

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

04/15/16

Name: Frank S. Cantrell

Office Address: 22 N. Front St., Suite 850
(including county) Memphis, Shelby County, Tennessee 38103

Office Phone: (901) 328-8269 Facsimile: (901) 526-5056

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 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.

Member (non equity); Shuttleworth Williams, PLLC, 22 N. Front Street, Suite 850, Memphis, TN 38103

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

1979; 006661

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. License is active. See date and number above.

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).

1979-1983- Associate at Weintraub, DeHart, et al.

1983-1987- Solo law practice

1987-1989- Associate at Shields, Carlyle & Velander

1989-2001- Partner at Jackson, Shields, Yeiser & Cantrell

2001-2004- Solo mediation and arbitration practice (I continue to do mediations and arbitrations); beginning June 17, 2016, mediations are done through Memphis Mediation Group

2004-2016- Memphis Area Legal Services, Inc. (hired as a staff attorney; promoted to General

Counsel; then promoted to Deputy Director)

2016-Present- Member (non equity); Shuttleworth Williams, PLLC

I also had partial ownership interests many years ago in a dry cleaners and a hair salon, but I did not manage them except to provide occasional guidance or in temporary situations when the managers were not available.

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.

I practice employment law, representing employers. My firm also does general civil trial work and I anticipate being involved in a wider variety of cases. With the exception of one special education case where I am co-counsel, 100% of my current practice is employment law.

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.

1979-1983- As an associate in a medium-sized firm setting, I represented management in labor and employment matters in state courts, including the Circuit Court of Shelby County, and federal courts, and before administrative bodies. It was both a national practice that took me to many other states and a local practice in the Memphis area. I appeared, tried cases, and argued before state and federal trial courts, appellate courts, and administrative bodies. I handled nonjury and jury cases (primarily nonjury), and wrote briefs and other legal pleadings of every description. I frequently represented clients with cases before the National Labor Relations Board, the Mississippi Workers' Compensation Commission, the Arkansas Workers' Compensation Commission, and the Equal Employment Opportunity Commission. I also represented employers in negotiating collective bargaining agreements. I represented clients in arbitrations and in mediation before Federal mediators. I counseled and trained clients on how to comply with the law to avoid legal problems. I drafted employment policies, employee handbooks, collective bargaining agreements, and other documents for clients. I normally acted as lead counsel, but sometimes assisted the more experienced attorneys on their cases.

1983-1987- In a solo law practice, I continued to do all of the above and also had a general litigation practice. While my practice has always been primarily civil law, during this period I also handled General Sessions Court level criminal cases. And, I did divorces, contract and tort litigation, business negotiations, etc. I represented plaintiffs and defendants, individuals and businesses. I handled generally anything that came in my door.

1987-1989- Joining a small firm, as an associate, I continued to do all of the types of work that I had done before in both of the previous settings. Again, I was normally lead counsel, but also assisted the partners with their cases.

1989-2001- As a partner in a small employment law firm, that grew while I was there from 5 lawyers to approximately 11, I once again represented management in all types of cases, in a trial practice. I had also developed a fairly large regional workers' compensation defense practice, frequently trying cases throughout West Tennessee. We also had a national practice. By this time, in addition to my own caseload, I was doing quite a bit of supervision of less experienced attorneys who would handle cases under my leadership. I was usually lead counsel in my cases, with assistance from less experienced attorneys. Or, I would sit as second chair in order to supervise and develop the less experienced attorneys.

2001-2004- Once again in a solo practice, I focused exclusively on ADR and training. I served as a mediator and arbitrator. I qualified to join the Federal Mediation and Conciliation Service (FMCS) panel of approved labor arbitrators and joined other panels as well. I arbitrated cases in many states, including Tennessee, Georgia, Alabama, North Carolina, Florida, Illinois, and Nebraska. I also qualified to become a securities arbitrator with the New York Stock Exchange and the National Association of Securities Dealers, then with the merged arbitration service of FINRA. I have served as arbitrator in several of these cases, including two which went to full hearing. I was also on the panel of the National Arbitration Forum where I served as an arbitrator in credit card disputes.

2004-2016- In a legal aid law firm setting, I began as a staff attorney in the consumer and housing law unit. I handled cases in most of the civil courts of Shelby County, including General Sessions, Circuit, Chancery, and U.S. District Court. When I was promoted to General Counsel, I added the responsibility of supervising the overall delivery of legal service to all of our clients in what is essentially a general civil practice. And, I represented the firm itself. I was also one of several managers who reviewed applications for assistance received by our firm and decided which to accept and which to decline. As Deputy Director, I was also involved in the administration of the firm. I continued to handle a case load, though it was reduced in order to accommodate the need to supervise the other attorneys in their cases.

2016-Present- As a member of a firm with offices in Memphis, Nashville, and Knoxville, I represent employers in employment law matters, including advice, representation before administrative bodies, and litigation.

I have also continued to serve as a mediator and arbitrator, although my mediations now far outnumber the arbitrations.

In my career, I have tried dozens of cases and handled many appeals. I have done everything necessary in a case including initial interview and assessment, pleadings, written discovery and depositions, motions and memoranda, negotiation, mediation, trials and arbitrations, appeals, briefs, appellate oral argument, and enforcement of judgments. I have appeared in nearly every civil court in Shelby County. I have also tried cases in many of the other courthouses in West Tennessee. I have argued before the Tennessee Court of Appeals and the Tennessee Supreme Court.

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

Among my cases of note:

F.H. et al. vs. Memphis City Schools, et al., 764 F.3d 638 (6th Cir. 2014)- I am co-counsel with two attorneys who were under my supervision at Memphis Area Legal Services, Inc., and two private attorneys. This case concerns issues including whether or not students with disabilities can sue for non-educational injuries on the same basis as non-disabled students; the scope of a settlement agreement reached in resolution of an administrative complaint; and whether or not such an agreement can be enforced in court without additional exhaustion. The District Court had dismissed our Amended Complaint. On September 4, 2014, the Sixth Circuit ruled in our clients' favor on all issues, reversed the District Court, and remanded the case for further proceedings. The Sixth Circuit held that our clients' §1983 claims do not arise under the Individuals With Disabilities Education Act (IDEA), and therefore, were not released by a settlement agreement reached in resolution of a due process hearing request. For the same reason, the Sixth Circuit also found that administrative exhaustion of these claims is not required. Finally, the Court of Appeals found that the language of the settlement agreement, as well as the 2004 Amendments to the IDEA, render the settlement agreement enforceable in the courts, and thus, that our breach of contract claim does not require administrative exhaustion. In addition to reporting in West's Federal 3d Reporter, this case was also chosen for publication in West's Education Law Reporter, and has already been cited in subsequent cases by the Sixth Circuit, by Federal District Courts both within and outside of the Sixth Circuit, in appellate briefs in other cases listed on Westlaw, and in numerous separate secondary sources reported on Westlaw.

Reyes et al. vs. Leahy's Motel, Inc., et al., Shelby County Chancery Court No. 14-1253-2- In this case, filed August 19, 2014, we were successful in obtaining a restraining order and constructive trust to prevent the cutoff of utilities in near 100 degree temperatures for approximately 40 low income families living in a trailer park whose landlord had collected utility payments from them, but the landlord had failed to pay the utility bill. We attached the proceeds of the sale of the trailer park real estate, which provided a fund from which the case was settled.

Moore v. It's All Good Auto Sales of Memphis, Inc., 907 F.Supp.2d 915 (W.D. Tenn. 2012)- In this case, in which I was co-counsel (supervising another attorney in the case), the District Court adopted our argument concerning the use of Civil RICO and the common law theory of negligent misrepresentation in a suit against a used car dealer. In an opinion selected for publication, the Court allowed the case to proceed in the face of a motion to dismiss.

Auto Credit of Nashville v. Wimmer, 231 S.W. 3d 896 (Tenn. 2007)- On behalf of the Tennessee Alliance for Legal Services (TALS), I was one of the leaders on the team that researched and wrote the *amicus* of TALS on the issue of proper notice of sale under the Uniform Commercial Code. I received the B. Riney Green Award from TALS for my work in this case.

Jernigan v. Henry I. Siegel Company, et al., No. 02S01-9510-CV-00101 (Tenn. May 3, 1996)- This is one of a number of workers' compensation cases that I handled and that was appealed to the Tennessee Supreme Court. In this case, we were successful in obtaining a reversal of the

trial court ruling and we assisted in establishing the level of proof required on the elements under Tenn. Code Ann. §50-6-242 (which allowed exceptions to the statutory caps on workers' compensation awards). I was lead counsel in this case at trial and on appeal.

Blocker v. MagneTek Triad, No. 92A03-9412-CV-452 (Ind. Ct. App. *appeal dismissed by consent* Nov. 8, 1995)- I represented the Defendant, a major electronics manufacturer, in this putative class action brought on behalf of former employees seeking "vacation pay" and liquidated damages under a state wage statute. We argued that the statute would be preempted by ERISA if interpreted as the plaintiffs maintained it should. While the preemption issue was on appeal, we successfully opposed class certification in the trial court. I was lead counsel in that case at the trial court and appellate levels.

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

From 2001 to the present, I have served as a mediator in many cases, primarily (but not exclusively) in the area of employment law. I have also served as an arbitrator in approximately ten cases that went to full evidentiary hearing and several others that were determined by document review or settled in advance of hearing.

In the vast majority of the mediations, which have occurred throughout the period of 2001 to the present, I was jointly selected by the parties. In a few, I was chosen by the Equal Employment Opportunity Commission, through their pro bono mediation program.

I also served as a pro bono mediator through the Shelby County Citizen's Dispute mediation program and through the Mediation and Restitution Reconciliation Services (MARRS) mediation program. On those occasions, I was appointed by the program.

In the arbitration cases, I am normally chosen by the parties under the procedures of the arbitration service utilized by the parties (e.g. FMCS, FINRA, the Forum, etc.). I have been chosen for two arbitrations by counsel for the parties, outside of any arbitration service.

My mediations involve the range of employment law (discrimination, workers' compensation, wage and hour, retaliation, etc.), family law, construction law, tort law, and general civil litigation. Those that I did through Shelby County Citizen's Dispute involved criminal complaints referred to the program by the court system in hopes of working them out without charging a crime (neighbor disputes, fights, vandalism, etc.). The MARRS mediations were referred by Juvenile Court and involved young people, without prior records, who had been charged with conduct such as shoplifting or vandalism. MARRS is a victim/offender process where the victim and the alleged offender meet face to face to discuss the situation and try to reach a resolution.

My labor and employment arbitrations normally have involved interpretation of a collective bargaining agreement or a challenge to an employee discharge. My securities arbitrations involve either customer allegations of wrongdoing by broker/dealers or allegations of failure of

an employee to comply with a promissory note. I recently completed an arbitration concerning alleged unauthorized transactions on a bank account.

While confidentiality limits much of what I can say about my mediation and arbitration cases, at least four of my arbitration decisions were published by C.C.H. and Westlaw. They are C-E Minerals and United Steelworkers of America, Local 234, 2003 WL 25880576 (C.C.H.) (March 18, 2003) (whether or not employees were entitled to receive vacation pay while on extended lay off), Cemex, Inc. and Local Lodge D-78 of the Cement, Lime, Gypsum and Allied Workers Division, 2003 WL 25880626 (May 6, 2003) (whether or not employee's absence from work supported termination of employment), Lyon Metal Products, L.L.C. and United Steelworkers of America, Local 1636, 2003 WL 26457219 (December 18, 2003) (whether or not employer had just cause for termination of employee for alleged drinking on company property during lunch hour), and ALLTEL Nebraska, Inc. and Communications Workers of America, 2004 WL 6224201 (January 16, 2004) (whether or not employer had just cause for termination of employee for alleged smoking). In addition, during 2004-2005, I served as the arbitrator in a public dispute, City of Port Richey and William Downs, FMCS File No. 04-02365. In that case, the former chief of police was challenging his termination by the city.

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

I submitted an application for a judgeship in Division 3 of the Circuit Court for the 30th Judicial District. The Governor's Council for Judicial Appointments met January 7, 2016. My name was submitted to the Governor as a nominee.

I submitted an application for a judgeship in Part 3 of the Chancery Court for the 30th Judicial District. The Governor's Council for Judicial Appointments met June 17, 2015. My name was submitted to the Governor as a nominee.

I submitted an application for a judgeship in the United States District Court for the Western District of Tennessee on January 13, 2015.

I submitted an application for a judgeship on the Tennessee Court of Appeals, Western Section. The Governor's Commission for Judicial Appointments met May 16, 2014. My name was not submitted to the Governor as a nominee.

I submitted an application for a judgeship on the Tennessee Court of Appeals, Western Section. The Governor's Commission for Judicial Appointments met November 12, 2013. My name was not submitted to the Governor as a nominee.

I submitted an application for a judgeship on the Tennessee Court of Appeals, Western Section. The Tennessee Judicial Nominating Commission met June 29, 2013. My name was submitted to the Governor on what was referred to as Panel B.

I submitted an application for a judgeship in the United States District Court for the Western

District of Tennessee on March 2, 2013.

I submitted an application for a U.S. Magistrate position in the United States District Court for the Western District of Tennessee on December 17, 2008.

I submitted an application for a judgeship in Division 7 of the Circuit Court for the 30th Judicial District. The Tennessee Judicial Nominating Commission met February 12, 2004. My name was not submitted to the Governor as a nominee.

I submitted an application for a judgeship in Part 2 of the Chancery Court for the 30th Judicial District. The Tennessee Judicial Nominating Commission met September 23, 2002. My name was not submitted to the Governor as a nominee.

I submitted an application for a U.S. Magistrate position in the United States District Court for the Western District of Tennessee in 2002.

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.

Memphis State University (now University of Memphis), 1976-79, J.D.; class rank 2 of 124; Comments Editor, Law Review; Moot Court Board and Moot Court National Competition Team; I received American Jurisprudence Awards in eight courses, as well as a West Publishing Company Hornbook Award and a Corpus Juris Secundum Award.

Memphis State University, 1973-76, B.A.; Major in Political Science; *cum laude*

Southwestern at Memphis (now Rhodes College), 1971-72; I left in good standing to transfer to Memphis State University.

PERSONAL INFORMATION

12. State your date of birth.

April 5, 1953

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

53 years

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

53 years

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

Shelby

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

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.

None

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.

Yes

Taylor v. Memphis Area Legal Services, Inc., et al, 2:12-cv-02467-JDT-tmp, filed June 15, 2012 in the United States District Court for the Western Division and dismissed February 27, 2014- I was a defendant in this suit brought by a pro se plaintiff against all four federally funded legal aid offices in Tennessee and another pro bono organization, as well as seven employees and one board member of those firms. The suit sought relief under 42 U.S.C. 1981, 1983, 1985, 18 U.S.C. 245, 18 U.S.C. 1512, 18 U.S.C. 1514, 42 U.S.C. 2000d, Public Law 93-355, Public Law 95-222, the First, Fifth, Thirteenth, and Fourteenth Amendments to the United States Constitution, torts, and other theories. The plaintiff appealed to the Sixth Circuit Court of Appeals. On March 19, 2015, the Sixth Circuit affirmed the dismissal. On March 27, 2015, the plaintiff filed a petition for en banc rehearing, which was denied on August 20, 2015. On November 10, 2015, the plaintiff filed a petition for writ of certiorari to the United States Supreme Court which was denied on January 12, 2016.

Frank Cantrell v. Vicki Cantrell, 160587, filed in 1998 in the Circuit Court for the 30th Judicial District. This was a divorce based on irreconcilable differences.

I was a party in either 2 or 3 cases in the 1980's, but they are so old that I have not been able to obtain exact information:

1) I filed suit for a fee once and agreed to submit it to the Memphis Bar Association Fee Dispute Committee.

2) I filed suit over a car accident when the other driver ran a stop sign and broadsided my car on the driver's side. I settled that case.

3) I was once contacted by a collection attorney over a credit card that my co-maker had agreed to pay. I believe that a suit was filed (but am not sure). I paid the balance when I learned that the co-maker had not paid.

Susan Cantrell v. Frank Cantrell, 66660, filed in 1979 in the Circuit Court for the 30th Judicial District. This was a divorce based on irreconcilable differences.

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.

I am a member of Christ United Methodist Church. I am a member of the YMCA. I have held no offices in either organization.

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.
- If so, list such organizations and describe the basis of the membership limitation.
 - 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.

Alternative Dispute Resolution Commission member, 2016-Present (Currently a member of the Rule and Policy Review Committee)

Memphis Bar Association, 1979-Present (Currently a member in Labor & Employment Law Section and ADR Section) (Member, Board of Directors 2007, 2010, 2011; YLD Board of Directors 1983-1986, YLD Treasurer 1987; Labor & Employment Law Section Treasurer 2006, Secretary 2007, Vice Chair 2008, Chair 2009; ADR Section Secretary 2002-2004, Vice Chair

2004, Chair 2005)

National Bar Association, Ben F. Jones Chapter, 2002-Present (Member, Board of Directors 2014-Present) (By-Laws Committee Chair 2008)

Tennessee Bar Association, 2004-Present (Currently a member in Dispute Resolution Section)

American Bar Association, 2004-Present (Currently a member in Labor & Employment Law Section)

Memphis Bar Foundation, 2007-Present

Tennessee Bar Foundation, 2009-Present

American Bar Foundation, 2015-Present

Leo Bearman, Sr., American Inn of Court, 2005-Present (Currently, Emeritus Member) (Program Chair 2008-2010; Mentoring Chair 2007-2008)

Tennessee Alliance for Legal Services, 2008-2016 (Board Member 2008-2016) (Vice Chair 2011-2012; Chair 2013-2014)

Tennessee Association of Professional Mediators, 2013-Present (Board Member 2013-present)

Some dates above are approximate.

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.

2007- B. Riney Green Award, from the Tennessee Alliance for Legal Services for promoting inter-program cooperation and strengthening the provision of legal aid in Tennessee

2012- A.A. Latting Award for Community Service, from the Ben F. Jones Chapter of the National Bar Association

2016- The Leo Bearman, Sr. American Inn of Court, Mentor of the Year Award (one of two recipients)

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.

Not applicable

ESSAYS/PERSONAL STATEMENTS

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

My interest in serving as a judge dates back to law school. As soon as I began reading cases, I realized that my talents were best suited for the role of a judge. In the 1980's, when interviewed by the Memphis Business Journal as (at that time) a young lawyer, I was asked my career goal and replied that I hoped to serve as a judge. I respected that role so much, though, that I realized that I needed tremendous experience before I sought it.

I understand law. It comes naturally to me, as do procedure, evidence, and writing. I can quickly assimilate facts. I appreciate the trial process. As an arbitrator, I consciously practice and enjoy the discipline of keeping an open mind throughout. I can make the decisions that need to be made. I understand the importance of every case to every person involved.

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)*

The Circuit Court is a trial level court of general jurisdiction, more particularly described at Tenn. Code Ann. §16-10-101 et seq. In Shelby County, the Circuit Court does not hear criminal cases. The geographic area of the Thirtieth Judicial District is Shelby County, Tennessee. The court has nine judges who preside over the nine divisions.

My impact would be to apply my talents and hard work on behalf of the people of Tennessee by approaching their cases in a learned, respectful, scholarly, and compassionate way. I would bring diversity in practice experience, having represented clients from those in poverty to corporations listed on the Fortune 500. I could put myself in the shoes of every litigant and every attorney.

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 would follow the oath of office and would not apply for this office if I had any doubt about my willingness or ability to do so. I would never consider disregarding the law simply because I disagree with it. If my duties called upon me to render a judgment on whether or not a statute or rule is enforceable or applicable, I would make that decision based on my obligations as a judicial officer and without regard for any personal agreement or disagreement that I might have.

As an attorney, I also took an oath about supporting the Constitutions and I place that oath above my personal views to the point where I cannot think of an example where I had difficulty

meeting that oath because of any personal disagreement with the law. For example, sitting as a special judge in City Court, I heard a trial where I was personally sympathetic with the defendant and why he had violated the law at issue, yet I ruled against him because he had violated the law. I have no interest in imposing my personal views on anyone. I have had no problem arguing for the extension, modification, or reversal of existing law or the establishment of new law, when permitted.

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. Sarah H. Norton; Attorney at Law; Chief Counsel-Labor and Employment Law, International Paper Company;

B. Kirk Bailey; Memphis Chairman, Pinnacle Financial Partners;

C. Byron Winsett III; Attorney at Law; Prosecutor;

D. Bobby W. Dyer; CEO & President, Dyer's Employment Agency, Inc.;

E. Kevin Turney, PHR; Human Resources Business Partner, Sysco Memphis, LLC;

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 [Court] Circuit Court for the Thirtieth 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: July 6, 2016.

/s/ Frank S. Cantrell
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.

Frank S. Cantrell

Name

/s/ Frank S. Cantrell

Signature

July 6, 2016

Date

006661

BPR #

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

