

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

9/8/20

Name: John G. Mitchell III

Office Address: 106 East College Street.
(including county)

Murfreesboro, TN 37130, Rutherford County

Office Phone: 615-896-4211 Facsimile: 615-895-5485

Email Address: [REDACTED]

Home Address: [REDACTED]
(including county)

Murfreesboro, TN 37129, Rutherford County

Home Phone: [REDACTED] 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.

I am currently the Managing Partner at Mitchell & Mitchell, Attorneys at Law.

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

1990, BPR #014140

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.

TN, BPR #014140, admitted May 11, 1990, currently 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).

Sole practitioner, 1990-2001

Managing Partner, Mitchell & Mitchell, Attorneys at Law, 2001-present

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 am currently engaged in a general trial practice, with 100% of my practice devoted to criminal defense cases, both felony and misdemeanor, in State court. As the Managing Partner at my firm, I have also overseen as many 5 other attorneys whose areas of practice have differed greatly from mine.

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.

My practice has always been focused at the State court level, and for the first 13 to 15 years, I handled a wide variety of cases in both civil and criminal courts, including, but not limited to, divorce and family law, tort, and contracts, as well as felony and misdemeanor criminal law cases. I have handled civil and criminal cases in most counties in the Middle Tennessee area, and have had both jury and non-jury trials throughout the area. I have also had numerous Administrative Law hearings, usually in civil forfeiture cases, during my career, and I have argued cases before the TN Court of Appeals, TN Court of Criminal Appeals, and the TN Supreme Court.

The last 15 or so years of my practice have been solely devoted to criminal defense, and I have continued to try cases, both jury and non-jury, during this time.

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

In State of TN v. Areanna Lloyd, M2017-01919-CCA-R3-CD, I successfully argued a motion for the Circuit Court Judge to reconsider a previous ruling against a Petition for Suspended Sentence for a young lady who was sentenced as a mitigated offender and was passed over for parole after reaching her release eligibility date. Ms. Lloyd, who was a first-time offender, was told she would have to wait almost three years before being reconsidered for parole. My client was released at the conclusion of the hearing, and the Judge's decision was upheld on appeal.

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

I completed the Tennessee Bar Association's Mentor Program, and I regularly provide advice

and assistance to younger attorneys in the 16th Judicial District. I also, through the TN Association of Criminal Defense Attorneys (of which I am currently a member of the Board of Directors), host a monthly Round Table meeting, with the goals of providing practical advice and building camaraderie within the local Bar.

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

This is my first application.

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.

Washington and Lee University, 1983-1987, Bachelor of Science in Business Administration

University of Tennessee School of Law, 1987-1989, Doctor of Jurisprudence

PERSONAL INFORMATION

12. State your date of birth.

1964

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

Other than my time at Washington and Lee University, I have lived in Tennessee my entire life.

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

Since 1966.

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

Rutherford.

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

Three. I had one complaint filed against me in 1998, one in 1999, and one in 2000, and each of these was dismissed after being investigated by the Tennessee Board of Professional Responsibility.

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.

John G. Mitchell III v. Tracey T. Mitchell, Williamson County Circuit Court case # 94CC1-1994-CV-2744. Filed July 6, 1994, and Final Decree of Divorce granted September 9, 1994. Irreconcilable differences divorce from prior spouse.

James E. Patterson v. J.G. Mitchell III, individually & d.b.a. THE LAW FIRM OF J.G. MITCHELL III, Rutherford County Circuit case # 44461. Filed February 13, 2001. I had previously represented Mr. Patterson in a personal injury lawsuit, which was settled by agreement in 1997. As part of the settlement, Mr. Patterson was deeded a piece of commercial real estate. Several years later, Mr. Patterson sold this property, and, during the negotiation process, he alleged the neighboring property was encroaching upon his property, so he chose to sue me rather than attempt to resolve the boundary issue in Chancery Court. A previous order dismissing the case was set aside on July 1, 2003, but there has been no activity in the case since that date.

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.

Murfreesboro Breakfast Rotary Club

Foundation Board, Rutherford County Recovery Courts

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.

Not applicable

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.

Rutherford and Cannon County Bar Association, 1990-present

Tennessee Bar Association, 1990-present

Tennessee Association for Justice (formerly the Tennessee Trial Lawyers Association), 1990-present

Tennessee Association of Criminal Defense Lawyers, 1990-present

National Association of Criminal Defense Lawyers, 2004-present

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.

Tennessee Bar Association Leadership Law program, Class of 2005

Received an AV/Preeminent rating by the Martindale-Hubbell Peer Review Ratings

Voted Favorite Attorney in annual poll in *The Daily News Journal*, 2007 and 2010

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 unsuccessfully ran for Circuit Court Judge, Part IV, 16th Judicial District, earlier this year.

ESSAYS/PERSONAL STATEMENTS

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

During my years of practice, I have been fortunate to have appeared before dozens of judges throughout Middle Tennessee, and the best of them all possess the same basic qualities. They are courteous to the participants and respectful of the process, they are able to listen intently to the testimony and proof presented, and, above all else, they set aside their personal biases and beliefs to render an objective decision according to the law.

I believe I possess these traits, and, if fortunate enough to receive this appointment, I will strive daily to provide all who appear before me an opportunity to be heard in a fair and impartial forum.

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)*

I am applying for Judge of the Circuit Court of the 16th Judicial district, Part II, covering Rutherford and Cannon counties. Currently, Part II handles approximately one third of the criminal cases in Circuit Court, as well as overseeing the Rutherford County Drug Court, although the types of cases handled by each Circuit Court Judge and the Chancellor is determined based upon seniority. I would not expect this to change if I were to be appointed, although my experience trying both civil and criminal cases in Circuit courts throughout Middle Tennessee would enable me to step in and immediately be prepared to handle either a civil or criminal docket, including presiding over hearings and trials.

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)*

I am a firm believer that it is not the role of a judge to legislate from the bench, and that applies regardless of one's personal beliefs about the validity of a particular statute or rule. As a criminal defense attorney, I have often found myself at odds with criminal statutes, usually for the punishment associated with certain criminal offenses, but I recognize the Legislature's responsibility to enact laws to protect the citizens it represents, and on the numerous occasions when I have sat as Special Judge in the General Sessions Courts in the 16th Judicial District, I have never hesitated to sentence individuals as required by statute.

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. Lee Moss, Rutherford County Chairman, FirstBank [REDACTED]
B. William T. Ramsey, Neal & Harwell [REDACTED]
C. Hal D. Hardin, The Hardin Law Office [REDACTED]
D. R. Steven Waldron, Waldron, Fann & Parsley [REDACTED]
E. Trish Breeding, Director, Rutherford county Recovery Courts [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 II, 16th 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: October 14, 2020.



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.

JOHN G. MITCHELL III

Type or Print Name



Signature

October 14, 2020

Date

014140

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, Title Insurance Producer, License #

904873