail: bill.koch@NSL.law

Term: 2/1/16 – 1/31/20

Appointed by: Speaker of the House

Initial 4 year term per §17-4-301(b)(1)(E)

Dr. Jesse Cannon, Jr.

1945 Bride Road
Covington, TN 38019

Phone: (901) 496-7548

Fax: (731) 658-4216

E-mail: jesse.cannon51@gmail.com

Term: 2/1/16 – 1/31/20

Appointed by: Speaker of the Senate

Initial 4 year term per §17-4-301(b)(1)(D)

Ed Lancaster, Esq.

Tennessee Farm Bureau Federation
P.O. Box 998
Columbia, TN 38402-0998

Phone: (931) 840-8626

Fax: (931) 840-8640

E-mail: edtnvacancy@fbttn.com

Term: 2/1/16 – 1/31/22

Appointed by: Speaker of the House

Initial 6 year term per §17-4-301(b)(1)(G)

David Aaron Golden

Sr. Vice President, Chief Legal Officer
Eastman Chemical Company
100 N. Eastman Road B-75
Kingsport, TN 37662-5075

Phone: (423) 229-2000

Fax: (423) 224-0180

E-mail: dgolden@eastman.com

Term: 2/1/16 – 1/31/20

Appointed by: Speaker of the Senate

Initial 4 year term per §17-4-301(b)(1)(D)

Thomas Lawless, Esq.

Lawless & Associates, P.C.
701 Broadway, Suite 403
The Customs House
Nashville, TN 37203

Phone: (615) 351-7839

Fax: (615) 985-0900

E-mail: tom.lawless@me.com

Term: 2/1/16 - 1/31/18

Appointed by: Joint action- Speaker of the Senate
and Speaker of the House

Initial 2 year term per §17-4-301(b)(1)(C)

Kim Helper

District Attorney
P.O. Box 937
421 Main Street, Suite 102
Franklin, TN 37065-0937

Phone: (615) 794-7275

Fax: (615) 794-7299

E-mail: krhelper@tndagc.org

Term: 2/1/16 – 1/31/18

Appointed by: Speaker of the House

Initial 2 year term per §17-4-301(b)(1)(B)

Connie Lewis Lensing

FedEx Express
3610 Hacks Cross Road
Building A-3rd Floor
Memphis, TN 38125

Phone: (901) 434-8432

Fax: (901) 434-8277

E-mail: clewislensing@fedex.com

Term: 2/1/16 – 1/31/20

Appointed by: Speaker of the House

Initial 4 year term per §17-4-301(b)(1)(E)

Trial Court Vacancy Commission

2016 Tenn. Pub. Acts Chapter 528, §17

(Tenn. Code Ann. §17-4-301, et seq.)

Chair: Thomas Lawless

Vice Chair: J. Bartlett Quinn

Secretary: Gilbert W. McCarter II

Gilbert W. McCarter, II

McCarter, Catron & East PLLC

101 North Maple Street

Murfreesboro, TN 37130

Phone: (615) 893-9255

Fax: (615) 893-9258

E-mail: bertmccarter@mcelaw.com

Term: 2/1/16 – 1/31/22

Appointed by: Speaker of the Senate

Initial 6 year term per §17-4-301(b)(1)(F)

AOC Staff Contact:

Debra Hayes

Administrative Office of the Courts

Nashville City Center

511 Union Street, Suite 600

Nashville, TN 37219

Phone: (615) 741-2687

Fax: (615) 741-6285

E-mail: debra.hayes@tncourts.gov

Beverly Nelms

Frantz, McConnell & Seymour

550 West Main Street, Suite 500

Knoxville, TN 37902

Phone: (865) 546-9321

Fax: (865) 541-4606

E-mail: bnelms@fmsllp.com

Term: 2/1/16 – 1/31/22

Appointed by: Speaker of the Senate

Initial 6 year term per §17-4-301(b)(1)(F)

J. Bartlett Quinn, Esq.

Chambliss, Bahner & Stophel, P.C.

605 Chestnut Street, Suite 1700

Chattanooga, TN 37402

Phone: (423) 757-0205

Fax: (423) 508-1205

E-mail: bquinn@chamblisslaw.com

Term: 2/1/16- 1/31/18

Appointed by: Speaker of the Senate

Initial 2 year term per §17-4-301(b)(1)(A)