

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

04/15/16

Name: Barry H. Valentine

Office Address: 335 East Main Street, Newport, Cocke County, Tennessee 37821
(including county)

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INTRODUCTION

Tennessee Code Annotated section 17-4-301 et seq. charges the Trial Court Vacancy Commission with assisting the Governor and the People of Tennessee in finding and appointing the best qualified candidates for judicial offices in this State. Please consider the Commission's responsibility in answering the questions in this application questionnaire. For example, when a question asks you to "describe" certain things, please provide a description that contains relevant information about the subject of the question and, especially, that contains detailed information that demonstrates that you are qualified for the judicial office you seek. In order to properly evaluate your application, the Commission needs information about the range of your experience, the depth and breadth of your legal knowledge, and your personal traits such as integrity, fairness, and work habits.

This document is available in word processing 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 word processing 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. Submit by the noon deadline date an original (unbound) completed application (with ink signature) to the Administrative Office of the Courts.** In addition, submit a digital copy with electronic or scanned signature via email to debra.hayes@tncourts.gov, or via another digital storage device such as flash drive or CD.

THIS APPLICATION IS OPEN TO PUBLIC INSPECTION AFTER YOU SUBMIT IT.

PROFESSIONAL BACKGROUND AND WORK EXPERIENCE

1. State your present employment.

Associate Attorney at Campbell & Hooper

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

2001

BPR # 021732

3. List all states in which you have been licensed to practice law and include your bar number or identifying number for each state of admission. Indicate the date of licensure and whether the license is currently active. If not active, explain.

Tennessee

BPR # 021732

2001

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).

I have worked at Campbell & Hooper since I was licensed to practice law in 2001.

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.

Presently, my practice areas consist mostly of the following:

DUI defense – 50%

Insurance defense – 30%

Divorce and child custody – 5%

Miscellaneous criminal defense – 5%

Personal injury – 5%

Miscellaneous civil matters – 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.

Over the course of my almost sixteen (16) year career as an attorney, I have handled a wide range of cases in various courts in East Tennessee including, but not limited to, actions involving: bankruptcy (Chapters 7 and 13); child custody; contractual matters; debt collection; dependency and neglect; detainers; divorce; estate matters (including drafting wills and probating estates); insurance defense and subrogation; orders of protection; personal injury; Social Security; and workers' compensation. Additionally, I have defended clients who have been charged with various criminal offenses ranging from public intoxication to first degree murder in General Sessions Courts, Circuit Courts, the Court of Criminal Appeals, and the United States District Court, and I have represented clients on petitions for post-conviction relief. I have also represented clients in forfeiture hearings before the Department of Safety.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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.

Walters State Community College; 1993-1995; No degree awarded; Pre-med; I transferred to East Tennessee State University

East Tennessee State University; 1995-1998; B.S. in Criminal Justice

Sigma Phi Epsilon Fraternity, 1995-1998

- Academic Chair

- Clifford B. Scott Award 1996-1997 (highest GPA in the fraternity for that academic year)

Dean's List, Fall 1996 and Spring 1997

Pi Gamma Mu (International Honor Society in Social Sciences), 1997-1998

Alpha Phi Sigma (The National Criminal Justice Honor Society), 1997-1998

Paul M. Hebert Law Center, Louisiana State University; 1998-2001; J.D.

PERSONAL INFORMATION

12. State your date of birth.

October 14, 1975

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

I lived in Tennessee continuously from my birth in 1975 until I went to law school at LSU in 1998. I returned to Tennessee after graduating from LSU in 2001 and have lived here continuously since that time.

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

Sixteen (16) years

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

Sevier County

16. Describe your military service, if applicable, including branch of service, dates of active duty, rank at separation, and decorations, honors, or achievements. Please also state whether you received an honorable discharge and, if not, describe why not.

None

17. Have you ever pled guilty or been convicted or are now on diversion for violation of any law, regulation or ordinance other than minor traffic offenses? If so, state the approximate date, charge and disposition of the case.

No

18. To your knowledge, are you now under federal, state or local investigation for possible violation of a criminal statute or disciplinary rule? If so, give details.

No

19. Please identify the number of formal complaints you have responded to that were filed against you with any supervisory authority, including but not limited to a court, a board of professional responsibility, or a board of judicial conduct, alleging any breach of ethics or unprofessional conduct by you. Please provide any relevant details on any such complaint if the complaint was not dismissed by the court or board receiving the complaint.

I had to respond to a Board of Professional Responsibility inquiry concerning my trust account in January of 2011. I had settled a workers' compensation case, received and deposited a settlement check, and then wrote my client a check. The insurance carrier had a miscommunication, and they requested a stop payment. I received another check, but the insurance carrier again had a miscommunication and requested a stop payment. A third check was written, overnighted to my office, and immediately deposited upon receipt. I provided a

detailed explanation to the Board of Professional Responsibility, and the matter was closed.

20. Has a tax lien or other collection procedure been instituted against you by federal, state, or local authorities or creditors within the last five (5) years? If so, give details.

No

21. Have you ever filed bankruptcy (including personally or as part of any partnership, LLC, corporation, or other business organization)?

No

22. Have you ever been a party in any legal proceedings (including divorces, domestic proceedings, and other types of proceedings)? If so, give details including the date, court and docket number and disposition. Provide a brief description of the case. This question does not seek, and you may exclude from your response, any matter where you were involved only as a nominal party, such as if you were the trustee under a deed of trust in a foreclosure proceeding.

No

23. List all organizations other than professional associations to which you have belonged within the last five (5) years, including civic, charitable, religious, educational, social and fraternal organizations. Give the titles and dates of any offices which you have held in such organizations.

None

24. Have you ever belonged to any organization, association, club or society which limits its membership to those of any particular race, religion, or gender? Do not include in your answer those organizations specifically formed for a religious purpose, such as churches or synagogues.

- 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.

I was a member of Sigma Phi Epsilon fraternity at East Tennessee State University from 1995-1998 which limited membership to males.

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.

Newport Bar Association, 2001-present

Tennessee Bar Association, 2001-present

American Association of Premier DUI Attorneys, 2015-present

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.

Not applicable

27. List any public office you have held or for which you have been candidate or applicant. Include the date, the position, and whether the position was elective or appointive.

None

ESSAYS/PERSONAL STATEMENTS

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

Four of the most important qualities a Judge can possess are: being prepared (knowing the law); being a good listener; being patient; and being an effective communicator. Additionally, it is imperative a judge understand and appreciate the perspective of the litigants in civil cases and the defendants in criminal cases. The present Judge in Part I, Ben W. Hooper II, exhibits these traits each and every time I have been in his courtroom. I value the aforementioned traits, strive to exhibit them in my legal practice, and will bring them to the bench. Like Judge Hooper, I care about people and the situations they face within the legal system. I want the opportunity to serve the citizens of the 4th Judicial District as Circuit Court Judge.

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 the appointment for Circuit Court Judge, Part I, in the 4th Judicial District, which will become available upon the retirement of the Honorable Ben W. Hooper II. There are presently four (4) Circuit Judges who each hear civil and criminal cases. As stated above, I share important qualities with Judge Hooper. As an attorney, I have always prided myself on preparation. Whether it is a simple hearing, a deposition, or a jury trial, I always extensively prepare. In my first year of practice, I represented a client who was entering a plea in Circuit Court. It was my first plea in Circuit Court, and I was determined to be able to answer any question about the case. I spent approximately seven (7) hours on a Sunday reviewing the file. If I were fortunate enough to get appointed, I would maintain the same level of preparation for Court.

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)*

Yes. Throughout my career I have seen Orders of Protection severely abused for a multitude of reasons. Of course, the Judge who issues the Temporary Order has only the benefit of one side of the story. However, representing many Respondents through the years has made me believe Petitions should be subjected to the clear and convincing standard of proof rather than the preponderance of the evidence standard as I have witnessed firsthand the unwarranted effects some Orders have had on my clients. Despite my experiences, I realize the importance of Orders of Protection, and as a Judge, I would uphold the law.

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. Rex Henry Ogle

B. Ben W. Hooper III.

C. Andrew E. Farmer

D. Iliff McMahan, Jr.

E. Tommy Bible

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 4th Judicial District Circuit Court of Tennessee, and if appointed by the Governor, agree to serve that office. In the event any changes occur between the time this application is filed and the public hearing, I hereby agree to file an amended questionnaire with the Administrative Office of the Courts for distribution to the Commission members.

I understand that the information provided in this questionnaire shall be open to public inspection upon filing with the Administrative Office of the Courts and that the Commission may publicize the names of persons who apply for nomination and the names of those persons the Commission nominates to the Governor for the judicial vacancy in question.

Dated: July 18, 2017.


Signature

When completed, return this questionnaire to Debbie Hayes, 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.

Barry H. Valentine
Type or Print Name

Signature

Date

021732
BPR #

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

Not applicable

AMENDED ANSWER TO QUESTION 22 OF BARRY H. VALENTINE'S
APPLICATION FOR NOMINATION TO JUDICIAL OFFICE

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.

My wife, Brandy, and I received a Notice of Deficiency from the Internal Revenue Service in 2003 concerning taxable year 2001. We filed a Petition in the United States Tax Court requesting a redetermination of the deficiency. The major change proposed involved nonemployee compensation. We had shown \$4,641.00 on our return as nonemployee compensation. However, the Internal Revenue Service had our nonemployee compensation as \$11,384.00. Upon a review of the records at Campbell & Hooper, we discovered \$11,384.00 had been paid to a business which performed our title searches, Title Express, Inc. I provided the aforementioned description of events in the Petition, and a Decision was subsequently entered in the United States Tax Court finding no deficiency.

Barry H. Valentine and Brandy N. Valentine v. Commissioner of Internal Revenue, United States Tax Court No. 22130-03"S"