

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

9/8/20

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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. 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 cesha.lofton@tncourts.gov, or via another digital storage device such as a flash drive. 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.

Attorney, Teel & Maroney, P.L.C.

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

1992; BPR # 015545

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 # 015545; October 23,1992; 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).

Attorney, Teel & Maroney, P.L.C. 2003-present; Attorney, Waldrop & Hall, P.A. 1992-2003

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, I am partner in a small law firm that handles a variety of civil matters. I hold the following appointments: County Attorney for Madison County, Tennessee, Delinquent Tax Attorney for Madison County, Tennessee, City Attorney for Three Way, Tennessee, and City Attorney for Bolivar, Tennessee. I would estimate my present practice breakdown as: Delinquent Property Tax Collection, 40%; County and Municipal Government (including litigation), 50%; General Civil Litigation, 10%.

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.

I have practiced law for nearly twenty-nine years. Mine has been a general civil practice, with an emphasis on civil litigation in both state and federal courts.

I am admitted to practice in the following courts since the listed dates of admission: Tennessee State Courts, October 23, 1992; United States District Court, W.D. TN, July 29, 1993; United States Court of Appeals for the Sixth Circuit, December 20, 2005.

I have had a wide variety of practice areas. My first eleven years were spent working for a mid-sized firm where I became a partner, primarily handling injury defense litigation on behalf of insurance carriers and their insureds. This was a high-volume litigation practice in which I took hundreds of medical depositions and tried numerous cases, both bench and jury trials.

I left that firm and joined my current firm as partner where for the past eighteen years I have handled a broader range of civil litigation. In my current firm, I continued to handle some insurance defense matters, but my practice expanded to include direct representation of business clients in defense of employment law matters, appeals of unemployment decisions, Fair Credit Reporting Act litigation, and other business litigation. As would be expected in a small general practice firm, I also represented some individuals who were plaintiffs in injury cases. My practice also expanded to include domestic and family practice cases, bankruptcy, contractual disputes, adoptions, and will contests.

In the last nine years, my practice has become more heavily weighted in work on behalf of local governments. I am currently the Delinquent Tax Attorney for Madison County, handling a high-volume litigation practice that includes obtaining judgment for delinquent real property and personal property taxes and sale of real property, with corresponding real estate title work. I am also currently the Madison County Attorney and the City Attorney for Bolivar, Tennessee and Three Way, Tennessee. This work involves advising the legislative bodies and officials for each entity, providing interpretation of statutes, as well as representing them in varied civil litigation, including employment litigation; enforcement of zoning resolutions and ordinances; litigation over complex taxing disputes with other governmental entities; public nuisance cases; and, in one case, the ouster and removal from office of a county sheriff. This has also required

appearances on behalf of my clients in various administrative proceedings. Additional work has included the drafting and interpretation of resolutions, ordinances, private acts, and contracts. I have also represented a local school system in a contractual dispute with a vendor. I am also a Rule 31 listed mediator in both Civil and Family law.

My diverse legal experience has resulted in my appearing in Chancery and Circuit Court in every Judicial District in Western Tennessee, and some in Middle Tennessee, including Davidson County. I have also handled matters in United States District Court, and, on one occasion, the Sixth Circuit Court of Appeals. I have handled virtually every type of civil litigation which can be filed in Tennessee. I have handled twenty-six appellate matters, and in all but a handful have both written the brief and appeared at oral argument in these matters.

I believe this varied practice for a wide variety of clients has given me a diverse perspective that would benefit the Court's work if I were selected for this position.

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

I prosecuted an ouster lawsuit against the elected Sheriff of Madison County, Tennessee on grounds of willful misconduct and violation of a penal statute involving moral turpitude. This included successfully arguing a Motion to suspend the Sheriff from office pending a jury trial. After the suspension, the sheriff resigned from office.

I successfully prosecuted a nuisance lawsuit under T.C.A. 29-3-101, et seq. against the owner of real property where a nightclub notorious for criminal incidents was located. The trial court declared the property a nuisance and entered an Order of Abatement, including a Permanent Injunction against the property owner. This case required defending a challenge to the constitutionality of the nuisance statutes cited above.

I brought suit on behalf of Madison County, Tennessee against the City of Jackson, Tennessee concerning the City's alleged breach of an agreement providing for the application of local option sales tax revenue for educational purposes, pursuant to T.C.A. § 67-6-701, et seq. Unchallenged, this would have resulted in a twelve-million-dollar annual loss of education funding for Madison County. After a pre-trial hearing in which the trial judge commented on the strength of the County's presentation, the matter was compromised, saving millions annually for Madison County children and taxpayers.

I handled a hotly disputed case seeking the involuntary termination of parental rights on behalf of a couple seeking to adopt a neglected child placed in their custody following the incarceration of the child's parents. After much litigation, the effort succeeded, and the child was raised in a loving home.

I defended a business owner accused of violating the Fair Credit Reporting Act, a lengthy federal statute codified at 15 U.S.C. § 1681. A Motion for Summary Judgment in favor of my client

was granted by the United States District Court in 2006.

In a reported case, *Jones v. Sterling Last Co.*, 962 S.W.2d 469 (Tenn. 1998), I successfully defended a worker's compensation claim on grounds that notice had not been given pursuant to statute. The published opinion addressed the sufficiency of notice and clarified that termination does not relieve an employee's burden to provide notice of a work-related injury.

Shortly after beginning my practice, I wrote the brief for the successful appellee in a case involving, among other things, the interpretation of the Restatement (Second) of Tort concerning Liability of Third Parties for Negligent Performance of Undertaking. The Court of Appeals issued an opinion which agreed with the brief's arguments on this subject and its application to the facts of the case. The reported case is *Dudley v. Unisys Corp.*, 852 S.W.2d 435 (Tenn.App. 1992).

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

Criminal law has not been a part of my practice. However, the only criminal matter on which I have ever worked was a capital murder case. Between my first and second year of law school, I clerked for the late Russell X. Thompson, who had been appointed to represent a defendant charged with murder. I spent the summer researching and writing numerous memorandums on the standards of various aggravating circumstances and their applicability to the case being defended. Coming early in my legal education, the experience helped teach me the importance of research and made me better appreciate how real lives are affected by our practice of law.

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

I applied to fill a vacancy on the Tennessee Court of Appeals, Western Section, in 2014. A public hearing was held by the Commission then in existence for considering judicial appointments on May 16, 2014. At the hearing's conclusion, my name was one of three (out of eight applicants) submitted by the Commission to Governor Haslam for consideration as a nominee.

I also applied to fill a vacancy on the Tennessee Court of Appeals, Western Section, in 2019. A public hearing was held by the Governor's Council for Judicial Appointments on March 11, 2019. At the hearing's conclusion, I was again one of three finalists (out of fourteen applicants) submitted by the Commission to Governor Lee for consideration as a nominee.

In 2008 and again in 2018, I submitted applications to the committees then meeting to recommend candidates for the position of United States Magistrate Judge for the Western District of Tennessee. However, I did not interview for these positions.

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.

University of Memphis (then Memphis State University), August 1989-May 1992; Juris Doctorate; Member, Moot Court Board; Recipient, Mead Data Central Writing Award; American Jurisprudence Award, Corporations; American Jurisprudence Award, Agency and Partnerships; Winner, Best Brief, Advanced Moot Court Competition; Finalist, Advanced Moot Court Competition.

Union University, August 1983- May 1987; Bachelor of Science; Alpha Chi (Top Ten Percent); President, Junior and Senior Class; President, Phi Beta Lambda Business Fraternity; President, Sigma Alpha Epsilon, Social Fraternity

PERSONAL INFORMATION

12. State your date of birth.

55; [REDACTED] 1965

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

Since August 7, 1965; my entire life

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

From August 1992- present, and from August, 1965 –December 1987

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

Madison

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.

Not Applicable

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. I assume this question is not interested in minor traffic violations, but I have received approximately five speeding tickets in my thirty-nine years as a licensed driver, three of which were during my youth as a student. I have on occasion obtained an overdue parking citation (an occupational hazard of practicing law in downtown Jackson) but have always promptly paid these. As I recall, these occurred primarily when I practiced at my former firm, as my current firm has a private parking lot for employees.

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 have never been disciplined or cited for breach of ethics or unprofessional conduct by any court, administrative agency, bar association, disciplinary committee, professional group, or any other organization of any kind or character.

I once had a complaint filed with the Board of Professional Responsibility against me by a former client after I had written and requested payment on a long outstanding bill. I responded promptly to the Board's requests for documentation. The matter was dismissed with no further action beyond the exchange of letters.

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.

I was listed as one of the Defendants in a case in which a former law firm client sued a former law partner and my firm concerning a real estate transaction handled by the former partner. I was not involved in, and had no prior knowledge of, the transaction. The case was settled out of court after the filing of an Answer, and an Order of Dismissal entered. There was no discovery or other advancement of the litigation beyond the initial filings. The case was filed in Madison County Chancery Court, Docket No. 67890 on June 9, 2011.

In 2014, I brought a public nuisance suit at the request of the Madison County Sheriff against a property owner (in her nineties) and her son (who allegedly managed her affairs) concerning alleged criminal activity (including a shooting) at her public events building. The litigation was resolved by the parties entering an agreement prohibiting certain uses of the property in the future. Subsequently, on January 5, 2015, the son filed a *pro se* complaint against me alleging various unusual theories without merit. A preliminary Motion to Dismiss disposed of the matter. The case was filed in Madison County Circuit Court, Docket No. C-15-3, Div. II. Interestingly, the *pro se* plaintiff, who had become a Madison County Commissioner, subsequently joined in my unanimous third reappointment as Madison County Attorney on March 20, 2017.

On October 14, 2020, a Bolivar City Councilman filed a *pro se* "lawsuit" against the City of Bolivar, the City Council members, two investigators with the Tennessee Comptroller's office, and me as City Attorney in Hardeman County Circuit Court, where it was assigned Docket No. 2020-cv-26. The "lawsuit" consisted of a printed email containing no complete sentences, only scattered phrases. The "lawsuit" made no direct allegations against me. At the beginning of a hearing to consider various pre-trial motions, including a Motion to Dismiss, the *pro se* plaintiff abruptly asked to voluntarily dismiss his action, and the Court granted this request.

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.

Fellowship Bible Church, Member; University School of Jackson Board of Trustees, Chairman,

2012-2014, Vice-Chairman, 2010-12, Risk Management Committee Chairman, 2020-present, Strategic Planning Committee Chairman, 2008-10; Wyndchase Homeowners Association. In addition, after being elected to the Republican Party State Executive Committee in 2018, I was automatically added to the County Executive Committees of the Republican Party in Crockett, Dyer, Lake, Lauderdale, and Madison Counties. With respect to the Madison County Republican Party specifically, I have additionally held the following offices: Chairman, 2001-05 and 2007-11; 2d Vice-Chairman, 1999-2001. Although outside the five-year window in the question, I am also honored to have served on the Board of Directors for the West Tennessee Fellowship of Christian Athletes (FCA) and the Jackson Area Council on Alcoholism and Drug Dependency (JACO), and to have served as president of the Union University National Alumni Association.

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 initiated as a member of Sigma Alpha Epsilon social fraternity while in college. Only males are members of this fraternity (sororities were active on campus and exclusively available for female membership). I do not intend to resign from the fraternity, but I have not been an active participant since graduation from college. Other than my college fraternity, I have never belonged to such an organization.

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.

Jackson-Madison County Bar Association, 1992-present; Tennessee Bar Association, 1992-present; Tennessee County Attorney's Association, 2012-present; Tennessee Municipal Attorneys Association, 2012-present; Tennessee Association of Property Tax Professionals, 2012-present; Federalist Society, 2013-present; National Republican Lawyers, 2013-present; International Municipal Lawyers Association, 2014-present; American Inns of Court, Howell E. Jackson Chapter, 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.

None

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.

The Tennessee Supreme Court appointed me to the Hearing Committee for Disciplinary District VII by Order entered November 10, 2020.

I was appointed by the Madison County Commission as County Attorney in 2012. I was also appointed Attorney for the City of Three Way, Tennessee by its Board of Aldermen in 2012. I was appointed by the Madison County Trustee as Delinquent Tax Attorney in 2012. In 2015, I was appointed Attorney for the City of Bolivar, Tennessee by its City Mayor. I continue to hold each of these positions, having been periodically reappointed.

In 2018, I won popular election to the Republican Party State Executive Committee representing the 27th District of Tennessee. I won a contested race with 73% of the vote across five West Tennessee counties (Crockett, Dyer, Lake, Lauderdale, and Madison). In that race, I won 82% of the vote in Madison County, which is in the 26th Judicial District.

I was appointed as Madison County Election Commissioner in 2008 and served until 2011.

I was elected as a Delegate to the 2020 Republican National Convention from Tennessee's Eighth Congressional District.

I was selected as an Alternate Delegate to the Republican National Convention by the Tennessee Republican Party in 2004, 2008, and 2012.

In 2016 and 2012, I was an unsuccessful candidate for Delegate to the Republican National Convention from Tennessee's Eighth Congressional District, an elected position. Election as a delegate involves a formula requiring not only that the delegate candidate finish among the top recipients for a particular presidential candidate, but also that the presidential candidate to whom one is pledged be allocated a delegate in the congressional district. My accomplishment of the former was outweighed by the latter.

ESSAYS/PERSONAL STATEMENTS

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

I am seeking a better opportunity to serve my community and state. My life has been blessed and benefited by the service of others, beginning with my parents. I have tried to repay those

efforts by looking for opportunities to serve, often in leadership roles. Practicing law in local government, I have seen that one's efforts can be leveraged for greater benefit through public service.

Life is too precious and brief to be wasted on personal indulgence. Individuals who lead such lives are seldom remembered. Instead, we remember those who made a difference by serving others and causes larger than themselves. For me, the greatest model of servant leadership is Jesus Christ.

As I move into the second half of my life, the diverse professional experiences and unique perspectives gained in the first half will allow me to make my best contribution by serving on the Chancery Court.

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 applying to serve as Chancellor for Tennessee's Twenty-Sixth Judicial District (composed of Chester, Henderson, and Madison Counties). Chancery Court is a court of equity which handles a variety of civil matters including adoptions, contract disputes, divorces, governmental litigation, requests for injunctive relief, and other types of litigation.

My twenty-nine years of practice handling civil litigation in diverse areas of law would bring broad experience to the Court and assist its mission to resolve disputes and promote justice for the citizens of the Twenty-Sixth Judicial District.

Both oral and written communication skills have been critical to my litigation practice; however, my strength has been researching and writing briefs and legal memorandums, which would complement and benefit the Court's work.

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)*

I firmly believe in the State and Federal Constitutions' separation of powers. A judge must apply the law as codified by the legislature. To the extent a case requires interpretation of a statute or rule, this must be accomplished in an impartial, non-results-oriented manner. Therefore, even if the legislature has acted in a manner not of my choosing, or if neutral application of that law ensures an outcome other than one I personally prefer, I would follow my oath which mandates support for the Constitution, administration of justice without respect to persons, and faithful and impartial discharge of my judicial duty.

This is not an abstract principle for me. As a local government attorney, I regularly (often on live television) advise local officials from differing political persuasions on the interpretation of

Tennessee statutes and their application to local issues. As Chief Justice John Roberts has stated, “it’s my job to call balls and strikes, and not to pitch or bat.” Occasionally, my legal opinions disagree with my preferences, or those of politicians who appointed me in areas such as conflicts of interest, public records, and open meetings. However, by giving opinions based on law, and not preferences, I have earned respect even from those who dislike the rulings.

Perhaps surprisingly, serving as county political party chairman also provided experience and preparation for this task. Ensuring neutral interpretation and application of party rules during hotly contested primaries was essential. After such contests ended, most candidates recognized and appreciated my objectivity.

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. Charles Campbell, President, Williams Steel; [REDACTED] Jackson, TN 38301; [REDACTED] [REDACTED]
B. Jimmy Harris, Madison County Mayor; [REDACTED] Jackson, TN 38301; [REDACTED]
C. Catherine Kwasigroh, Vice President for Institutional Advancement, Union University; [REDACTED] [REDACTED] Jackson, TN 38305; [REDACTED]
D. Jim Pentecost, Partner, Pentecost & Glenn, PLLC; [REDACTED] Jackson, TN 38305; [REDACTED]
E. Dale Thomas, President, Rainey, Kizer, Reviere & Bell, P.L.C.; [REDACTED] Jackson, TN 38301; [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 Chancery Court for the Twenty-Sixth Judicial District 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: June 7, 2021.

Steven Wayne Maroney
Signature

When completed, return this questionnaire to Courtney Lofton, 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.

Steven Wayne Maroney
Type or Print Name

Steven Wayne Maroney
Signature

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

____ June 7, 2021 _____
Date

____ 015545 _____
BPR #