

The Governor's Council for Judicial Appointments

State of Tennessee

Application for Nomination to Judicial Office

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INTRODUCTION

The State of Tennessee Executive Order No. 41 hereby charges the Governor's Council for Judicial Appointments with assisting the Governor and the people of Tennessee in finding and appointing the best and most qualified candidates for judicial offices in this State. Please consider the Council'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 Council 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 Council requests that applicants obtain the word processing form and respond directly on the form. Please respond in the box provided below each question. (The box will expand as you type in the document.) Please read the separate instruction sheet prior to completing this document. Please submit original (unbound) completed application (*with ink signature*) and any attachments 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.

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| A. Private practice attorney and owner of DuBois & DuBois, P.C., Attorneys at Law (1996 – Present) |
| B. Title Agent and owner of DuBois Closing & Title Services, Inc. (2005 – Present) |
| C. Columbia City Judge, Columbia Municipal Court (1998 – Present) |

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

1989; BPR No. 013777

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.

State of Tennessee (active since 1989); BPR No. 013777
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While on active duty as a U.S. Army J.A.G. Corps Attorney, I represented soldiers in various civil matters in the States of Louisiana and Texas (as authorized by federal law), where I was assigned from 1991 through 1994.
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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).

A. DuBois & DuBois, P.C., Attorneys at Law, Columbia, Tennessee

- 1989 – 1991; 1996 – Present
- Shareholder (since 1996); President (since 2006)
- Although a general practice firm, my primary emphasis has been in real estate, business formations, commercial transactions, commercial litigation, insurance defense, business litigation, and probate.

B. Columbia City Judge

- 1998 – Present
- Since 1998, I have been reappointed by the Columbia Mayor and City Council every two years.
- Handle traffic-related, building code, and municipal code violations

C. DuBois Closing & Title Services, Inc., Columbia, Tennessee

- 2001 – Present
- Co-Owner (since 2005); President (since 2006)
- Close residential and commercial transactions, SBA 504 closings and 1031 Tax-Deferred Exchanges
- Conduct title examinations and issue title insurance/title opinion letters
- Title agent for First American Title Insurance Company and Old Republic National Title Insurance Company

D. State Representative for the 64th House District (Portion of Maury County) in the Tennessee General Assembly (103rd – 105th General Assemblies)

- Achievements:
Prime sponsor of more than 35 significant bills that became law, which involved various policy issues, including:
 - Anti-Stalking (TCA § 39-17-315)
 - Criminal Sentencing (TCA § 40-35-102, 2007, Ch. 512)
 - Health Savings Accounts (TCA § 67-10-101)
 - Residential Closing Funds (TCA § 47-32-101)
 - Domestic Violence (TCA § 36-3-605, 2006, Ch. 676)
 - Protection of Shooting Ranges (TCA § 39-17-316)
 - School Violence (TCA § 39-13-114)
 - Privacy (TCA § 47-18-2901)
- House Committee Appointments:
 - Judiciary Committee
 - State and Local Government Committee
 - Health and Human Resources Committee
 - Civil Procedure Subcommittee
 - Elections Subcommittee
 - Mental Health Subcommittee

- Legislative Appointments:
 - Parliamentarian, House Republican Caucus (2004-2008)
 - Chair, Economic Development Task Force, House Republican Caucus (2002-2004)
 - South Central Tennessee Regional Transportation Committee (2004-2008)
 - Chair, Eminent Domain Task Force, House Republican Caucus (2006)
- Past Endorsements:
 - Tennessee Right to Life
 - National Federation of Independent Businesses (NFIB)
 - Tennessee State Employees Association (TSEA)
 - Tennessee Education Association (TEA)
 - National Rifle Association (A+ rating)

6. If you have not been employed continuously since completion of your legal education, describe what you did during periods of unemployment in excess of six months.

Not Applicable.

7. 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.

DuBois & DuBois, P.C. is a general practice law firm, which areas of practice with percentages are as follows:

Real Estate/Title (commercial and residential)	20%
Corporate/Commercial (litigation, collections, and employment law)	15%
Civil Litigation (e.g. insurance defense, construction defects, commercial and miscellaneous)	15%
Real Estate Disputes/Litigation	10%
Family Law (conservatorships, divorce and paternity)	10%
Wills and Estates	10%
Probate	10%
Business Organizations	5%
Personal Injury/Plaintiff	5%

8. 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. In making your description, include information about the types of matters in which you have represented clients (e.g., information about whether you have handled criminal matters, civil matters, transactional matters, regulatory matters, etc.) and your own personal involvement and activities in the matters where you have been involved. In responding to this question, please be guided by the fact that in order to properly evaluate your application, the Commission needs information about your range of experience, your own personal work and work habits, and your work background, as your legal experience is a very important component of the evaluation required of the Commission. Please provide detailed information that will allow the Commission to evaluate your qualification for the judicial office for which you have applied. The failure to provide detailed information, especially in this question, will hamper the evaluation of your application.

Pre-Bar: In October 1989, I became a licensed and practicing Tennessee attorney. For a summer prior to becoming a licensed attorney, I worked as a real estate title searcher at DuBois & Graham, P.C., Attorneys at Law. During my third year of law school, I also clerked for The Wilson S. Ritchie Law Firm, a Knoxville law firm focused on business/commercial transactions and business litigation.

DuBois & Mounger, P.C. (1989 – 1991): For the first two years of my legal career, I worked as an associate with DuBois & Mounger, P.C., Attorneys at Law with a primary emphasis in insurance defense (general liability and medical malpractice), bank collections, property disputes, and commercial litigation. I also handled transactional work such as preparing commercial and residential leases, real estate contracts, deeds, notes, deeds of trust and other security instruments, construction agreements, escrow agreements, and miscellaneous loan and closing documents.

U.S. Army J.A.G. Corps School (1991): In early 1991, I applied for and accepted a commission in the U.S. Army Judge Advocate General's Corps. For the first three months of my military service, I attended the U.S. Army J.A.G. Corps School, which was located at the University of Virginia at Charlottesville. At the J.A.G. Corps School, for a period of three months, I studied federal military law, law of war, and military criminal justice.

I also had extensive education in courts-martial procedures and the Military Rules of Evidence, which are similar to the Federal Rules of Evidence. In September 1991, I graduated in the Top 5 of 62 officers from the U.S. Army J.A.G. School's basic course.

Fort Polk and Fort Hood (1992 – 1994): For the next two years of my military service, I was primarily a Legal Assistance Attorney representing soldiers with consumer issues, collections, divorce, leases, paternity, support, custody, and other civil legal matters. I also organized and participated in numerous overseas deployment clinics where I prepared wills and powers of attorney for deploying soldiers and their dependents with residences from most every state. While assigned in Louisiana and Texas, I took the initiative to learn those states' laws so I could advise soldiers on matters relating to divorce, custody, leases, contracts, wills, and various consumer issues.

In 1992, when the 5th Infantry Division deactivated at Fort Polk, I, along with the 5th Infantry Division Assistant Staff Judge Advocate and two other military attorneys, moved with the division to Fort Hood, Texas. At Fort Hood, I helped organize the new J.A.G. office for the 2nd Armored Division ("2nd A.D.") for approximately 14 new J.A.G. attorneys plus support staff that were being assigned to this reactivated division.

At Fort Hood, I became the initial Chief of Legal Assistance for the reactivated 2nd A.D., where I organized the new Legal Assistance Office for the 2nd A.D. and was responsible for supervising all Legal Assistance Attorneys.

In mid 1993, I was appointed Trial Counsel for the 2nd Brigade of the 2nd A.D., where I prosecuted all courts-martial actions involving 2nd Brigade soldiers. I also handled involuntary discharges and was primary legal counsel for the 2nd Brigade commander. As Trial Counsel, I prosecuted offenses ranging from theft, aggravated assault, child abuse, and drug crimes. I also deployed with my brigade to the National Training Center in Fort Irwin, California, where I trained with the brigade in combat exercises in the Mojave Desert.

Enclosed is a sample Officer Evaluation Reports ("OER") for a portion of my service at Fort Polk and Fort Hood. This evaluation discusses my duties, work habits, and accomplishments during these assignments. All other OER's are available for review upon request.

Senior Defense Counsel, Vicenza Italy (1994 – 1996): In early 1994, I was chosen by the U.S. Army J.A.G. Corps to become the Senior Defense Counsel with the Southern European Task Force ("SETAF") in Vicenza, Italy. As the Senior Defense Counsel, I was the sole defense counsel representing soldiers stationed throughout Italy, Greece, and Turkey in all military criminal actions. My commander in the U.S. Army Trial Defense Service was in Nürnberg, Germany, and I was routinely assigned court-martial cases in southern Germany.

As the SETAF Senior Defense Counsel, I primarily represented soldiers in courts-martial that were charged with felonies such as involuntary manslaughter, rape, sexual assault, theft, AWOL, DUI, embezzlement, and burglary. I was also responsible for meeting with commanders in Italy and Turkey to keep them abreast of available defense services for their soldiers.

Please see enclosed two OERs for a portion of my service at SETAF that highlight my duties, work habits, and accomplishments. All other OERs at this assignment are available for review upon request.

In late 1995, my father unexpectedly called and asked if I would come home to assist him in his law practice. Although I had anticipated serving several more years overseas and on active duty, I resigned my commission in January 1996 to return home and work with my father.

DuBois & DuBois, P.C. (1996 – Present): As an attorney at DuBois & DuBois, P.C., I initially handled most of the insurance defense cases for several insurance companies that retained our firm. The firm's insurance defense practice involved medical malpractice, car accidents, defense of realtors and brokers, business actions, and premises liability. I also handled bank collections, real estate/commercial transactions, and commercial litigation.

For approximately eighteen years, I have maintained a civil litigation and business transactional practice. I have litigation experience in divorces, property disputes, collections, conservatorships, adoptions, probate, and other similar civil actions.

As part of my transactional practice, I handle commercial closings, including 1031 Tax-Deferred Exchanges and SBA 504 closings. As an SBA 504 closing attorney, I have attended and completed several multi-day SBA loan courses hosted by the National Association of Development Companies to conduct such closings.

Over the years, I have represented the South Central Tennessee Business Development Corporation in their SBA 504 closings, which commercial closings are detail oriented and document intensive. Closing packages generally include 40-50 closing documents. I work closely with the SBA counsel in Nashville on these closings to ensure they comply with all federal requirements for SBA loan debenture sales.

As a part of my private practice, I represent local lenders, banks, and other creditors in various bankruptcy proceedings in the U.S. Bankruptcy Court for the Middle District of Tennessee. I handle business formations and assist businesses with mergers, reorganizations, transfers of ownership and similar affairs. Currently, I represent approximately 45 corporations and LLC's in their general business and litigation affairs.

I have also represented clients before various state administrative boards involving licensing issues, disciplinary actions, and other matters. Although my firm has traditionally been an insurance defense firm, we occasionally represent clients in personal injury actions.

Columbia City Judgeship (1998 – Present): Please see Item 10.

State Representative (2002 – 2008): While serving in the state legislature for three terms, I was one of the few practicing attorneys serving in the House of Representatives. As an attorney in the Tennessee State Legislature, my fellow legislators often looked to me for guidance on legislation affecting our judiciary or involving legal issues.

I was also privileged to serve on the House Judiciary Committee and the Civil Procedure Subcommittee. These committees often dealt with judiciary and private practice issues with which I commonly experienced in my law practice. These House committees also worked with the A.O.C. to establish judicial policy for our state. I often sponsored bills that addressed our court proceedings and those that addressed problems brought to my attention by local district attorneys, law enforcement, and state judges.

I believe my unique legal experiences and public service would be a great benefit to our state judicial system by allowing me to bring this legislative perspective and experience to our state courts.

9. Also separately describe any matters of special note in trial courts, appellate courts, and administrative bodies.

Tennessee State Election Commission

In March 2009, I was appointed by the Tennessee Legislature to serve as a Republican Commissioner on the State Election Commission.

My fellow Commissioners and I were responsible for ensuring fair and impartial elections in the State of Tennessee and adopting state election policy. I appointed the Republican members for the local election commissions for up to 51 counties depending on the number of Republican commissioners serving on the Commission. The State Election Commission also sat as a hearing board for election complaints, removal actions, adverse proceedings, and disciplinary

proceedings involving local election administrators and commissioners. I served as Chairman of the State Election Commission from April 2010 until April 2011.

10. If you have served as a mediator, an arbitrator or a judicial officer, describe your experience (including dates and details of the position, the courts or agencies involved, whether elected or appointed, and a description of your duties). Include here detailed description(s) of any noteworthy cases over which you presided or which you heard as a judge, mediator or arbitrator. Please state, as to each case: (1) the date or period of the proceedings; (2) the name of the court or agency; (3) a summary of the substance of each case; and (4) a statement of the significance of the case.

A. Columbia City Judge

In 1998, I was appointed by the Columbia Mayor and City Council to serve as the Columbia City Judge. The Columbia City Court is a municipal court that presides over city code violations for the City of Columbia. Although most city cases involve traffic-related violations, the Columbia City Court often adjudicates building code, zoning, and other miscellaneous city ordinance violations. I also issue seizure orders for abandoned motor vehicles, show cause orders, property remediation orders, construction cease and desist orders, and contempt orders in extreme circumstances.

The Columbia City Judge position is a two-year term, and since 1998, I have been reappointed for eight consecutive terms by our city mayors and council members. One of my primary goals as Columbia City Judge is to treat everyone as I would want to be treated when appearing in court. As reflected by my reappointments, I believe the city mayors and council members for over sixteen years have recognized that my clerks, my court officers, and I run a courteous, impartial, and efficient city court system.

B. Informal Mediation

On a pro bono basis, I have occasionally and informally mediated business and property disputes between existing clients that are adverse on an issue. As a legislator, I occasionally would serve on conference and other committees to mediate and develop consensus between adverse parties on public and legislative issues. These issues varied from highway projects, local projects, state licensure regulations, and legal practice issues.

11. Describe generally any experience you have of serving in a fiduciary capacity such as guardian ad litem, conservator, or trustee other than as a lawyer representing clients.

Over my twenty-five years of practice, I have served as a guardian ad litem for approximately a dozen conservatorships. On many occasions, I have also been appointed to assist or represent mentally disabled wards in involuntary commitments. Occasionally, I have served as an agent on various powers of attorney, and I am presently a Co-Executor for the estate of my late mother.

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

I have served as Special City Attorney for the City of Columbia and advised the Columbia Civil Service Board on terminations or similar adverse personnel actions.

13. List all prior occasions on which you have submitted an application for judgeship to the Governor's Commission for Judicial Appointments or any predecessor commission or body. Include the specific position applied for, the date of the meeting at which the body considered your application, and whether or not the body submitted your name to the Governor as a nominee.

In September 2014, I applied for the 22nd Judicial District Circuit Court judgeship vacated by the Honorable Robert L. Holloway. The date of the Committee meeting was October 15, 2014 and my name was not submitted to the Governor as a nominee.

EDUCATION

14. List each college, law school, and other graduate school that 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.

A. Columbia State Community College

Associate of Science degree, Political Science, 1984

Summa Cum Laude

- John W. Burgess Political Science Award (Top CSCC Pre-Law Graduate).

B. Middle Tennessee State University

Bachelor of Science degree, Political Science, 1986

Magna Cum Laude

- MTSU Norman L. Parks Political Science Award (Top MTSU Pre-Law Graduate).

C. University of Tennessee College of Law

Juris Doctorate degree, 1989

Honors Graduate

- Christian Legal Society (Member, 1986-1989 and President, 1989).

D. University of Virginia, Charlottesville, Virginia

U.S. Army Judge Advocate General's Corps Basic Course, (June – September 1991)

Top Five Graduate

PERSONAL INFORMATION

15. State your age and date of birth.

51; January 14, 1964

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

All my life, except for 5 years in the military.

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

All my life, except for 3 years in law school and 5 years in the military.

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

Maury

19. 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.

U.S. Army Judge Advocate General's Corps:

- Active Duty: June 1991 – February 1996
- 5th Infantry Division (Fort Polk, Louisiana) – Legal Assistance Attorney, Office of Staff Judge Advocate (1991 – 1992)
- 2nd Armored Division (Fort Hood, Texas) – Chief, Legal Assistance Office and Trial Counsel, 2nd Brigade, Office of Staff Judge Advocate (1992 – 1994)
- Southern European Task Force (Vicenza, Italy) – Senior Defense Counsel (U.S. Army

Trial Defense Service) for Italy, Greece, and Turkey (June 1994 – January 1996)

- Rose to rank of Captain on active duty
- After active duty, entered Individual Ready Reserves and promoted to rank of Major

Military Honors and Awards:

- Meritorious Service Medal, for service in Italy, Greece, and Turkey (See attached)
- Army Commendation Medal, for service at Fort Polk, Louisiana and Fort Hood, Texas. (See attached)
- Army Achievement Medals (Oak Leaf Cluster), for field exercises at Fort Polk, Fort Hood, and Fort Irwin (National Training Center) (See attached)
- National Defense Service Medal (Active-duty service during Persian Gulf War)
- Overseas Service Medal (U.S. Army Europe)
- Air Assault Badge (Fort Rucker, Alabama, 1994)
- Honorable Discharge (1996)

20. Have you ever pled guilty or been convicted or are you now on diversion for violation of any law, regulation or ordinance? Give date, court, charge and disposition.

No.

21. 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.

22. Please state and provide relevant details regarding any formal complaints 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.

In 2011, my bookkeeper mistakenly deposited loan closing proceeds from a residential closing in one trust account and mistakenly wrote distribution checks on another unrelated account. When the disbursement checks were returned for non-sufficient funds, the mistake was immediately discovered. My bookkeeper promptly reversed the error and deposited the funds into the correct account. Bank counsel reported the event to the Board of Professional Responsibility and after explanation, the matter was dismissed.

23. 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.

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

No.

25. 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.

None, except for the occasional lawsuit against the State of Tennessee in which I and other legislators and State Election Commissioners were listed as parties in our official capacities.

26. 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 that you have held in such organizations.

A. Charitable and Civic Organizations:

- American Legion, Post 19 (Judge Advocate General and Executive Board, 2008 – Present and Member, 1997 – Present)
- National Rifle Association.
- Southern Middle Tennessee Friends of NRA (Board Member, 2008 – Present)
- Maury County Gun Club
- YMCA of Maury County (Board Member, 2008 – 2011)
- Tennessee Scenic Rivers Association
- Columbia Noon Rotary Club (Board Member, circa 1997 - 2000)
- Maury County Republican Party
- Maury County Young Republicans, Organizing Advisor
- BPOE Elk's Lodge 686, Columbia, Tennessee
- Quail Forever, Duck River Chapter (Board Member, 2013 – Present)

- National Wildlife Turkey Federation, Duck River Chapter

B. Community and State Boards:

- Maury County Chamber of Commerce/Maury Alliance (Chair, Economic Development Council, 2007 – 2008 and Executive Board Member, 2002 - 2008)
- Zion Christian Academy Foundation Association. (Charter Board Member, 2008 – 2013)
- Zion Christian Academy (Board of Directors, 2008 – 2013)
- King’s Daughters’ School (Board of Directors, 1998 – 2006)
- Tennessee State Election Commissioner (2009 – 2014) and Chairman 2010 – 2011)
- Duck River District Boy Scouts of America. Over a period of 22 years, I have served in various district leadership roles, such as District Chairman, Vice District Chairman, Assistant Scoutmaster, Camping Chair, The Duck River District Friends of Scouting (annual fundraiser)
- Middle Tennessee Council Boy Scouts of America, Executive Board (circa 2004 – Present)
- During my term in the legislature, I organized and hosted the annual Boy Scouts’ Report to the State of Tennessee
- McDowell Elementary PTO (Board Member, 1997 – 2000 and President, 1998)
- St. Peter’s Episcopal Church, Columbia, Tennessee
 - Vestry (Board of Directors) (February 2001 – January 2004)
 - High School Sunday School Teacher (1998 – 2002)
Eucharistic Minister and Lay Reader (2006 – Present)
 - Rector Search Committee (September, 2014 – Present)

27. Have you ever belonged to any organization, association, club or society that 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

28. 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 that you have held in such groups. List memberships and responsibilities on any committee of professional associations that you consider significant.

- Tennessee Bar Association (Member, 1989 – Present)
- Maury County Bar Association (Member, 1989 – Present and current President-Elect)
- American Legislative Exchange Council (Member, 2002 – 2008)
- National Conference of State Legislators (Member, 2002 – 2008)
- Tennessee Municipal Judges Association (Member, 2005 – Present) and Legislative Affairs Committee Member (2009 – 2014)

29. List honors, prizes, awards or other forms of recognition which you have received since your graduation from law school that are directly related to professional accomplishments.

- Rotary International, Paul Harris Fellow
- Hope House (local domestic violence shelter) Outstanding Legislative Effort Award to Ensure Justice for Victims of Domestic Violence (2004)
- Hugh Harris-Ed Holton-James Boyd-Bailey Peyton-Walter Griffin Police Chief's Achievement Award For Service to the Citizens of Maury County (awarded 2004 by the Columbia FOP)
- 2004 Legislator of the Year (South Central Tennessee Developmental District)
- Honorary Chair, Maury County March of Dimes Walk-a-Thon
- Twice Honorary Chair, Maury County MS Walk for Maury County
- Leadership Maury Graduate (Class of 1997)
- Leadership Middle Tennessee Graduate (Class of 2008)
- Tennessee Bar Foundation Fellow (2009)
- Boy Scouts of America:
 - Duck River District Long Rifle Award (1999)
 - Middle Tennessee Council's Silver Beaver Award (2005)
- Columbia State Community College Top 40 Alumni, 40th Anniversary (2006)

30. List the citations of any legal articles or books you have published.

None.

31. List law school courses, CLE seminars, or other law related courses for which credit is given that you have taught within the last five (5) years.

None. Over the years, however, I have taught numerous legislative/legal updates at seminars, conferences, meetings, and real estate seminars, some of which were organized by my law firm and title company for realtors. A few examples are:

- A. Legislative Update of the 106th General Assembly (1 CLE credit), First Farmers & Merchants Bank Lawyers Seminar, Columbia, TN
- B. Legislative Update (1 CLE credit), Tennessee Municipal Judges Association Annual Conference, Gatlinburg, TN

32. 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.

Please see Nos. 5 (Tennessee State Representative), 10 (Columbia City Judge), and 19 (Tennessee State Election Commissioner). I was a Republican candidate for Circuit Court Judge, Part 1, 22nd Judicial District in the August 7, 2014 General Election and an applicant for the judicial vacancy of the Honorable Robert L. Holloway in the Fall of 2014.

33. Have you ever been a registered lobbyist? If yes, please describe your service fully.

No.

34. Attach to this questionnaire at least two examples of legal articles, books, briefs, or other legal writings that reflect your personal work. Indicate the degree to which each example reflects your own personal effort.

- A. *Phillips v. McKeg (SIC)*, Motion for Clarification and/or Correction of Judgment. 100% personal work
- B. *Dillard v. Wilkerson*, Second Petition for Contempt. 100% personal work
- C. *Webster v. Davis*, Memorandum of Law in Support of Defendant, Columbia Academy's Motion for Summary Judgment. 75% personal work
- D. *Community First Bank & Trust v. Evans*, Trial Brief in Support of Plaintiff, Community First Bank & Trust. 75% personal work
- E. *Webb v. Royalton Woods Development, Inc.*, Memorandum of Law Regarding the Tennessee Mechanic's and Materialman's Lien Statutes. 75% personal work
- F. *Warfield v. Smith, et al.*, Memorandum or Fact and Law in Opposition to Defendant Garg's Motion to Dismiss. 75% (minimum) personal work

ESSAYS/PERSONAL STATEMENTS

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

Since 1998, I have been privileged to serve as Columbia City Judge for nine successive terms. I have enjoyed my weekly interaction with our citizens and educating them on how their compliance with our traffic laws and city ordinances affects the safety of our community.

I feel I can be an effective tool in our state courts to address local criminal issues such as habitual crime, drug addiction, and domestic violence. Although judges must remain neutral in criminal and civil proceedings, I believe judges can be proactive and more frequently, utilize informal dispute resolution, judicial settlement conferences and scheduling orders at the commencement of cases to more effectively resolve cases.

While a legislator, I sponsored legislation that minimized the emotional and financial costs of legal proceedings and brought closure to court actions in an expeditious and fair way. I would work to do the same as a Circuit Judge.

36. State any achievements or activities in which you have been involved that demonstrate your commitment to equal justice under the law; include here a discussion of your pro bono service throughout your time as a licensed attorney. *(150 words or less)*

On a pro bono basis in 2013, I represented a mother with limited financial means, who was a victim of domestic abuse by a son with a serious drug addiction. After obtaining an Order of Protection, the mother received the peace of mind that our judicial system can be of help to her. The son eventually obtained drug rehabilitation and is now employed, maintaining his sobriety and rebuilding his family relationships.

Occasionally, I have performed pro bono services for legal aid and participated in will/power of attorney clinics for local law enforcement, fire-fighters and E.M.S. personnel. I have also routinely served as a judge in our annual High School Moot Court competition.

DuBois & DuBois, P.C. has always encouraged and performed pro bono legal services and community/charitable work as a significant part of its practice.

37. 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)*

- A. Counties: Maury, Giles, Lawrence, and Wayne
- B. All state civil and criminal cases, to include probate.
- C. Four Circuit Judges who also serve as Chancellors.
- D. My past experiences as a legislator, military attorney, State Election Commissioner, city judge, general practice attorney, and community volunteer will allow me to bring a unique perspective to our trial courts. I believe these varied experiences will benefit our judicial district by allowing me to incorporate new ideas for the improvement of our judicial system.

I also believe our district can explore the reinstatement of a drug court, study the efficacy of a veteran's court recently requested by local veterans, and look at other innovative ways (e.g., increased use of ADR) to more effectively resolve cases.

38. Describe your participation in community services or organizations, and what community involvement you intend to have if you are appointed judge? (250 words or less)

One of the greatest lessons I learned from my father, with whom I practiced for over eighteen years, is that civic and charitable service in our community is an integral part of any legal practice. I have been fortunate to have been in a firm for over twenty-five years that recognizes that we, as lawyers and judges, have a duty to give back and contribute to the improvement of our community.

As stated in my response to Item 26 above, my community service reflects my long-standing commitment to community service. While a J.A.G. attorney, I also served the Fort Hood, Texas community as an Assistant Schoolmaster for a local scout troop.

As a judge, my community service will continue to be of equal importance and at the level I have displayed over the years. "Service above Self" was ingrained in me as an Eagle Scout and later, as a Columbia Rotarian, and I will continue this community commitment as a Circuit Judge.

As a Circuit Judge, I will continue my involvement in the Boy Scouts and youth organizations that promote youth outdoor activities and leadership, particularly for underserved youth. I believe I can be of benefit in developing better working relationships with our legislators to address public issues such as those that relate to drug use, juvenile crime and mental health.

39. Describe life experiences, personal involvements, or talents that you have that you feel will be of assistance to the Commission in evaluating and understanding your candidacy for this judicial position. (250 words or less)

When I was first elected as State Representative, someone shared with me to never forget where I came from. This was good advice, and I often share this advice with new community leaders.

As St. Francis of Assisi once said, "Seek first to understand, then to be understood," which is a maxim I try to follow on the bench of the Columbia City Court. In this position, I patiently listen to citizens as they express their positions, perceptions, and concerns on their matters before me. I consider myself to be an active listener and one who can make litigants feel "at ease" in the courtroom. Where appropriate, I prefer dialogue rather than a lecture in resolving a legal dispute or handling an offense.

I believe it is important for citizens to feel that our judicial system will be fair and impartial and that their judge will attentively and fairly hear the concerns of all litigants. While campaigning for this Circuit Court Judge position in 2014, citizens often expressed with me their primary concern that our courts must always administer justice impartially. As a Circuit Judge, I believe that we must be proactive to build this public trust in our judicial system.

My varied experiences as a State Election Commissioner, Columbia's City Judge, and a State Representative for three General Assemblies will help me be a judge that looks for solutions to address public issues where appropriate and resolve conflicts fairly, impartially, and effectively.

40. 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. As a military attorney at Fort Hood, Texas and Vicenza, Italy, I often represented soldiers that were accused of serious crimes such as involuntary manslaughter, sexual assault, theft, rape, burglary, and other violent crimes. As with most criminal attorneys, it was challenging to defend those accused of such serious crimes against others. I know that in our system of justice, however, all accused persons must have an effective and zealous advocate and are entitled to a presumption of innocence that transcends any personal reservations to represent citizens in such cases.

I occasionally represent clients who are from other parts of the world and that hold religious beliefs that are strikingly different from my own beliefs. Notwithstanding these different backgrounds and beliefs, I consider these citizens to be entitled to the same religious freedoms I enjoy, and I would zealously defend, without hesitation, their First Amendment religious rights if called upon to do so.

REFERENCES

41. 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. Honorable Robert L. Jones, Circuit Judge, 22 nd Judicial District, 20 Public Square, P.O. Box 462, Columbia, TN 38402, Phone: (931) 540-2458
B. Lieutenant Governor Ron Ramsey, Tennessee State Senate, 1 Legislative Plaza, Nashville, TN 37243-0219, Phone: (615) 741-4524, Email: lt.gov.ron.ramsey@capitol.tn.gov .
C. Speaker Beth Harwell, Tennessee House of Representatives, 19 Legislative Plaza, Nashville, TN 37243, Phone: (615) 741-0709, Email: speaker.beth.harwell@capitol.tn.gov (See attached letter of recommendation).
D. District Attorney Brent Cooper, 22 nd Judicial District Attorney General's Office, 5 Public Square, Columbia, TN 38401, Phone: (931) 380-2536, Email: bacooper@tndagc.org .
E. Reverend Thomas S. Wilson, Rector Emeritus, St. Peter's Episcopal Church of Columbia,

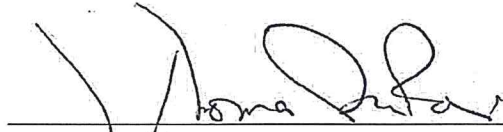
AFFIRMATION CONCERNING APPLICATION

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] _____ 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: 25 February, 2015.



Signature

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



**THE GOVERNOR'S COMMISSION FOR JUDICIAL APPOINTMENTS
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 Governor's Commission for Judicial Appointments to request and receive any such information and distribute it to the membership of the Governor's Commission for Judicial Appointments and to the Office of the Governor.

I. Thomas DuBois
Type or Print Name


Signature

25 February 2015
Date

013777
BPR #

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

State of Tennessee Department of Commerce and Insurance, Insurance Producer (Title), License No.

8440057

ITEM NO. 34

WRITING SAMPLES

**IN THE GENERAL SESSIONS COURT FOR MAURY COUNTY, TENNESSEE
AT COLUMBIA**

MARK PHILLIPS d/b/a PHOENIX FRAMING)

Plaintiff,)

v.)

Docket No. 148-08-8

**JIM McKEG (SIC), individually and d/b/a)
M & M MACHINE)**

Defendant.)

MOTION FOR CLARIFICATION AND/OR CORRECTION OF JUDGMENT

Defendant, Jim McCaig, individually and as a partner in M & M Machine Company, by and through counsel, files this Motion for Clarification and/or Correction of Judgment entered in this cause. In support of this Motion, Plaintiff Mr. McCaig would show unto this Honorable Court as follows:

1. On August 18, 2008, Jim McCaig, mistakenly referenced in the original Summons as “Jim McKeg”, was served with a Civil Summons to Recover Personal Property, a copy of which is attached hereto as Exhibit A.

2. As shown on the attached Summons, the parties originally agreed to set this matter for trial on September 8, 2008. Later this matter was reset for trial on November 17, 2008.

3. Mr. McCaig hired local attorney James Marshall (hereinafter referred to as “Mr. Marshall”) to represent him in this matter. As a result of a mistake by Mr. Marshall, who inadvertently and mistakenly failed to properly calendar the new trial date on his calendar or apprise Mr. McCaig of this trial date, neither Mr. Marshall nor Mr. McCaig attended the trial on November 17, 2008, and Plaintiff was awarded a default judgment.

4. When Mr. Marshall became aware of the default judgment, Mr. Marshall called Plaintiff's attorney John Colley (hereinafter referred to as "Mr. Colley") approximately two days after the default judgment was taken and well within Mr. McCaig's statutory time period to either appeal the judgment or to file a Motion to Reconsider or Set Aside the Judgment. Mr. Marshall explained to Mr. Colley that he failed to attend the trial because he had inadvertently failed to calendar the trial date. In that phone conversation, Mr. Marshall advised Mr. Colley that he understood that Mr. Colley had only obtained a judgment for possession of the personal property. Mr. Marshall also indicated that M & M Machine simply wanted to conclude this matter and the parties' attorneys arranged a time for the Plaintiff to retrieve said materials from M & M Machine.

5. During said phone conversation, Mr. Marshall confirmed with Mr. Colley that the Plaintiff did not obtain any monetary award as the default judgment did not state any monetary amount. Mr. Colley advised Mr. Marshall that Plaintiff merely wanted his materials and Mr. Marshall subsequently advised Mr. McCaig of the same. Mr. McCaig, on behalf of M & M Machine, agreed to give Plaintiff said materials, and further, to conclude this matter, M & M Machine would not pursue Plaintiff for any outstanding balance on Plaintiff's account with M & M Machine. Mr. Colley never told Mr. Marshall that Plaintiff wanted \$15,000.00 from Mr. McCaig or M & M Machine or that he obtained a monetary judgment for the same by default.

6. Although Plaintiff asserts that a monetary judgment of \$15,000.00 was awarded to him on November 17, 2008, the "JUDGMENT" on the Summons to Recover Personal Property does not specify any monetary award. Accordingly, Mr. McCaig contends that the default judgment was limited to recovery of personal property only. Further, even assuming the facts in the best light for the Plaintiff, a monetary award in the amount of \$15,000.00 for

Plaintiff's "two trips to Columbia, humiliation, and punitive damages for this intentional act" is clearly excessive and an unreasonable monetary award in this matter.

7. On the "JUDGMENT" section of the Summons in this matter, a copy of which is attached as Exhibit "A", the summons has been signed by General Sessions Judge Bobby Sands and is marked as "X DF". Again, the "JUDGMENT" does not indicate any monetary award of \$15,000.00, which monetary judgment section is not completed. Additionally, the word "Retire" is written in the margin.

8. On January 30, 2009, a levy execution was delivered to Community First Bank and Trust against the business bank account of M & M Machine, in order to collect an alleged judgment balance in this matter for \$15,000.00 plus pre-paid court costs and costs associated with the levy. On May 18th, 2009, \$15,325.50 was seized from M & M Machine's bank account and delivered to Mr. Colley's office, which execution was a complete surprise to Mr. Marshall and Mr. McCaig.

9. T.C.A. §16-15-727(a) states: "The provisions of Tennessee Rules of Civil Procedure, Rule 60.01, relative to clerical mistakes, shall apply to all courts of general sessions." Furthermore, Tennessee Rules of Civil Procedure, Rule 60.01 provides in relevant part: "(c)lerical mistakes in judgments, orders or other parts of the record, and errors therein arising from oversight or omissions, may be corrected by the court at any time on its own initiative or on motion of any party and after such notice, if any, as the court orders."

10. If it was intended for an award of \$15,000.00 to be granted against the Mr. McCaig, it is contended that a clerical mistake was made by omitting any monetary judgment or award on the Summons. If a monetary judgment had been specifically stated on the Summons, Mr. McCaig or Mr. Marshall, Defendant's counsel at that time, would have either appealed the

default judgment or filed a Motion under Tenn. Code Ann. §16-15-727(b) to correct the judgment for inadvertence, excusable neglect or other similar reasons as set out in said statute and Tenn. Rules of Civil Procedure, Rule 60.02. However, Mr. Marshall and Mr. McCaig believed that the matter was concluded when the subject materials were returned to Plaintiff.

11. Prior to filing this Motion, Defendant Mr. McCaig, by and through his current counsel, requested of Plaintiff, that he return the levied funds based on the foregoing facts. Plaintiff, through his counsel, Mr. Colley, has refused to return the levied funds asserting that his client obtained a monetary judgment of \$15,000.00 against Defendant on November 17, 2008.

12. In addition to the foregoing, Defendant respectfully asserts and reserves the following issues and/or defenses:

(a) Any claims, damages, causes of action, or rights to assert conversion of the bank proceeds, which were the proceeds of M & M Machine, a general partnership of Jim McCaig and his wife, Renee McCaig;

(b) Whether Plaintiff's original cause of action for a monetary judgment based on the facts as alleged in the Summons, even if assumed true, states a claim for which monetary relief can be granted, particularly for the amount of \$15,000.00; and

(c) Whether Plaintiff's action properly alleged the correct form, style and averments for a suit against a general partnership, to wit: Plaintiff sued a "Jim McKeg d/b/a M & M Machine" when the Defendant's correct legal name is actually "Jim McCaig" and Mr. McCaig is a joint partner of M & M Machine, (with his wife, Renee McCaig), which business is not a sole proprietorship nor a separate legal entity.

WHEREFORE, Defendant Mr. McCaig respectfully requests this Honorable Court to find and order the following:

1. That based on the foregoing information and statutory or other legal authority, the Court clarify that no monetary judgment was entered in this cause on November 17, 2008 and set aside any levy execution thereon.

2. Alternatively, that based on the foregoing information and statutory or other legal authority, the Court correct and/or set aside any monetary judgment by default in this cause and further set aside any levy execution thereon.

3. That Plaintiff be required to return to Defendant his Fifteen Thousand Two Hundred Seventy-Five Dollars and Fifty Cents (\$15,275.50) which funds were seized from the partnership account of M & M Machine at Community First Bank & Trust.

4. That if the Court grants to Defendant the relief requested hereinabove, and further finds that said levy execution was not factually or legally proper or warranted in this cause, the costs of this action be adjudged against the Plaintiff and that the Defendant be awarded reasonable attorney's fees to recover the converted property levied by Plaintiff; and

5. That the Honorable Court grant such other, further and general relief to which Defendant Mr. McCaig may be entitled and that this Honorable Court deems proper.

Respectfully submitted this _____ day of June, 2009.

DuBOIS, DuBOIS, & BATES, P.C.

By: _____
J. Thomas DuBois, BPR #013777
Attorney for Defendant
810 South Garden Street
P. O. Box 339
Columbia, Tennessee 38402-0339
(931)388-2526

NOTICE OF HEARING

Please take notice that I will, on the ____ day of _____, 2009, at _____ a.m. or as soon as counsel may be heard, move this Honorable Court regarding the above Motion for Relief from Judgment and for the relief described above. Said application shall be made in the General Sessions Courtroom of the Maury County Courthouse, Columbia, Tennessee.

CERTIFICATE OF SERVICE

I, J. Thomas DuBois, hereby certify that I have this ____ day of June, 2009, forwarded a true and exact copy of the foregoing Motion for Relief of Judgment and Notice by facsimile and U.S. Mail to:

John Colley
Attorney for Plaintiff
710 North Main Street, Suite 200
P.O. Box 1476
Columbia, Tennessee 38402-1476

J. Thomas DuBois, Esq.

2. It was discovered in early 2003 that Respondent Wilkerson is continuing to use the name of D & W Contractor's, Inc. on his personal or business vehicles and that the registration for his vehicle or vehicles were still in the name of D & W Contractor's, Inc.. Specifically, it was discovered that Respondent Wilkerson still had his Western Star and the Freightliner trucks titled in the name of D & W Contractors, Inc..

3. As stated in Paragraph 4 of the Order in this cause dated June 19, 2003, Respondent Wilkerson agreed to retitle the truck or trucks still titled in the name of D & W Contractors, Inc.. Even though said Order mentions only one truck still titled in the name of said corporation, it has been discovered that there are actually two of Respondent's trucks titled in said corporate name.

4. Additionally, Petitioner Dillard recently discovered that Respondent Wilkerson was issued an overweight assessment citation from the State of Georgia on the Freightliner truck. The State of Georgia, as shown on the citation attached hereto as Exhibit A, is pursuing Petitioner Dillard and D & W Contractor's, Inc. for the personal citation of Respondent Wilkerson.

II.

Pursuant to Paragraph 6 of the Agreed Order dated November 13, 2002, in the event of breach of the Agreed Order of either party, the party breaching said agreement agrees to pay all expenses of the non-breaching party, including reasonable attorney's fees.

III.

Petitioner Dillard sent a letter dated August 14, 2003 to Respondent Wilkerson advising him that he failed to retitle said vehicles and that he has a personal citation that is subjecting D & W Contractor's to liability, which results in him being in contempt of said prior orders. Said August 14, 2003 letter is attached hereto as Exhibit B. As of this date, Respondent

Wilkerson has willfully refused to retitle said vehicles or satisfy said citation and is in willful contempt of this Court.

PREMISES CONSIDERED, PETITIONER DILLARD PRAYS:

1. That he be allowed to file this Petition in the original cause and that the Respondent Wilkerson be required to answer hereto, but not under oath.
2. That upon filing of this Petition, an Order be issued requiring the Respondent Wilkerson to appear and show cause why he should not be held in contempt of court.
3. That Respondent Wilkerson be required to retitle any personal or business vehicles owned by Respondent Wilkerson so as to remove said corporate name from his vehicles pursuant to the Agreed Orders referenced hereinabove and to comply with all further Orders of this Court.
4. That Respondent Wilkerson be required to satisfy the State of Georgia overweight assessment citation so that the State of Georgia will stop pursuing D & W Contractor's, Inc. for Respondent's citation he received from the State of Georgia.
5. That Respondent Wilkerson be ordered to pay the Petitioner's attorney's fees in this cause.
6. That the Petitioner have all such other, further and general relief to which Petitioner may be entitled.

THIS IS THE SECOND APPLICATION FOR A SHOW CAUSE ORDER IN THIS CAUSE.

DuBois & DuBois, P.C.

By: _____

J. Thomas DuBois BPR# 013777
Attorney for Petitioner
810 South Garden Street
Columbia, TN 38401
(931) 388-2526

STATE OF TENNESSEE

COUNTY OF MAURY

J. Thomas DuBois, being duly sworn according to law, makes oath that the statements contained in the foregoing Petition for Contempt are true to the best of his knowledge, information and belief.

J. Thomas DuBois

FIAT

TO THE CLERK & MASTER:

Upon filing of the foregoing Petition, issue a Show Cause Order as prayed for therein, without the necessity of filing bond.

ENTER this _____ day of September, 2003.

JUDGE

CERTIFICATE OF SERVICE

I, J. Thomas DuBois, hereby certify that I have this ____ day of August, 2003, forwarded a true and exact copy of the foregoing Petition for Contempt to Patrick Lynch P.O. Box 310, Winchester, TN 37398 and Darryl E. Wilkerson, 1894 Wellsbrook Drive, Fayetteville, TN 37334, by placing the same in the U.S. Mail, postage prepaid.

J. Thomas DuBois