

I. BIOGRAPHICAL INFORMATION (PUBLIC)

1. Full name (include any former names used.)

James Ronnie Greer, J. Ronnie Greer, James R. Greer

2. Address: List current place of residence and office address(es).

Residence: Greeneville, Tennessee

Office: 206 South Irish Street
P.O. Box 454
Greeneville, TN 37744-0454

3. Date and place of birth.

July 26, 1952
Mountain City, Tennessee

4. Marital Status (include maiden name of wife, or husband's name). List spouse's occupation, employer's name and business address(es).

Bunny Gale Johnson Greer
Homemaker

5. Education: List each college and law school you have attended, including dates of attendance, degrees received, and dates degrees were granted.

University of Tennessee
College of Law
1975-80; Doctor of Jurisprudence, 1980

East Tennessee State University
1970-1974; Bachelor of Science, 1974

6. Employment Record: List (by year) all business or professional corporations, companies, firms, or other enterprises, partnerships, institutions and organizations, nonprofit or otherwise, including firms, with which you were connected as an officer, director, partner, proprietor, or employee since graduation from college.

January 1983-present (private law practice)	Law Firm of J. Ronnie Greer 206 South Irish Street
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	Greeneville, TN 37743 (1987 – present)
	200 W. Church Street Greeneville, TN 37743 (1983-1987)
February 1986- November, 1994 (Elected Position)	Member, Senate, Tennessee General Assembly Nashville, TN 37243
October, 1985 – April, 1986 (County Attorney- Appointed)	Greene County, Tennessee 204 North Cutler Street Greeneville, TN 37743
July 1981- November, 1981 (Campaign Manager)	Robin Beard 1982 Committee, U.S. Senate Campaign Nashville, TN
June, 1981 – December, 1981 (Partner)	Law Firm of Hull, Weems, Greer and Charles R. Terry and Associates 109 S. Main Street Greeneville, TN 37743
August, 1980 – May, 1981 (Special Assistant to the Governor – Coordinator of Governor's Policy Group)	Office of Governor Lamar Alexander State Capitol Nashville, Tennessee
January, 1979 – August, 1980 (Special Assistant to the Governor – Appointments to Boards and Commissions)	Office of Governor Lamar Alexander State Capitol Nashville, TN.
December, 1978 – January, 1979 (Executive Director)	Alexander Inaugural Committee Nashville, TN.
September, 1977 – November, 1978 (Political Director)	Alexander For Governor Committee Nashville, TN.
May, 1977 – August, 1977 (Organizational Director)	Tennessee Republican Party Nashville, TN.

June, 1976 – November, 1976
(Campaign Manager) Robin Beard For Congress Committee
Franklin, TN.

January, 1976 – June, 1976
(Law Clerk) Hodges, Doughty & Carson
617 Main Street
Knoxville, TN. 37901-0869

May, 1974 – November, 1974
(1st Congressional District
Coordinator) Alexander For Governor Committee
Nashville, TN.

7. Military Service: Have you had any military service? If so, give particulars, including the dates, branch of service, rank or rate, serial number and type of discharge received.

None

8. Honors and Awards: List any scholarships, fellowships, honorary degrees, and honorary society memberships that you believe would be of interest to the Committee.

Toll Fellow, Council of State Governments, 1991

American Council of Young Political Leaders, 1987
Study Tour of Argentina and Uruguay

Tennessee Conservation League
Legislator of the Year, 1989

Environmental Action Fund
Legislator of the Year, 1993

9. Bar Associations: List all bar associations, legal or judicial-related committees or conferences of which you are or have been a member and give the titles and dates of any offices which you have held in such groups.

Tennessee Bar Association
Chairman, Public Relations Committee, Early 1980's

Greene County Bar Association

Association of Trial Lawyers of America

Tennessee Trial Lawyers Association

American Bar Association

Member, Judiciary Committee
Tennessee State Senate
1986-1992

Admissions Committee, U.S. District Court
Eastern District of Tennessee

Local Rules Advisory Committee, U.S. District Court
Eastern District of Tennessee

10. Other Memberships: List all organizations to which you belong that are active in lobbying before public bodies. Please list all other organizations to which you belong.

I do not belong to any organization that is active in lobbying before public bodies.

Member, Greeneville/Greene County Chamber of Commerce

Member, Towering Oaks Baptist Church

11. Court Admission: List all courts in which you have been admitted to practice, with dates of admission and lapses if any such memberships lapsed. Please explain the reason for any lapse of membership. Give the same information for administrative bodies which require special admission to practice.

Tennessee Supreme Court
October 22, 1980
(Includes Tennessee Court of Appeals, Court of Criminal Appeals, and all Trial Courts)

United States District Court
Eastern District of Tennessee
1981

United States Court of Appeals for the Sixth Circuit
September 5, 1985

12. Published Writings: List the titles, publishers, and dates of books, articles, reports, or other published material you have written or edited. Please supply one copy of all published material not readily available to the Committee. Also, please supply a copy of all speeches by you on issues involving constitutional law or legal policy. If there were press reports about the speech, and they are readily available to you, please supply them.

I have not written or edited any books, articles, reports or other published material. During my campaigns for the Tennessee State Senate I made numerous campaign "stump" speeches, almost always extemporaneously. While serving in the Tennessee Senate from 1986 to 1994, there were numerous floor or committee speeches or remarks to various groups. These were almost always done extemporaneously or from a handwritten outline. I do not have copies of any speeches or outlines that I might have used. I do have a transcript of a floor speech I made on the floor of the Senate during debate on a proposal to place on the statewide ballot a referendum on removing Tennessee's constitutional prohibition on lotteries and that transcript is attached. Also attached is a letter to the editor of the Greeneville Sun written by me in October, 2002, expressing my opinion on the lottery referendum. I have also been able to locate a few newspaper articles concerning speeches or remarks made by me at various events or community gatherings. Copies of these are attached.

13. Health: What is the present state of your health? List the date of your last physical examination.

I am in excellent physical and mental health. My last physical examinations were in October and December, 2002.

14. Judicial Office: State (chronologically) any judicial offices you have held, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

None

15. Citations: If you are or have been a judge, provide: (1) citations for the ten most significant opinions you have written; (2) a short summary of and citations for all appellate opinions where your decisions were reversed or where your judgment was affirmed with significant criticism of your substantive or procedural rulings; and (3) citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, please provide copies of the opinions.

Not Applicable

16. Public Office: State (chronologically) any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. State (chronologically) any unsuccessful candidacies for which were not confirmed by a state or federal legislative body.

Tennessee State Senate, 1986 – 1994
Elected 1986 and 1990

County Attorney, Greene County, Tennessee
October, 1985 – April, 1986
Appointed by Greene County Commission

17. Legal Career:

- a. Describe chronologically your law practice and experience after graduation from law school including:

1. whether you served as clerk to a judge, and if so, the name of the judge, the court, and the dates of the period you were a clerk;

No

2. whether you practiced alone, and if so, the addresses and dates;

I have had a solo practice from 1983 to present

3. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been connected, and the nature of your connection with each;

January, 1976 – June, 1977, Hodges Doughty and Carson,
Knoxville, Tennessee, Law Clerk

June, 1981 – December, 1981, Hull, Weems, Greer and Charles
R. Terry and Associates, 109 S. Main Street, Greeneville, TN.
37743, Partner

January, 1983 – Present, Law Firm of J. Ronnie Greer, 200 W.
Church Street, Greeneville, TN 37743, Solo Practice

1987- Present, Law Firm of J. Ronnie Greer

206 S. Irish Street, Greenville, TN 37743, Solo Practice

- b. 1. What has been the general character of your law practice, dividing it into periods with dates if its character has changed over the years?

I have had a typical, general small town law practice since 1983. My practice has consisted of considerable litigation involving both jury and bench trials in the practice areas of state and federal criminal defense, personal injury and workers compensation. I have also practiced in the areas of domestic relations and have represented a number of clients on environmental issues and before state and federal agencies. The only real change in my practice since 1983 has been that I no longer practice in the bankruptcy court and have reduced the number of domestic relations clients represented.

2. Describe your typical former clients, and mention the areas, if any, in which you have specialized.

My typical former clients have been individuals, although I have represented a few corporate clients. I have not had an area of specialization.

- c. 1. Did you appear in court frequently, occasionally, or not at all? If the frequency of your appearances in court varied, describe each such variance, giving dates.

I have appeared in court, both state and federal, frequently; court appearances were somewhat less frequent from 1986-1994 because of my service in the Tennessee General Assembly

2. What percentage of these appearances was in:

- (a) federal courts;
(b) state courts of record;
(c) other courts.

Federal – 25% (est);
State Courts of Record – 60% (est);
Other – 15% (est).

3. What percentage of your litigation was:

- (a) civil;
- (b) criminal.

Civil Proceedings – 60% (est);
Criminal Proceedings – 40% (est).

4. State the number of cases in courts of record you tried to verdict or judgment (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

Approximately 200 as sole counsel or chief counsel

5. What percentage of these trials was:

- (a) jury;
- (b) non-jury.

Jury – Approximately 25%
Non-Jury – Approximately 75%

18. **Litigation:** Describe the ten most significant litigated matters which you personally handled. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- (a) the date of representation;
- (b) the name of the court and the name of the judge or judges before whom the case was litigated; and
- (c) the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

I. United States of America vs. Alpine Industries, Inc., and William J. Converse, No. 2: 97-CV-509, U.S. District Court, Eastern District of Tennessee, Northeastern Division. 1998 – 2001; Currently on appeal in the Sixth Circuit Court of Appeals.

Trial Judge: United States Magistrate Judge Dennis H. Inman

Summary of the Case:

Civil Action brought by the United States (on behalf of the Federal Trade Commission) against Alpine Industries, Inc., a Tennessee corporation, and William J. Converse, its president, seeking civil penalties and injunctive relief for alleged violations by the defendants of a consent decree prohibiting certain product claims by the defendants without scientific substantiation for the claims. Preparation for the trial included review and organization of thousands of pages of documents and depositions of approximately two dozen fact and expert witnesses. The liability phase of the trial was tried before a jury, and after a fourteen-day trial, resulted in a verdict partially favorable to the government and partially favorable to the defendants. I represented the defendant William J. Converse. The government sought civil penalties of \$150 million dollars. The penalty phase of the case was tried before the court over a one-week period. Civil penalties were awarded in the amount of \$1.49 million dollars.

Other counsel: For Alpine Industries, Inc.:
 William A. Erhart, Esquire
 315 E. Main Street, Ste. 110
 Anoka, MN. 55303
 (763) 427-7800

For The United States of America:
 Elizabeth Stein, Esquire
 United States Department of Justice
 Division of Consumer Litigation
 1331 Pennsylvania Avenue, NW, Ste. 950N
 Washington, D.C. 20044
 (202) 307-0486

Helen Smith, Esquire
 Assistant United States Attorney
 220 West Depot Street, Ste. 423
 Greeneville, TN. 37743
 (423) 639-6759

Elena Paoli, Esquire
 Federal Trade Commission
 601 Pennsylvania Avenue, NW
 Washington, D.C. 20850
 (202) 326-2974

II. United States of America vs. Robert Logan, et. al., No. CR2-96-17, U.S.

District Court, Eastern District of Tennessee, Northeastern Division, 1996 - 1998

Trial Judge: The Honorable James H. Jarvis, United States District Court Judge

Summary of the Case:

This criminal case was filed in the United States District Court for the Eastern District of Tennessee, Northeastern Division, in August, 1996 naming numerous co-defendants and charging various violations of mail fraud, wire fraud, bank fraud statutes, and conspiracy to defraud the government. All of the defendants had been officers and/or employees of Logan Laws Financial Corporation, a Johnson City, Tennessee company involved in the financing of mobile homes for low income home buyers through various Department of Housing and Urban Development programs. I was appointed pursuant to the Criminal Justice Act to represent Robert Logan, who was a vice president of the corporation. The discovery in the case involved the production by the government of over one million documents which had to be reviewed and organized for trial. The case proceeded to trial against four of the co-defendants and spanned a period of approximately five weeks. The jury returned a verdict of not guilty as to Robert Logan on all counts charged in the indictment.

Other counsel: For the United States of America:
M. Neil Smith, Esquire
Assistant United States Attorney
220 West Depot Street, Ste. 423
Greeneville, TN. 37743
(423) 639-6759

Guy W. Blackwell, Jr., Esquire
Assistant United States Attorney
220 West Depot Street, Ste. 423
Greeneville, TN. 37743
(423) 639-6759

For John M. Logan:
John T. Milburn Rogers, Esquire
Jerry Laughlin, Esquire
100 South Main Street
Greeneville, TN. 37743
(423) 639-5183

For Alan Michael Jaws:
Robert W. Ritchie, Esquire
606 West Main Avenue, Ste. 300
Knoxville, TN 37901
(865) 637-0661

For Ramon Sanchez-Vinas:
James T. Bowman, Esquire
128 East Market Street, Ste. 1
Johnson City, TN. 37604
(423) 926-2022

- III. State of Tennessee vs. Randolph Wayne Brobeck, 751 S.W. 2d 828, 76 A.L.R. 4th 1137 (Tenn. 1988).

Trial Judge: The Honorable James E. Beckner, Judge of the Criminal Court of the Third Judicial District, State of Tennessee, Sitting at Greeneville

Summary of the case:

This was a capital murder case in which the defendant, Randolph Wayne Brobeck, was charged with felony murder and aggravated rape. The defendant was convicted in the Criminal Court of Greene County on both counts of the indictment after a week long trial. The State then withdrew its death penalty request. The Court of Criminal Appeals in Tennessee affirmed the felony murder conviction and reversed and dismissed the aggravated rape conviction. The issue in the Court of Criminal Appeals was one of first impression, whether or not Tennessee's aggravated rape statute requires a finding that the victim be alive at the moment of sexual penetration in order for the offense of aggravated rape to be committed. The Tennessee Supreme Court reviewed the case and, in a fairly lengthy opinion, held that the statute does not require a finding that the victim be alive at the moment of penetration and the fact that death may have preceded penetration by an instant does not negate the commission of the crime of aggravated rape and reduce it to a relatively minor offense associated with erotic attraction to dead bodies. I represented the defendant, Randolph Wayne Brobeck, both at the trial and on appeal.

Other counsel: Co-Counsel for defendant, Randolph Wayne Brobeck:
Melody Kranifeld Starr, Esquire
1104 Tusculum Boulevard, Ste. 128
Greeneville, TN, 37745

(423) 787-2203

Trial Counsel for State of Tennessee:
C. Berkeley Bell, Jr., Esquire
District Attorney General
109 South Main Street, Ste. 501
Greeneville, TN. 37743
(423) 787-1450

Appellate Counsel for State of Tennessee:
W.J. Michael Cody, Attorney General and Reporter
425 Fifth Avenue N
Nashville, TN. 37202
(615) 741-6474

Kathy N. Principe, Assistant Attorney General
425 Fifth Avenue N
Nashville, TN. 37202
(615) 741-6474

Amicus Curiae,
Tennessee Association of Criminal Defense Lawyers

Kenneth J. Ries, Esquire
Neal and Harwell, P.L.C.
2000 First Union Tower
150 Fourth Avenue North
Nashville, TN. 37219
(615) 244-1713

Paul J. Morrow, Jr., Esquire
530 Church Street, Ste. 600
Nashville, TN. 37243
(615) 741-9339

IV. Anthony Sutton vs. Tennessee Civil Service Commission, 779 S.W. 2d 788 (Tenn. 1989).

Trial Judge: The Honorable Irvin H. Kilcrease, Jr., Chancellor, Davidson County Chancery Court, Nashville, TN.

Summary of the Case:

This case involved the appeal of a decision of an administrative state agency, the Tennessee Civil Service Commission, which had held that the plaintiff could be terminated from his state employment for excessive absenteeism in spite of the fact that he was using annual and sick leave granted him by act of the Tennessee General Assembly. The Davidson County, Tennessee Chancery Court upheld the Civil Service Commission decision and the case was appealed to the Tennessee Court of Appeals, Middle Section, at Nashville, where the Court, in a 2 - 1 decision, ruled that a state employee could not be terminated from his or her employment for using annual or sick leave granted by act of a legislature. The Tennessee Supreme Court granted review of the case and, in resolving this question of first impression, held, in a 3 - 2 decision, that a civil service employee could not in fact be terminated from his or her employment on the basis of absenteeism where the employee was using annual or sick leave granted to the employee by Act of a legislature. I represented the plaintiff, Anthony Sutton, before the Civil Service Commission, at trial and on appeal.

Other counsel: For Tennessee Civil Service Commission:
 Michael Catalano
 Office of the Attorney General and Reporter
 425 Fifth Ave. N.
 Nashville, TN. 37202
 (615) 741-6474

V. State of Tennessee vs. Bill C. Whitehead, 43 S.W. 3d 921 (Tenn. Crim. App., 2000).

Trial Judge: The Honorable James E. Beckner, Criminal Court Judge, Third Judicial District, State of Tennessee, Sitting at Greenville

Summary of the Case:

This state criminal case involved the prosecution of a former Greene County Commissioner for a felony charge of having a financial conflict of interest under a Tennessee statute involving county purchasing procedures. The felony provision in the statute was a "local option" provision which had been adopted in fourteen counties in the State of Tennessee. The defendant challenged the constitutionality of the statute on numerous grounds, including the equal protection provisions of both the state and federal constitutions. The trial judge denied the defendant's motion to dismiss but granted an interlocutory appeal to the Tennessee Court of Criminal Appeals. The Tennessee Court of Criminal Appeals agreed to review the trial court's judgment which presented a case of first impression in the State of Tennessee. The Court of Criminal Appeals held that a felony statute which is "local option" in nature and applicable in only fourteen counties of the state does in fact

violate the equal protection provisions of both the Tennessee and federal constitutions and dismissed the indictment. No application for review by the Tennessee Supreme Court was filed by the State of Tennessee in this case. I represented the defendant, Bill C. Whitehead.

Other counsel: Trial Counsel for State of Tennessee:
C. Berkeley Bell, Jr., Esquire
District Attorney General
109 South Main Street, Ste. 501
Greeneville, TN, 37743
(423) 787-1450

Appellate Counsel for State of Tennessee:
Elizabeth B. Marney, Esquire
Assistant Attorney General
Criminal Justice Division
425 Fifth Avenue North
Nashville, TN, 37243
(615) 741-2850

VI. Hadjopoulos vs. Hadjopoulos, 1998 WL 668804 (Tenn. Ct. App. 1998).

Trial Judge: The Honorable Ben K. Wexler, Circuit Court Judge, Third Judicial District, State of Tennessee, Sitting at Greeneville

Summary of the Case:

This domestic relations case involved the question of whether or not the non-custodial father of a minor child of "tender years" would be denied the ordinary visitation generally reserved for a non-custodial parent after a divorce simply because of the child's age. The trial court restricted the non-custodial father's visitation and denied him overnight visitation with the minor child until the child reached the age of three years. On appeal, the Tennessee Court of Appeals, in a case of first impression, held that non-custodial parents could not be denied overnight visitation with a minor child simply because of the child's age unless it was proven that the non-custodial father presented a risk of harm to the minor child. This case is an important case dealing with the rights of non-custodial parents and is a frequently cited case in Tennessee domestic relations law. I represented the father, Mr. Hadjopoulos.

Other counsel: For the Defendant/Appellee:
Leroy Tipton, Jr., Esquire
115 East Depot Street

Greeneville, TN. 37743
(423) 638-1211

VII. State, ex. rel. Lockert vs. Crowell, 1986 WL 1649 (Tenn. 1986).

Trial Judge: The Honorable Robert Brandt, Chancellor, Davidson County
Chancery Court, Nashville, Tennessee

Summary of the Case:

This case arose while I was serving as County Attorney for Greene County, Tennessee. Greene County's State Senator Tom Garland, who was elected to a four year term representing Senate District 3 in November, 1982, resigned prior to the end of his elected term. At the time the Senator was elected, Senate District 3 consisted of all of Hancock, Hawkins, Greene and Unicoi counties and a portion of Washington County. The division of Washington County had been held unconstitutional by the Tennessee Supreme Court in 1983 and the General Assembly had responded to that decision by reapportioning Senate Districts 1 and 3 such that Senate District 1 was composed of Johnson, Carter, Unicoi and Greene Counties with Washington and Hawkins counties comprising Senate District 3. The Tennessee Constitution provides that, upon the resignation of a member of the General Assembly, a successor shall be elected by the legislative body of the replaced legislator's county of residence at the time of his or her election. Senator Garland's place of residence was Greene County, Tennessee. The State of Tennessee, acting through the Secretary of State, filed this action in the Davidson County Chancery Court seeking declaratory and injunctive relief and the Chancery Court issued an injunction in which it held that it could not enjoin the Greene County Commission from electing a successor Senator but that it could mandate that the successor be chosen from only residents or qualified voters of Hawkins or Washington Counties. The injunction had the effect of requiring the Greene County Commission to elect a successor to the District 3 Senate position from residents or voters of two other counties. A petition was filed on behalf of Greene County, Tennessee for a direct appeal to the Tennessee Supreme Court and for an expedited hearing. Within approximately thirty days of the Chancery Court decision, the Tennessee Supreme Court reversed the Chancery Court's ruling and permitted Greene County to proceed with its efforts to elect a successor Senator for Senate District 3.

Other counsel: Trial and Appellate Counsel for State of Tennessee:
Michael W. Catalano, Deputy Attorney General
425 Fifth Avenue N.
Nashville, TN. 37202
(615) 741-6474

VIII. Fourakre vs. Perry, 667 S.W. 2d 483 (Tenn. App. 1983)

Trial Judge: The Honorable Joe M. Ingram, Giles County, Tennessee Circuit Court

Summary of the Case:

This was a wrongful death action brought for the death of plaintiff's wife which occurred in a collision at an intersection when the plaintiff attempted to turn his vehicle left across the path of the defendant's vehicle, a Tennessee State Trooper, who was on an emergency call with emergency warning devices operating. The plaintiff had previously filed an action against the State of Tennessee, the defendant's employer, which had held in favor of the State finding there was not sufficient evidence that the Trooper was negligent in the operation of his emergency vehicle under the circumstances surrounding this claim. Thereafter, the plaintiff filed this action against the defendant Trooper in the Giles County Circuit Court. On behalf of the defendant, motion was made to dismiss on the basis that the plaintiff was collaterally estopped and barred by the doctrine of res judicata from pursuing his claim in the trial court after an adverse decision of the Tennessee Claims Commission an administrative agency. The trial court overruled the motion but granted an interlocutory appeal to the Tennessee Court of Appeals. The Court of Appeals accepted the case for review and reversed the trial court, holding and that the doctrines of res judicata and collateral estoppel are equally applicable to the judicial determinations of an administrative agency, thus barring plaintiff's action in this case. This was a case of apparent first impression in the State of Tennessee and is a frequently cited case in the Tennessee reported decisions. I represented the defendant in this case.

Other counsel: Co-Counsel for Defendant/Appellant:
Charles R. Terry, Esquire
918 West First North Street
Morristown, TN. 37815
(423) 586-5800

For Plaintiff/Appellee:
Jack B. Henry, Esquire
(Deceased)

IX. C & C Millwright Maintenance Company, Inc. vs. Town of Greeneville, No. CIV-2-92-487, United States District Court, Eastern District of Tennessee, Northeastern Division, 1992 – 1995.

Trial Judge: The Honorable Leon Jordan, United States District Court Judge

Summary of the Case:

This action involved a claim for rescission of a deed and monetary damages filed by C & C Millwright Maintenance Company, Inc. against the Town of Greeneville, Tennessee, on the basis of environmental contamination discovered on property purchased by the plaintiff from the defendant. I represented C & C Millwright Maintenance Company, Inc. and this case involved complicated questions of interpretation of federal and state environmental statutes and rules and regulations. The case involved extensive discovery and negotiations over a period of about three years before it was ultimately resolved and dismissed.

Other counsel: For the Town of Greeneville:
Ronald W. Woods, Esquire
109 South Main Street, Ste. 301
Greeneville, TN. 37743
(423) 639-6811

William L. Penny, Esquire
2525 West End Avenue, Ste. 1500
Nashville, TN. 37203
(615) 244-0020

For Third Party Defendant Weaverx:
James C. Wright, Esquire
AmSouth Bank Building, Ste. 810
P.O. Box 2649
Knoxville, TN. 37901-2649
(865) 637-3531

X. Crum vs. Crum, 1988 WL 5683 (Tenn. Ct. App. January, 1988).

Trial Judge: The Honorable Dennis H. Inman, Chancellor (Now United States Magistrate Judge), 220 West Depot Street, Greeneville, TN. 37743)

Summary of the Case:

This was a divorce action filed by the plaintiff/appellant against his wife, defendant/appellee, whom I represented. The trial court denied a divorce and found that certain acts committed by the wife which would otherwise constitute

cruel and inhuman treatment and, hence, grounds for divorce, could not be considered such because of the fact that wife was mentally incompetent at the time the acts were committed. The husband appealed to the Tennessee Court of Appeals which reaffirmed a recent Tennessee Supreme Court decision which held that acts committed by a spouse suffering from mental incapacity such that the spouse could not appreciate the wrongfulness of his or her conduct or did not have the volition to control his or her actions because of mental illness could not form the basis for grounds for divorce in Tennessee and the divorce was, therefore, denied.

Other counsel: For Plaintiff/Husband:
 Samuel B. Miller, II, Esquire
 1315 South Roan Street
 Johnson City, TN. 37601
 (423) 282-1821

19. Legal Activities: Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe the nature of your participation in this question, please omit any information protected by the attorney-client privilege (unless the privilege has been waived.)

I have advised several corporate clients on a wide variety of matters, including compliance with state and federal environmental regulations and statutes, business and real estate acquisitions, state sales tax matters and other similar matters. Since I do have a typical small town practice, I have advised individual clients on a whole host of matters as well.

From 1986 to 1994, I was a member of the Tennessee Senate and served on the Senate Judiciary Committee from 1987 to 1992. The committee considered all legislation introduced dealing with the judiciary, state criminal code and sentencing of criminal defendants. The committee approved bills during my service on the committee which completely rewrote the Tennessee Criminal Code, instituted the Missouri Plan for state appellate court judges and revisions to the Rules of Evidence and Civil and Criminal Procedure. I also served as Chairman of the Senate Environment, Conservation and Tourism Committee from 1987 to 1994. The committee considered bills related to environmental issues, wildlife, state parks and tourism. I was author and chief sponsor of the Tennessee Solid Waste Management Act and either sponsored or co-sponsored numerous other significant environmental legislation.

II. FINANCIAL DATA AND CONFLICT OF INTEREST (PUBLIC)

1. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients, or customers. Please describe the arrangements you have made to be compensated in the future for any financial or business interest.

I own a small number of shares of Greene County Bancshares which generally pays dividends on a quarterly basis. The amount of dividends paid varies from quarter to quarter depending on the bank's earnings.

There may also be some legal fees earned, but not yet paid, at the time of my initial service as a United States District Court Judge.

2. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern. Identify the categories of litigation and financial arrangements that are likely to present potential conflicts-of-interest during your initial service in the position to which you have been nominated.

I maintain a computer record of all prior clients which can be searched for possible conflicts of interest. I have no outside business interests which would pose a possible conflict of interest except for stock ownership in Greene County Bancshares, Inc.

I will strictly follow guidelines in the Code of Judicial Conduct and recuse myself as necessary.

3. Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

No

4. List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, patents, honoraria, and other items exceeding \$500 or more (If you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here.)

See attached Financial Disclosure Report.

5. Please complete the attached financial net worth statement in detail (Add schedules as called for).

See attached Net Worth Statement.

6. Have you ever held a position or played a role in a political campaign? If so, please identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

1. 1974 – Alexander For Governor
Candidate: Lamar Alexander
Volunteer (Primary Campaign); Paid Staff (General Election Campaign) – 1st Congressional District Coordinator
2. 1976 – Robin Beard For Congress Committee
Candidate: Congressman Robin L. Beard (TN.-6)
Campaign Manager, (responsibility for oversight of all major Aspects of campaign)
3. 1978 – Alexander For Governor Committee
Candidate: Lamar Alexander
Political Director, (responsible for oversight and direction of county political organization in Tennessee's 95 counties)
4. 1982 – Robin Beard 1982 Committee
U.S. Senate Campaign
Candidate: Congressman Robin L. Beard
Campaign Manager, (responsibility for oversight and direction Of all major aspects of campaign)
5. 2002 – Alexander U.S. Senate Committee
Candidate: Lamar Alexander
Volunteer, East Tennessee Region

III. GENERAL (PUBLIC)

1. An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

I have handled numerous cases for indigent clients on a pro bono basis over the last twenty years. I have routinely prepared wills or other documents for clients who could not afford to pay for these services. I have not kept a listing of these cases nor have I kept records of the amount of time devoted to each case. I have also routinely accepted 2 or 3 cases, on the average, per year by appointment of the U. S. District Court pursuant to The Criminal Justice Act, and have accepted appointments by the United States Court of Appeals for the Sixth Circuit to handle criminal appeals under the CJA.

2. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion. Do you currently belong, or have you belonged, to any organization which discriminates -- through either formal membership requirements or the practical implementation of membership policies? If so, list, with dates of membership. What you have done to try to change these policies?

No.

3. Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, did it recommend your nomination? Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and interviews in which you participated).

There is no selection commission in this jurisdiction to recommend candidates to the federal courts. I discussed my potential nomination with Senator Bill Frist and his staff, with then Senator-Elect Lamar Alexander and with Senator Fred Thompson's staff. I was interviewed by the White House counsel and other members of his staff in December, 2002. I was informed by White House staff in mid-December of the President's intention to submit my nomination to the Senate, subject to the necessary background checks. I was interviewed by agents of the FBI during that process.

4. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any specific case, legal issue or question in a manner that could reasonably be interpreted as asking how you would rule on such case, issue, or question? If so, please explain fully.

No.

5. Please discuss your views on the following criticism involving "judicial activism."

The role of the Federal judiciary within the Federal government, and within society generally, has become the subject of increasing controversy in recent years. It has become the target of both popular and academic criticism that alleges that the judicial branch has usurped many of the prerogatives of other branches and levels of government.

Some of the characteristics of this "judicial activism" have been said to include:

- a. A tendency by the judiciary toward problem-solution rather than grievance-resolution;
- b. A tendency by the judiciary to employ the individual plaintiff as a vehicle for the imposition of far-reaching orders extending to broad classes of individuals;
- c. A tendency by the judiciary to impose broad, affirmative duties upon governments and society;
- d. A tendency by the judiciary toward loosening jurisdictional requirements such as standing and ripeness; and
- e. A tendency by the judiciary to impose itself upon other institutions in the manner of an administrator with continuing oversight responsibilities.

I believe that judges should defer policy making to the legislative and executive branches of government. Judges should be constrained in their decision making by legal precedent and by the plain and literal meaning of constitutional provisions and statutes. Judges should not become problem solvers who use cases pending before them to resolve broad political questions of public policy or to promote social ends, nor should judges decide cases by applying their own policy preferences in making

decisions. I do not subscribe to the view that the constitution means whatever judges say it means. I also believe courts should decline to hear cases when there is not an actual, justiciable controversy where it is alleged that private, legally protected interests of the parties are at issue.