

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

04/13/16

Name: E. Evan Cope

Office Address: 16 Public Square North, Murfreesboro, TN 37130 (Rutherford County)
(including county)

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INTRODUCTION

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

This document is available in 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 by the noon deadline date an original (unbound) completed application (with ink signature) to the Administrative Office of the Courts.** In addition, submit a digital copy with electronic or scanned signature via email to 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.

I am a partner in the law firm of Hudson, Reed & McCreary, PLLC, and I also serve as city attorney for the City of La Vergne, Tennessee.

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

2001, TBPR #021436

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

TBPR #021436

2001

Active

4. Have you ever been denied admission to, suspended or placed on inactive status by the Bar of any State? If so, explain. (This applies even if the denial was temporary).

No.

5. List your professional or business employment/experience since the completion of your legal education. Also include here a description of any occupation, business, or profession other than the practice of law in which you have ever been engaged (excluding military service, which is covered by a separate question).

Since the completion of my legal education I have been an associate and, subsequently, a partner, with the law firm of Hudson, Reed & McCreary, PLLC, and its predecessor entities. Since 2004, I have also served as city attorney for the City of La Vergne. In addition to the practice of law, I own investment property. Prior to the completion of my legal education in 2001, I worked as a runner/law clerk for various lawyers. During my last year of law school, I served as law clerk to the Honorable Robert L. (Butch) Childers, Judge of Division IX of the Circuit Court for Shelby County, Tennessee.

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 have practiced law for sixteen (16) years, and over that time I have developed a diverse law practice. I generally litigate civil cases and provide legal counsel to individuals, local government and business entities. The percentage of the major areas of law in which I practice fluctuates at any given time, but I would estimate that approximately 30% is related to domestic relations matters, and the balance, or approximately 70%, would fall generally under the umbrella of general civil matters, which include, for example, tort/damages, eminent domain (condemnation), employment law, civil rights, contracts, business, real estate and local government matters.

7. Describe generally your experience (over your entire time as a licensed attorney) in trial courts, appellate courts, administrative bodies, legislative or regulatory bodies, other forums, and/or transactional matters.

I have had the privilege of representing clients in a diverse array of matters over the course of my career. I have litigated cases in the General Sessions, Circuit and Chancery Courts of this state, the Tennessee Court of Appeals, the United States District Court for the Middle District of Tennessee, the United States District Court for the Eastern District of Tennessee, and the United States Court of Appeals for the Sixth Circuit. I have tried multiple bench and jury trials in state court, both as first and second chair. I have represented clients in a wide range and variety of matters, including, but not limited to, the following types of matters: divorce, child custody, parental relocation, child support adjustment, civil and criminal contempt of court, eminent domain, employment discrimination, civil rights violations, municipal zoning and planning, writs of certiorari from administrative bodies, breach of contract, personal injury, wrongful death, professional malpractice, fraudulent misrepresentation, various tort/damages actions, requests for injunctive relief; drafting of legal opinions ordinances and regulations, reviewing and drafting contracts, and providing general legal advice to individuals, local government and business entities.

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

Two relatively recent examples which illustrate the range of my experience, the depth and breadth of my legal knowledge, and my work habits, involve cases I litigated in the Circuit Court for Rutherford County and subsequently in the Tennessee Court of Appeals.

The first matter involved alleged personal injury and damages in which the plaintiff sought \$350,000 in damages against Rutherford County government. I represented Rutherford County. The primary issue involved whether or not the facts supported the county's position that it had discretionary immunity, or in the alternative, whether the facts supported the plaintiff's claim that the county was negligent. Both issues of fact and law were hotly contested. Fifteen (15) depositions were taken, and four (4) of the depositions were of medical experts. I was involved in every aspect of the case, from beginning to end, including the preparation of pleadings, discovery, briefs, presentation at trial, post trial review, and appellate briefing and argument. A bench trial was conducted on August 5, 2015. At the conclusion of trial, based upon the evidence and the law that I worked very hard to collect and present, the court found that the county did have discretionary immunity, and also ruled that, even if it did not have discretionary immunity, the county was not negligent. Judgment was entered in favor of the county. The plaintiff appealed to the court of appeals, and the court of appeals affirmed the judgment on December 15, 2016, in *Linda K. Guthrie v. Rutherford County, Tennessee, et al.*, No. M2015-01718-COA-R3-CV.

The second matter involved alleged damages to real property in connection with the construction of a road project. I, along with Ed Wallis, Sr., of Jackson, Tennessee, represented Dement Construction Company ("Dement"). Dement was accused of being liable for the alleged damages. The case was litigated over the course of several years, and involved extensive expert proof from engineers, soil scientists and real estate appraisers. As was the case in the example above, I was involved in every aspect of the case, from beginning to end, including trying a five (5) day jury trial with my co-counsel. The jury returned a verdict in favor of my client, and judgment was entered accordingly. The judgment was appealed to the court of appeals, and the court of appeals affirmed the judgment on December 20, 2016, in *Dement Construction Company, LLC v. Lucas C. Nemeth, et al.*, No. M2015-02204-COA-R3-CV.

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

While in law school I worked as a law clerk for the Circuit Court for Shelby County, Division IX, which was (and still is, to my knowledge) a court with jurisdiction over civil matters in Shelby County. I observed the practice of law from the perspective of a circuit court judge. I read and reviewed motions and other pleadings filed with the court and assisted the court in analyzing the law and the legal positions of the parties. I assisted the court with applying the law to the facts and assisted with drafting opinions and orders.

As chairman of the Tennessee Higher Education Commission, I am legally responsible, along with my fellow commissioners, for discharging the statutory duties and responsibilities bestowed upon us by the legislature and the governor. This involves a wide-variety of responsibility: from authorizing new postsecondary institutions to operate in Tennessee, to adopting rules and regulations governing higher education, to protecting the public from substandard, transient, deceptive or fraudulent institutions and practices.

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

Not applicable.

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.

I graduated from Rhodes College in 1998, with a B.A. in political science and a minor in history. While in college, in addition to my studies at Rhodes, I studied British history and politics in Oxford, England as part of the British Studies at Oxford program offered through Rhodes, and I took summer school classes at MTSU when I was home in Murfreesboro. I received my law degree from the University of Memphis in 2001 where I was a member of the Moot Court Board and received the Dean's Award for Academic Excellence in Trial Advocacy.

PERSONAL INFORMATION

12. State your date of birth.

December 17, 1975.

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

With the exception of brief periods of travel, work and study during college and law school, I have lived continuously in the State of Tennessee all of my life.

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

With the exception of my time in college and law school, I have lived continuously in Rutherford County all of my life.

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

Rutherford County.

16. Describe your military service, if applicable, including branch of service, dates of active duty, rank at separation, and decorations, honors, or achievements. Please also state whether you received an honorable discharge and, if not, describe why not.

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.

Two, and both were dismissed as meritless.

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. I was divorced from my first wife in 2006. (Bedford County Circuit Court, #10600.) In 2004 my automobile insurance company brought a subrogation action in my name against the person at fault for an automobile accident. (Davidson County General Sessions #04GC16635, and Davidson County Circuit Court #05C2489.) Because it was a subrogation action I do not recall actively participating in the case, and I do not know what the ultimate disposition was. In 2000, I decided to take-up duck hunting as a hobby. I purchased my hunting license, but I forgot to purchase a duck stamp to go with the hunting license, and on the first day I hunted that season I received a ticket in Lauderdale County, Tennessee for not having a duck stamp. I subsequently purchased the duck stamp and the ticket was dismissed. (Lauderdale County General Sessions #53833.)

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.

Tennessee Higher Education Commission. I was appointed by Governor Haslam to serve on the commission in 2012, and I have served continually on the commission since my appointment. I was elected to chair the commission on January 29, 2015, when Randy Boyd resigned to become commissioner of the Tennessee Department of Economic and Community Development. I was recently re-elected to chair the commission on July 27, 2017.

First United Methodist Church, Murfreesboro. For periods of time between 2010 and the present, I served my church on the council of stewards and as chair of the Legacy Fund Committee and the Visioning Committee. I presently serve on the Staff Parish Relations Committee and the Stewardship Campaign Committee, "Faith in Action".

Partner in Hope, Rick Warren's Daily Hope

Charles Stanley's In Touch Ministries

The One Hundred Club of Rutherford County, Inc. I currently serve as president.

Evergreen Cemetery Commission. Vice-Chair, 2014.

Tennessee Department of Safety and Homeland Security Foundation. I was elected secretary of the foundation in 2013, and I was elected vice-president of the foundation in 2014.

Leadership Middle Tennessee

Stones River Country Club

Rutherford County Chamber of Commerce

Georgetown Homeowners Association

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

In college, I was a member of Sigma Alpha Epsilon fraternity which limited membership to men. To my knowledge, I am not a member of the fraternity's alumni association. I am not otherwise affiliated with the fraternity at this time, nor do I intend to be.

ACHIEVEMENTS

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

I am a member of the Rutherford/Cannon County Bar Association, the Tennessee Bar Association and the American Bar Association, and I have belonged to these organizations for approximately the entire duration of my career as a lawyer. With the TBA, I served as a district representative with the Young Lawyers Division from 2002 to 2006, and I also served on the Committee to Protect the Public from the Unauthorized Practice of Law from 2010 to 2013.

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

I was nominated and accepted as a member of the Tennessee Bar Association Leadership Law program, class of 2010, and the Leadership Middle Tennessee program, class of 2012. I was named a Fellow of the Young Lawyers Division of the Tennessee Bar Association in 2012. I received the Murfreesboro Young Professionals Award in 2015.

27. List any public office you have held or for which you have been candidate or applicant. Include the date, the position, and whether the position was elective or appointive.

I was appointed to the Tennessee Higher Education Commission by Governor Haslam in July of 2012. I was elected to chair the commission by my fellow commissioners on January 29, 2015, and I was recently re-elected to chair the commission on July 27, 2017. I served as town attorney for the Town of Bell Buckle from 2006 to 2008. It was an appointed position. I was appointed city attorney for the City of La Vergne in 2004 and still presently serve in that capacity.

ESSAYS/PERSONAL STATEMENTS

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

Serving on the Tennessee Higher Education Commission has ignited a passion in me for public service, I love the law, and I want to make a positive contribution to the administration of justice in my community. Judge Siskin served with kindness, humility, gentleness and patience, and I want to continue the legacy of compassionate and thoughtful jurisprudence.

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 16th Judicial District is comprised of Rutherford County and Cannon County. There are four divisions of circuit court: two divisions assigned to preside over criminal matters, and two divisions to preside over civil matters. The division of circuit court for which I am applying is presently assigned civil matters. In this judicial district, state trial court judges presiding over civil matters hear both circuit and chancery court matters interchangeably. For fiscal year 2015-2016, there were 1,826 cases filed in circuit court and 3,051 cases filed in chancery court, for a total of 4,877 cases. The largest percentage of cases involve domestic relations related matters, damages/tort and miscellaneous general civil matters. I have litigated these type cases from beginning to end, and while I am sure I would come across matters with which I have little or no experience, I have the ability to get "up-to-speed" quickly.

30. Will you uphold the law even if you disagree with the substance of the law (e.g., statute or rule) at issue? Give an example from your experience as a licensed attorney that supports your response to this question. *(250 words or less)*

Yes, I will uphold the law even if I disagree with the substance of the law at issue. As a lawyer, my job is to advocate for and advise my clients in the context of the law as it exists, whether I agree with it or not, and that is what I have done. As a judge, I will apply the law as it exists and render whatever decision the law requires.

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. Mark Cate
B. Mike Krause
C. Chief Mike Walker
D. Josh A. McCreary
E. Judge Royce Taylor

AFFIRMATION CONCERNING APPLICATION

Read, and if you agree to the provisions, sign the following:

I have read the foregoing questions and have answered them in good faith and as completely as my records and recollections permit. I hereby agree to be considered for nomination to the Governor for the office of Judge of the Circuit Court of Tennessee for the 16th Judicial District, 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.

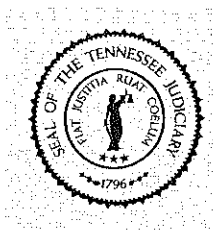
I understand that the information provided in this questionnaire shall be open to public inspection upon filing with the Administrative Office of the Courts and that the Commission may publicize the names of persons who apply for nomination and the names of those persons the Commission nominates to the Governor for the judicial vacancy in question.

Dated: August 21, 20 17.



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.

E. Evan Cope
Type or Print Name

[Signature]
Signature

August 21, 2017
Date

021436
BPR #

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

Not applicable.
