

JUDGE D. KELLY THOMAS, JR.

Recommendation: RETAIN

Commission Vote: 7 FOR RETENTION • 2 FOR REPLACEMENT

Legal Education and Experience

Judge D. Kelly Thomas, Jr. received a law degree from the University of Tennessee College of Law in 1977. He engaged in the private practice of law from 1978 until 1990 when he was elected Circuit Judge for the Fifth Judicial District, Division II. He was reelected Circuit Judge in 1998 and 2006. Judge Thomas was appointed by the governor to serve on the Court of Criminal Appeals in November 2006 and was elected to that position in August of 2008.

Service to the Profession

Judge Thomas is a past President of the Tennessee Judicial Conference and has served on the Executive Committee for the same. He is a Fellow of the Tennessee Bar Foundation and a member of the Hamilton Burnett American Inn of Court. He is a past president of the Tennessee Trial Judges Association. He has served as a faculty member of The National Judicial College at the University of Nevada, Reno. Judge Thomas has lectured on legal topics to judicial conferences, court clerks' conferences and other groups, and has taught classes on criminal law.

Survey Results and Interview

Judge Thomas' survey ratings from appellate judges, at-

torneys, and court personnel reflected a very good performance, with some areas of excellence as well as some areas of potential for self improvement. He received excellent to above average ratings in the area of oral argument from appellate judges and court personnel. Oral argument ratings from attorneys were excellent to above average with some average ratings. He received excellent to above average ratings on his written opinions from appellate judges, trial judges and court personnel. He received good to adequate ratings on his written opinions from some attorneys, indicating an area for potential self improvement. Judge Thomas acknowledged that the timeliness of his opinions needed improvement and informed Commission members that he has improved his clerk staff to achieve this.

Comments and Recommendation

The Commissioners voting to replace noted there was no evidence of improvement of the timeliness of writing opinions.

The Commission recommends Judge D. Kelly Thomas, Jr. be retained on the Tennessee Court of Criminal Appeals.