

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

1/17/23

Name: Thomas B. Dean _____

Office Address: 113 West Main Street, Third Floor, Gallatin, TN 37066 _____
(including county) Sumner County, Tennessee _____

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INTRODUCTION

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

This document is available in Microsoft Word format from the Administrative Office of the Courts (telephone 800-448-7970 or 615-741-2687; website www.tncourts.gov). The Commission requests that applicants obtain the Microsoft Word form and respond directly on the form. Respond in the box provided below each question. (The box will expand as you type in the document.) Review the separate instruction sheet prior to completing this document. Your complete application, including both the original and digital copies, must be received by the Administrative Office of the Courts on or before the deadline prescribed in the Notice of Vacancy. See section 1(g) of the application instructions for additional information related to hand-delivery of application packages.

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

PROFESSIONAL BACKGROUND AND WORK EXPERIENCE

1. State your present employment.

Assistant District Attorney, Sumner County District Attorney's Office

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

1988, BPR# 013208

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# 013208, year licensed: 1988, 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).

Employment after law school:

Associate, King & Ballow, 1988-1991 (also clerked at K&B during summers between law school semesters).

Asst. Attorney General for the State of Tennessee, 1991-1995 (Real Property and Transportation Division).

Asst. District Attorney General, Sumner County District Attorney's Office, 1995-present.

Associate professor. Occasionally during my early days as an ADA I worked as a part-time associate professor. I taught several different courses in the paralegal program at Miller Motte business college and later at Volunteer State Community College. Though I enjoyed the

experience of teaching, it was time consuming, and I stopped this endeavor more than 20 years ago.

Employment prior to attaining my law degree:

Though at times I was able to focus entirely on my educational endeavors, I worked at many different jobs while in high school, college, and law school. My numerous and sundry prelaw jobs began when I was 15 years old. I have worked as a janitor, grocery store sack-boy, stockboy, cashier, dishwasher, busboy, restaurant server, bookstore manager, newspaper deliverer, and law clerk. Also, during the summers between law school semesters, I clerked at the firm in which I would ultimately begin my career: King & Ballow in Nashville.

6. Describe the nature of your present law practice, listing the major areas of law in which you practice and the percentage each constitutes of your total practice.

As an Assistant District Attorney, my practice is almost exclusively criminal, although I do handle an occasional seizure proceeding which is governed by civil law and procedure.

I have been the lead white collar crime prosecutor in Sumner County for more than twenty years. Thus, most of my practice involves prosecuting perpetrators of theft and fraud. I estimate that area amounts to 90% of my practice. I will sometimes prosecute other criminals such as drug or violent offenders. Those cases amount to the remaining 10% of my practice.

There is an area of sub-specialty which is within my purview: crimes against elders and vulnerable adults. As laws recently developed to better protect our elders and vulnerable adults, I was appointed as the first leader of the newly established Sumner County Vulnerable Adult Investigative Team (VAPIT). The purpose of VAPIT is to coordinate public agencies with the unified goal of helping elders and vulnerable adults. The team connects state agencies such as Adult Protective Services and local law enforcement, but also can involve private actors like banks. As a result of my work with VAPIT, my practice includes a good deal of tragic situations involving financial exploitation as well as abuse and neglect of elders and vulnerable adults. The investigation and prosecution of crimes against elders and vulnerable adults has been an area of extraordinary growth these past several years and is expected to continue to increase in the future.

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 past twenty-nine years as a prosecutor, I have primarily appeared in Sumner County Criminal Circuit Court and our two General Sessions courts, but I have appeared in every court in Sumner County at one time or another. Further, except for juvenile court, I have been around long enough to have practiced in front of all our current Sumner County judges as well as the previous two circuit judges, the previous chancellor, and multiple previous general sessions

judges. I believe I have learned from each one. Additionally, I have appeared in criminal courts outside Sumner County as an ADA on several occasions when I have served as a prosecutor *pro tem* to handle criminal matters when there was a legal conflict for the local DA's office in a particular case.

My broadest experience in a wide variety of courts occurred during my years at the Attorney General's Office (1991-1995). My role was to handle condemnation suits for the Tennessee Department of Transportation. That job required appearances in many different counties, in front of many different judges across Middle Tennessee. I travelled often and handled all aspects of the litigation myself with the assistance of one very able paralegal. Those years of practicing in front of a wide variety of judges in many jurisdictions was a tremendous learning experience.

I have recently become involved in the administrative process of the Tennessee Board of Professional Responsibility. Last year I began working as a case officer for the Board. In that position I am asked to review decisions of the Board's disciplinary counsel. Additionally, case officers sit in panels of three to hear contested, disciplinary proceedings. I have been appointed to only one panel thus far, but the matter settled without the need for a hearing.

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

In my civil practice as an Assistant Attorney General, I litigated condemnation suits all over middle Tennessee. The largest of those trials was held in Sumner County. The case resulted from the taking of a strip of land from a business for roadway construction. I was the sole attorney for the State involved in the trial. The trial was hard fought and lasted four days. During the trial, the business argued that the jury should award the business hundreds of thousands of dollars from the State. However, when the jury returned their verdict, they awarded the business less than ten thousand dollars.

That trial was held in the Circuit Court of Sumner County. That success led to several things. First, I received an award from the Attorney General for my work. More importantly, that trial along with my other appearances in Sumner County involved interactions with Judge Thomas Goodall and the Sumner County Court Clerk, Mahailiah Hughes. When I later applied to Sumner County District Attorney Ray Whitley to be an ADA, both Judge Goodall and Mrs. Hughes recommended that he hire me. Fortunately for me, he did.

In my criminal practice, one noteworthy case was the prosecution of former attorney Andy Allman. Mr. Allman had stolen from many of his clients. His thefts included hundreds of thousands of dollars from funds held in trust. The trial involved many witnesses and required tracing financial transactions over nine accounts and over multiple years. After a nine-day trial, the jury found Mr. Allman guilty, as charged, on all counts submitted to them.

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

Sometimes the experience of teaching results in a great deal of learning for the teacher as well as the students. I have participated in two endeavors involving the use of my legal training outside of the courtroom. Both involved teaching opportunities.

I worked as a part-time, associate professor many years ago. In that position, I had to explain legal concepts and procedures to paralegal students. It is one thing to recite legal tropes to those steeped in legal tradition as attorneys often do. It is another to attempt to explain them to laypersons. That job made me think more deeply about some legal issues than I had since law school.

Long after my time as an associate professor, I worked with a local school as a voluntary attorney/coach for their high school mock trial team. Mock trial requires the participants to accomplish a mini trial in a tiny fraction of the time an attorney would be allowed to hold a real trial. Trying to help the kids go from complete ignorance of trial practice to successful mock trial participants was a substantial endeavor and a great experience.

In both of these educational experiences I learned a lot about law, advocacy, and communicating legal concepts. Those experiences have served me well in my career.

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

None.

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.

Volunteer State Community College: 1980-1982, AS (Political Science)

Middle Tennessee State University: 1983-84 BS (Political Science)

University of Tennessee College of Law: 1985-1988, JD

Judge John W. Green Scholarship, Dean's List, Jurisprudence Award in Criminal Law, Moot Court Board, Ray H. Jenkins Trial Competition – First Place Team.

PERSONAL INFORMATION

12. State your date of birth.

██████████, 1962.

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

Fifty-six years.

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

Thirty-five years continuously: 1989- present. I also grew up in Sumner County where I lived for an additional sixteen years prior to leaving for college.

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

Sumner 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. You may wish to request a report from the appropriate supervisory authority (or authorities) for a complete history.

I can recall one CAPS complaint to the Board of Professional Responsibility. It was brought by a defendant who also sued me in federal court. The CAPS complaint and the lawsuit were both ultimately dismissed. I have never had a formal ethics complaint against me.

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.

Over the years, I have been sued in federal court by some criminals who were being prosecuted at the time. All of these were unfounded lawsuits by pro se criminal defendants. None of the suits had any substance to them and they were all dismissed. I never hired counsel or appeared at any hearing, deposition or proceeding. Some were dismissed by the federal system before I even knew they were filed.

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.

For many years I served as attorney advisor to the Beech High School Mock Trial Team. I did this job alone some years and other years I participated with other attorneys. My involvement began in 2000 and continued for years thereafter. Over the years, other attorneys would get involved sometimes to the point that I was not needed. I returned to help the program in later school years when needed. For a number of years, I co-coached with Hon. Kee McCormick before she ascended to the bench. Ultimately, I retired from coaching in the program around 2017. Subsequently, I assisted the program by participating as a scorer or judge during the local competition. Sadly, COVID effectively ended our local High School Mock Trial Program.

24. Have you ever belonged to any organization, association, club or society which limits its membership to those of any particular race, religion, or gender? Do not include in your answer those organizations specifically formed for a religious purpose, such as churches or synagogues.
- a. If so, list such organizations and describe the basis of the membership limitation.
 - b. If it is not your intention to resign from such organization(s) and withdraw from any participation in their activities should you be nominated and selected for the position for which you are applying, state your reasons.

No.

ACHIEVEMENTS

25. List all bar associations and professional societies of which you have been a member within the last ten years, including dates. Give the titles and dates of any offices which you have held in such groups. List memberships and responsibilities on any committee of professional associations which you consider significant.

I am a member of the Sumner County Bar Association. I have never sought or held a position as an officer in that organization. Within the last ten years I have been a member of the SCBA most years, but probably not every one.

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.

I served in the real property and transportation division of the Attorney General's Office from 1991 to 1995. While there I received the "Crowning Achievement Award" for my trial work in a large condemnation case in Sumner County.

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.

I was hired as an ADA in Sumner County in August of 1995. I remain in that position today.

In 2022 I applied for the General Sessions judgeship which opened after the untimely death of Judge Mike Carter. I was one of several applicants for that position. The Sumner County Commission selected Hon. Kee Bryant-McCormick to fill the position. (See her in my references below.)

ESSAYS/PERSONAL STATEMENTS

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

The best match for the new judgeship is someone who is fully invested in Sumner County, knowledgeable about the Sumner County Court system and its participants, and who has substantial experience in litigation both criminal and civil. I believe a review of the applicants will show that I am the best choice. I grew up in Sumner County. I have parents and grandparents buried here. Most of my children and grandchildren live here. I have served the County as an ADA for almost thirty years. I am experienced in civil and criminal litigation. I have been encouraged to apply for this position by others who feel my temperament and judgment would be well suited for the bench. Though the job as a Circuit Court Judge is an intimidating prospect, this judgeship is an opportunity for me to serve the County in a new and important way.

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 seek the judgeship of the new Circuit Court position created in Sumner County. The position is designed to exercise jurisdiction over criminal and civil cases. Sumner County has one juvenile, two general sessions, one civil circuit, one criminal circuit, and one chancery court. The new judgeship will relieve the current backlog of trials and matters pending in the existing courts of record, particularly in the criminal circuit court.

I have a good working relationship with the other judges in the county, both in general sessions and in the courts of record. My inclusion in their ranks would be seamless and helpful to them because I can and would work with them all to ensure a smooth transition of the system to accommodate the change. I could work quickly to help them alleviate some of the stress on the system.

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, I will follow the law as interpreted by the higher courts and the established canons of statutory construction.

I have not had any memorable circumstances where the law forced me to do something with which I disagreed. I have been an ADA for twenty-nine years. An ADA is invested with huge amounts of discretion, such as whether to bring charges, what charges to bring, and when to downgrade or dismiss charges.

Trial judges have plenary powers to run their court. They are likewise vested with discretion in many crucial ways; however, their choices fall within firm boundaries and beyond those boundaries they must not stray. Discretion to seek justice is a key component of a trial court's job, but a trial judge cannot supplant the rule of law and the precedent of higher courts with their own interpretations. A trial court's discretion has defined limits, and those boundaries of their powers must be respected; otherwise, the judicial system cannot function as designed. Rogue judges often act with good intentions, but their choices often erode the foundations of the legal system in ways they do not expect.

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. Hon. Kee Bryant-McCormick [REDACTED] Gallatin, Tennessee 37066 [REDACTED]
B. Hon. C. Ronald Blanton [REDACTED] Gallatin, Tennessee 37066 [REDACTED]
C. John Pellegrin [REDACTED] Gallatin, Tennessee 37066 [REDACTED]
D. Lt. Neal Harris Hendersonville Police Department [REDACTED] Hendersonville, TN 37075 [REDACTED]
E. James Scarbro Assistant Special Agent in Charge Tennessee Bureau of Investigation [REDACTED] Nashville, Tennessee 37216 [REDACTED]

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 Circuit Court of Sumner County 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: April 16, 2024.



Signature

When completed, return this questionnaire to John Jefferson at the Administrative Office of the Courts, 511 Union Street, Suite 600, Nashville, TN 37219.



**TENNESSEE TRIAL COURT VACANCY COMMISSION
ADMINISTRATIVE OFFICE OF THE COURTS**

511 UNION STREET, SUITE 600
NASHVILLE CITY CENTER
NASHVILLE, TN 37219

**TENNESSEE BOARD OF PROFESSIONAL RESPONSIBILITY
TENNESSEE BOARD OF JUDICIAL CONDUCT
AND OTHER LICENSING BOARDS**

WAIVER OF CONFIDENTIALITY

I hereby waive the privilege of confidentiality with respect to any information that concerns me, including public discipline, private discipline, deferred discipline agreements, diversions, dismissed complaints and any complaints erased by law, and is known to, recorded with, on file with the Board of Professional Responsibility of the Supreme Court of Tennessee, the Tennessee Board of Judicial Conduct (previously known as the Court of the Judiciary) and any other licensing board, whether within or outside the State of Tennessee, from which I have been issued a license that is currently active, inactive or other status. I hereby authorize a representative of the Trial Court Vacancy Commission to request and receive any such information and distribute it to the membership of the Commission and to the Office of the Governor.

Thomas B Dean _____
Type or Print Name



Signature

04/16/2024 _____
Date

013208 _____
BPR #

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

