

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

9/8/20

Name: Michael Everett Jenne

Office Address: 260 North Ocoee Street, Cleveland, Tennessee 37311 (Bradley County)
(including county)

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Home Address: [REDACTED] Cleveland, Tennessee 37311 (Bradley County)
(including county)

Home Phone: N/A Cellular Phone: [REDACTED]

INTRODUCTION

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

This document is available in Microsoft Word format from the Administrative Office of the Courts (telephone 800.448.7970 or 615.741.2687; website www.tncourts.gov). The Commission requests that applicants obtain the Microsoft Word form and respond directly on the form. Respond in the box provided below each question. (The box will expand as you type in the document.) **Review the separate instruction sheet prior to completing this document. Submit by the noon deadline date an original (unbound) completed application (with ink signature) to the Administrative Office of the Courts.** In addition, submit a digital copy with electronic or scanned signature via email to ceesha.lofton@tncourts.gov, or via another digital storage device such as a flash drive. See section 1(g) of the application instructions for additional information related to hand-delivery of application packages.

THIS APPLICATION IS OPEN TO PUBLIC INSPECTION AFTER YOU SUBMIT IT.

PROFESSIONAL BACKGROUND AND WORK EXPERIENCE

1. State your present employment.

The Jenne Law Firm f/k/a Jenne, Scott & Jenne, PLLC, 260 North Ocoee Street, Cleveland, Tennessee 37311.

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

1995; Board of Professional Responsibility #017424.

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.

I am licensed to practice law in the state of Tennessee. I have been licensed since 1995, and my license is active. My Board of Professional Responsibility Number is #017424.

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).

- May 1995 to September 1997: Baker, Donelson, Bearman & Caldwell, PC, 265 Brookview Centre Way, Suite 600, Knoxville, Tennessee 37919. I was an Associate.
- September 1997 to Present: The Jenne Law Firm f/k/a Jenne, Scott & Jenne, PLLC, 260 North Ocoee Street, Cleveland, Tennessee 37311. I have been a Partner since 1997, and the Managing Partner since 2005.

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.

The Jenne Law Firm is a family-run law firm. I practice law with my wife, Nan Jenne, my brother, Josh Jenne, and my father, Roger Jenne, who is now "of counsel". I am a general civil litigation trial lawyer representing clients in State and Federal Courts. Although my litigation practice is very diverse, the major areas of law in which I practice are as follows:

- Divorce/Family Law litigation: 25%
- Personal Injury litigation: 20%
- Contract litigation: 10%
- Construction/Real Estate litigation: 10%
- Commercial/Business litigation: 10%
- Insurance Dispute litigation: 10%
- Labor/Employment litigation: 5%
- Banking litigation: 5%
- Wills/Estate litigation: 5%

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 began my legal career in 1995 at Baker, Donelson, Bearman & Caldwell, PC, in Knoxville, Tennessee representing defendants in jury and bench trials throughout East Tennessee. My primary work areas were personal injury, products liability, and workers compensation cases. While at Baker Donelson, I was fortunate to be able work with some outstanding attorneys and pillars in the legal profession. I became knowledgeable about litigation, handling large and complex litigation matters, and the importance of always being prepared while representing clients. I very much enjoyed my work experience at Baker Donelson, and it was with mixed emotion that in 1997, my wife and I decided to return to my hometown of Cleveland, Tennessee to join a general litigation practice with my father and my wife. Since relocating to Cleveland, my diverse trial practice has consisted of representing and helping both plaintiffs and defendants in litigation matters. I estimate that sixty-five percent (65%) of my time is spent representing plaintiffs, and thirty-five percent (35%) of my time is spent representing defendants.

That said, I have been a trial lawyer for over twenty-five (25) years. For the past ten (10) years, my trial practice has primarily consisted of civil litigation. Throughout my career, I have represented individuals, businesses, and corporations in a variety of matters including, but not limited to, personal injury litigation, products liability litigation, domestic relations litigation, contract litigation, insurance disputes, construction litigation, commercial litigation, banking litigation, and estate litigation. My litigation experience includes jury and bench trials, arbitrations and mediations. I have tried numerous cases over the years in General Sessions Court, Circuit Court, Chancery Court, as well as before the Tennessee Claims Commission. I have also appeared before the Tennessee Court of Appeals on several occasions throughout my career.

A rewarding part of my legal career has been successfully helping clients work through their difficult personal and legal issues. I have represented clients in very complex litigation, and my representation and litigation skills have resulted in clients recovering an excess of seven (7) figures on more than one occasion. Likewise, I have successfully defended clients in various disputes wherein a litigant was seeking an excess of seven (7) figures.

Addressing transactional matters in particular, I have successfully represented individuals, organizations, and financial institutions as related to their business dealings and disputes. This includes reviewing all types of contracts, preparing contracts, and litigating the enforceability of contracts. These contracts include, but are not limited to, Non-Competition Agreements, Confidentiality Agreements, Partnership Agreements, Purchase Agreements, Lease Agreements, Stockholder Agreements, Operating Agreements, Dissolution Agreements, Loan Agreements, Personal Guaranty Agreements and the like. I was also a Board of Director of First Citizens Bank from 2004 to 2006, at which time, BB&T Bank purchased the assets of First Citizens Bank. From 2006 to 2019, I served on the local Board of Directors for BB&T Bank until BB&T Bank and SunTrust merged to form Truist Bank. My service on these Boards has provided me with a vast range of experience and knowledge as related to transactional and commercial matters, issues and documents.

Finally, I have always enjoyed the legal research and writing aspect of being a trial lawyer. While in law school, I was a member of the Law Review which is a publication devoted to legal issues and required extensive legal research and writing. I routinely conduct my own legal research when needed, and I constantly draft and finalize pleadings, memorandums of law, legal briefs and appellate briefs.

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

With regard to my practice of law, I believe it is worthy to note my methodology and diversity of practice areas.

Methodology: My approach to assisting clients may be characterized by some as being as “old school”; however, my method has served my clients well. Rather than sue first and ask questions later, my approach in the dispute resolution process has been to interview, investigate the facts, research the law, negotiate, mediate, and as a last resort, litigate. This approach has been efficient, saved my clients money, expedited the process, and relieved many of the emotional stress associated with protracted litigation. In some situations, this approach does not result in dispute resolution without the necessity of litigation. When litigation is required, I am prepared to present the facts and law to supports my client’s position with the skill necessary to assist the courts and juries in proper decision making. That said, of all the cases that I have tried since 1995, only twelve (12) cases have been appealed to the Tennessee Court of Appeals. Of those cases, I have only represented the Appellant on two (2) occasions. This reflects that when litigation is required, I have always put forth the maximum effort in assisting the trier of fact to reach a sound result.

Diversity of Practice Areas: Although not unique, I have a diverse civil practice representing both plaintiffs and defendants in dispute resolution and/or litigation. This is demonstrated in the appellate work that I have done involving the following subject matters:

- Construction
- Divorce/Family
- Estate
- Banking
- Personal Injury/Negligence
- Real Estate
- Commercial
- Workers' Compensation
- Insurance

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

I serve as a mediator and conduct mediations involving a wide range of civil disputes. I have been listed by the Supreme Court of Tennessee as a Rule 31 General Civil Mediator since January 30, 2006.

Throughout my legal career, I have provided pro bono services in several areas while practicing law both in Knoxville and Cleveland. For example, I have volunteered at legal clinics for low-income citizens in need of legal assistance. I also serve as a "Friend of the Court" to provide assistance to litigants involved with adversarial Petitions for Orders of Protection. Additionally, I volunteer my time to provide pro bono legal services to the United Way of Bradley County, which has a mission to assist those in need throughout our community.

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

None.

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.

Cumberland School of Law, Samford University, Birmingham, Alabama.

August 1992 to May 1995.

Doctor of Jurisprudence Degree.

Magna Cum Laude.

Honors and Activities:

- Member, Cumberland Law Review.
- Vice President, Phi Delta Phi Legal Fraternity.
- Member, Phi Kappa Phi.
- Member, Order of Coif.
- Member, Order of Barristers.
- Chief Judge, Trial Advocacy Board.
- Who's Who: American Law Students.
- Cordell Hill Teaching Fellow.
- Merit Award, Legal Research and Writing.
- Dean's List.

University of Tennessee, Knoxville, Tennessee.

August 1987 to December 1989.

Bachelor of Science Degree in Business Administration.

With Honors.

Honors and Activities:

- Kappa Sigma Fraternity, Pledge Education Committee Co-Chairman.
- Member, Order of Omega Greek Honor Society.
- Member, American Marketing Association.
- Honor Roll.
- Dean's List.

Tennessee Technological University, Cookeville, Tennessee.

August 1985 to May 1987.

Honors and Activities:

- Full Athletic Football Scholarship.
- Treasurer, Fellowship of Christian Athletes.
- Honor Roll.

I was injured during a football game my sophomore year. I therefore decided to transfer to the University of Tennessee and pursue a Bachelor of Science Degree in Business Administration.

PERSONAL INFORMATION

12. State your date of birth.

██████████ 1966.

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

Twenty-six (26) years. I have lived in Tennessee since birth except for the following:

- January 1990 to May 1990: I lived and worked in Colorado after graduating from college and prior to entering law school.
- June 1992 to May 1995: I lived in Birmingham, Alabama to attend law school.

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

Twenty-four (24) years. I grew up in Cleveland, Bradley County, Tennessee where I attended elementary school, junior high school and high school. Upon my graduation from high school in 1985, I moved from Cleveland to attend college and law school. I have lived continuously in Cleveland since 1997 when I left Baker, Donelson, Bearman & Caldwell, PC to come back to my hometown and practice law with my father and my wife.

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

Bradley 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.

None.

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. You may wish to request a report from the appropriate supervisory authority (or authorities) for a complete history.

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, one time fifteen (15) years ago in 2006. Michael E. Jenne v. Celina Miller, Bradley County General Sessions Court Docket No. 2006-CV-457. Debt collection case and a Judgment was entered in my favor in the amount of \$920.17.

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.

- United Way of Bradley County:
 - Board of Directors, 2003 to 2014.
 - Executive Committee, 2003 to 2013.
 - Chairman for Attorney's Division, United Way of Bradley County Campaign, 2001 to 2003, 2005, 2008 and 2009.
 - Co-Campaign Chair, United Way of Bradley County Campaign, 2004.
 - Chairman of Board of Directors, 2007 to 2008.
 - Volunteer Legal Counsel for United Way of Bradley County, 2013 to present.

- Financial Institutions:
 - Board of Directors, First Citizens Bank/The Bank, 2004 to 2006.
 - Local Board of Directors, BB&T Bank, 2007 to 2019.

- Rotary Club of Cleveland:
 - Board of Directors, 2002 to 2005.
 - Board of Directors, Rotary Club of Cleveland Foundation, 2007 to 2014.

- Education:
 - Board of Directors, St. Nicholas School, 2005 to 2014.
 - Co-Campaign Parent Committee Chair, Baylor School Forever Forward Capital Campaign, 2013.

- Broad Street United Methodist Church:
 - Finance Committee, 2001-2006.

- Cleveland Country Club:
 - Vice President, 2003 to 2004.
 - President, 2004 to 2005.

- Cleveland Business Round Table.

- Investment Clubs:
 - Cleveland Bulls and Bears Investment Club (Established in 1959).
 - Double Eagle Investment Club.
 - Capital Gainers Investment Club.

- Cleveland Elks Lodge, #1944.

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.

Yes, from 1987 to 1989, I was a college undergraduate member of Kappa Sigma Fraternity. This college fraternity organization limits its membership to males.

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.

- Tennessee Bar Association, 1995 to present.
- Member, Tennessee Bar Association Leadership Law Class of 2006.
The Leadership Law program is for young lawyers with 5 to 15 years of legal experience. The purpose of the program is to serve the legal profession by equipping young lawyers with the attributes necessary to serve as leaders in the law profession and community.
- Executive Council, Tennessee Bar Association Federal Practice Section, 2006 to 2012.
- Tennessee Bar Foundation, 2010 to present.
The Tennessee Bar Foundation honors Tennessee attorneys who have distinguished themselves in the legal profession. In accordance with the Foundation's bylaws, members are limited to outstanding lawyers, judges, and teachers of the law. I am also a "sustaining member" of the Tennessee Bar Foundation.
- Tennessee Bar Foundation Grant Review Committee, 2015 to 2017.
As a member of this committee, I assisted in selecting the recipients and the amount of IOLTA grants to be awarded to Tennessee's law-related organizations and public projects.
- Tennessee Trial Lawyers Association, 2004 to present.
- Hearing Committee Member, Supreme Court of Tennessee Board of Professional Responsibility, 1997 to 2002; 2013 to 2018; 2020 to present.
I was appointed by the Tennessee Supreme Court to conduct hearings and review disciplinary matters when a lawyer is alleged to have violated the Tennessee Rules of

Professional Conduct.

- Member, Tennessee Board of Law Examiners Investigatory Committee, 2017 to present.
I was appointed by the Tennessee Supreme Court to interview law school graduates applying for a license to practice law in Tennessee. After an interview, I am responsible for making a recommendation as to each applicant's fitness to practice law. Factors to be considered include the applicant's honesty, respect for the rights of others, and adherence to and obedience to the Constitution and the laws of the state of Tennessee and the United States.
- Bradley County Bar Association, 1997 to present.
 - Secretary, Bradley County Bar Association, 1997 to 2000.
 - Vice President, Bradley County Bar Association, 2008 to 2009.
 - President, Bradley County Bar Association, 2009 to 2010.

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.

- Martindale-Hubble AV Preeminent Peer Review Rated.
- The National Trial Lawyers: "Top 100", 2015 to present.
- American Institute of Personal Injury Lawyers: "10 Best", 2016 to present.
- America's Top 100 High Stake Litigators, 2017 to present.
- American's Top 100 Attorneys "Lifetime Achievement", 2017 to present.

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.

None.

ESSAYS/PERSONAL STATEMENTS

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

Serving as a judge will afford me the opportunity to provide public service. I believe that every person or entity, regardless of their position, is entitled to competent and skilled legal representation. These same parties are also entitled to have a competent and skilled judge hear their respective cases. I have the knowledge, experience, work ethic and temperament to be an exceptional judge. I have worked hard and long hours as a trial attorney, and I am always prepared when I appear in Court. If appointed, I will continue to uphold the same work ethic. I

will also ensure that all attorneys and litigants are treated with respect, and that all cases are decided fairly and impartially.

I have always aspired to become a judge, and I have the knowledge, experience and skills to serve the 10th Judicial District and the State of Tennessee.

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)*

Circuit Court for the 10th Judicial District consisting of Bradley, Polk, McMinn and Monroe Counties. There are two (2) Circuit Court Judges in our district that hear only civil matters. One judge, Lawrence Puckett, is retiring and this is the judgeship vacancy that I am seeking to obtain.

The Circuit Court Judge adjudicates a wide range of civil matters including torts, contract disputes, domestic relations, business disputes, labor and employment, real estate, will contests and the like. I have handled all of these types of civil cases, and my litigation practice has well prepared me to serve as a judge. Judges must also have strong research and writing skills, and I have these skills.

A judge must have legal knowledge, analytical abilities, good judgment, communication skills, legal experience and high ethical standards. These are the qualities considered by Martindale-Hubbell in rating a lawyer's abilities. I am rated "AV Preeminent."

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 most definitely uphold the law, regardless of whether I personally agree or disagree with the common rule of law and/or the laws enacted by our General Assembly. This is absolutely essential in our judicial system.

On October 1, 2011, Tennessee's General Assembly enacted a statutory cap on noneconomic damages in all civil cases as part of the Tennessee Civil Justice Act of 2011 (hereinafter "the Act"). The Act altered Tennessee common law. I understand and respect the public policy reasoning that served as the basis of the Act. However, there is a debate as to whether, in rare circumstances, there should be limited exceptions to the cap to fairly and adequately compensate those most seriously injured.

In early 2012, shortly after this legislation was enacted, a young man was tragically killed in a motor vehicle accident due to the negligence of another driver. He was survived by a spouse and three (3) minor children. I represented this family in a civil action. In my view, due to the unique circumstances, the amount of noneconomic compensation that my clients were entitled to receive under common law far exceeded the statutory cap.

However, Tennessee law maintains that our General Assembly can change common law by statute, and that there is a strong presumption that Acts passed by the legislature are constitutional. As opposed to challenging the constitutionality of the noneconomic damages cap, my clients and I followed the law as written by our legislature and the civil matter was resolved.

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. Mike Bell, Tennessee State Senator, [REDACTED] Riceville, TN 37370. [REDACTED]
[REDACTED]

B. Travis D. Henry, Esq., Partner, Burns, Henry & Kirksey, PC, [REDACTED]
Cleveland, TN 37311. [REDACTED]

C. Jeffrey C. Cunningham, Esq., Vice-Chairman of the Board of Directors for Capstar Bank and Capstar Financial Holdings, [REDACTED] Athens, TN 37371. [REDACTED] Mr. Cunningham is the former Managing Partner of Carter, Harrod & Cunningham, the former CEO of Athens Federal Community Bank and Athens Bancshares Corporation, and the former Executive Vice-President of Capstar Bank.

D. Allen F. Carter, Owner, Athens Insurance, [REDACTED] Athens, TN. 37303. [REDACTED]

E. Sheryl Jagers, CEO of J&L Enterprises, Board of Director for Bradley Cleveland Public Education Foundation, and Local Board of Director for Truist Bank, [REDACTED] Road, NE, Cleveland, TN 37312. [REDACTED]

AFFIRMATION CONCERNING APPLICATION

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

I have read the foregoing questions and have answered them in good faith and as completely as my records and recollections permit. I hereby agree to be considered for nomination to the Governor for the office of Judge of the Circuit Court, Part 1, for the 10th 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: MARCH 30, 2021.

Michael E. Jones
Signature

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



**TENNESSEE TRIAL COURT VACANCY COMMISSION
ADMINISTRATIVE OFFICE OF THE COURTS**

511 UNION STREET, SUITE 600
NASHVILLE CITY CENTER
NASHVILLE, TN 37219

**TENNESSEE BOARD OF PROFESSIONAL RESPONSIBILITY
TENNESSEE BOARD OF JUDICIAL CONDUCT
AND OTHER LICENSING BOARDS**

WAIVER OF CONFIDENTIALITY

I hereby waive the privilege of confidentiality with respect to any information that concerns me, including public discipline, private discipline, deferred discipline agreements, diversions, dismissed complaints and any complaints erased by law, and is known to, recorded with, on file with the Board of Professional Responsibility of the Supreme Court of Tennessee, the Tennessee Board of Judicial Conduct (previously known as the Court of the Judiciary) and any other licensing board, whether within or outside the State of Tennessee, from which I have been issued a license that is currently active, inactive or other status. I hereby authorize a representative of the Trial Court Vacancy Commission to request and receive any such information and distribute it to the membership of the Commission and to the Office of the Governor.

Michael E. Jenne
Type or Print Name

Michael E. Jenne
Signature

MARCH 30, 2021
Date

#017424
BPR #

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