

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

9/8/20

Name: James Aubra Turner

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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 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.

Private practice attorney at Oliver & Turner, PLLC in Murfreesboro, Tennessee.
I also serve as the City Attorney for the City of Eagleville, Tennessee.

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

I have been licensed in Tennessee since 2011, BPRN 030383.

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 is the only state in which I am licensed to practice law, and my license is active. I was also admitted to practice in the United States District Court for the Middle District of Tennessee in 2013.

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).

Professional Experience as an Attorney

Attorney/Partner

Oliver & Turner, PLLC – Murfreesboro, TN
January 2020 to present

City Attorney

City of Eagleville, TN
April 2019 to Present

Attorney/Partner

Wilson, Howser, Oliver & Turner, PLLC – Murfreesboro, TN

Partner: January 2018 to December 2019

Associate: April 2014 to December 2017

Associate Attorney

Hagan & Farrar – Murfreesboro, TN

June 2013 to March 2014

Associate Attorney

LeVan, Sprader, Patton & McCaskill – Nashville, TN

October 2011 to June 2013

Legal Experience prior to Bar Passage

While in law school I worked full time during the day to pay for school and financially support my family. I attended school in the evenings. This made for long days and nights, especially when my wife gave birth to our first son in the middle of my third year of law school. Below is a listing of the positions I held during my time in law school.

Litigation Paralegal

Law Office of Gary R. Wilkinson (Nationwide Insurance) – Nashville, TN

September 2010 to October 2011

- Provide paralegal support for attorneys Gary R. Wilkinson and Lynn Vo Lawyer handling defense matters for Nationwide Insurance.

Litigation Paralegal

Allen, Kopet & Associates – Nashville, TN

February 2009 to November 2010

- Provide paralegal support for up to 7 attorneys handling insurance defense matters.

Legal Assistant / Receptionist

Stillman and Friedland Injury Attorneys – Nashville, TN

August 2007 – February 2009

Other Work Experience

Supervisor of Agent Operations

Covenant Transport Solutions – Chattanooga, TN

January 2007 – August 2007

- Supervised all brokerage transactions and managed relationships with outside brokers/agents across the United States.

Fleet Manager

Covenant Transport – Chattanooga, TN

June 2006 – January 2007

- Managed the daily operations of a fleet of 45-50 over-the-road truck drivers.

During my years in college at the University of Memphis and Middle Tennessee State University I worked in many industries, including automobile repair, restaurants and other service-related industries. There were two jobs that made an impression on how I solve problems and treat others: First, I worked as a diesel mechanic at Lewis Ford, a Ford Dealership in Memphis, TN, from 2001 to 2003. Second, from 2004 to 2005, I waited tables on the General Jackson Showboat at Gaylord Opryland in Nashville, TN. These experiences taught me how to appreciate people from a wide array of backgrounds and to relate to their varying circumstances. I also learned that solving problems required patience and the ability to empathize with others.

Since 2016, I have worked on several political campaigns throughout Middle Tennessee as both a volunteer and paid consultant, including races for state representative, circuit court judge, county commission and city council. This included producing digital media, political mail and overall messaging strategy.

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 primary focus of my current practice consists of handling criminal defense matters. I would estimate that criminal matters are 85% of my case load. This includes handling matters in General Sessions and Circuit Courts ranging from all levels of misdemeanors and felonies. A large part of any criminal defense practice involves criminal activity related to drugs and/or alcohol. I have represented many clients that have struggled with addiction issues. In many cases we are able to direct them to treatment at private facilities or assist with entrance into our Recovery Courts.

As stated above, I was appointed as the City Attorney for Eagleville, TN. At least 10% of my practice is dedicated to the City. I represent the City in all matters and provide legal support to the City Council, City Manager and the chiefs for the Fire and Police Departments.

Over the years I have minimized my other areas of practice, Personal Injury and Domestic Relations. These two areas are 5% or less of my practice.

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.

From 2011 to 2013, I began my career as an attorney with LeVan, Sprader, Patton & McCaskill in Nashville, Tennessee. I was an associate attorney for the firm that practiced

insurance defense litigation. I litigated matters regarding personal injury, insurance coverage, construction defects, wrongful death, and insurance subrogation. I handled cases in nearly all counties in Middle Tennessee, including General Sessions and Circuit Courts. This allowed me to appear before dozens of judges throughout the state with a wide variety of styles, backgrounds, and points of view. During this part of my career, I tried numerous bench trials in General Sessions, but did not have any civil jury trials in Circuit Court. I prepared and argued many motion hearings in Circuit Court including dispositive motions, evidentiary motions, etc. I participated in many depositions of parties, witnesses and medical experts.

From 2013 to 2014, I was an associate attorney with Hagan & Farrar in Murfreesboro, Tennessee. Our practice was strictly civil which included appellate matters, domestic relations, construction litigation, personal injury, and real estate litigation. These matters were litigated in Circuit and Chancery Courts. I also assisted in the research and preparation of one appellate case with Attorney Amy Farrar: *Douglas v. Lowe*, 2013 WL 6040347, No. M2012-02276-COA-R3-CV (Tenn. Ct. App. 2013).

Since 2014, my practice has evolved into handling civil and criminal matters. In my criminal practice, I have tried 4 jury trials. One of those jury trials was a multi-day trial involving three counts of Especially Aggravated Kidnapping, which I tried by myself. The remaining jury trials were tried with my partner, Kris Oliver. I have conducted countless preliminary hearings, evidentiary motion hearings, sentencing hearings, and dispositive motion hearings. I have also appeared before the Tennessee Department of Safety and Homeland Security for administrative proceedings for clients involving civil forfeitures.

In my civil practice since 2014, I have handled domestic relations matters and personal injury cases. I have not had a jury trial in a civil case. All of my tort cases have resolved through mediation. My domestic relations cases consist of divorces, child custody modifications, child support modifications, orders of protection, and dependency and neglect cases. These matters were litigated in Circuit, Chancery and Juvenile Courts, primarily in Rutherford, Cannon and Bedford Counties. Over the last two years I have decreased my case load of tort and domestic relations matters to focus more on criminal defense.

Since April 2019, I have served as City Attorney for the City of Eagleville. This involves a variety of legal areas including zoning, land use, employment, contract negotiation, states of emergency (*COVID-19*), sunshine law issues, real estate, and many other areas. The City of Eagleville has not been involved in any litigation during my tenure as City Attorney.

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

(1) My partners and I took on a very unique case in an attempt to oust a sitting county sheriff amidst federal and state corruption allegations: *State of Tennessee, ex rel. Gann v. Robert Arnold, Sheriff*; Rutherford County Chancery Court, 16CV-1500. Mr. Arnold and his co-defendants had been federally indicted on multiple fraud charges. However, he was still in office as Sheriff for Rutherford County. We represented ten citizens that sought to have Mr. Arnold ousted from office. This was a large undertaking for us as it was a very

novel area of law, with sparing case law, and very few lawyers across the state that had any experience with it. Nevertheless, we filed the complaint in Rutherford County Chancery Court and sought a pre-trial hearing to suspend the sheriff pending a trial. All local judges recused themselves, and Davidson County Chancellor Bill Young was ultimately assigned the case. He agreed with our proof and argument, and he suspended Mr. Arnold pending a full trial on the merits. A few months later, the case was deemed moot after Mr. Arnold resigned and pled guilty to fraud charges.

- (2) I have represented multiple clients that have entered the Recovery Courts for Rutherford County. This includes Drug Court, DUI Court, Veterans Court and Mental Health Court. These are court monitored programs that offer intensive rehabilitation and therapy to individuals with substance abuse and addiction issues that led to criminal activity. In many instances, my clients entered the programs reluctantly but displayed a great need for intervention. As they progressed through the program, a change became evident both physically and emotionally. There are days in the practice of law that are tolling and emotionally draining. However, it is very rewarding when I have advocated for someone that finds success on the other end of our Recovery Court programs.

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

Since 2014, I have had the privilege to serve as Special Judge in Rutherford County General Sessions Criminal Court over a dozen times. When our Sessions judges are at a conference, on vacation, or ill, they ask private attorneys to preside over their dockets. I am always excited and honored to accept this request.

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.

- **Nashville School of Law**
Doctor of Jurisprudence
Attended 2007-2011

- **Middle Tennessee State University**
Bachelor of Science, Aerospace Administration
Attended 2003-2006
 - Single Engine Land Private Pilot's License (2004)
 - Outstanding Senior Award, MTSU Greek Life (2006)

- **University of Memphis**
Attended 2001-2003 (*Transferred to MTSU for Aerospace program*)

PERSONAL INFORMATION

12. State your date of birth.

██████████ 1983.

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

Since February 6, 1983.

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

I originally moved to Rutherford County in 2003. I moved to Hamilton County from June 2006 to July 2007 following my graduation from MTSU. I returned to Rutherford County in July 2007 and have continuously lived here since that time.

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

According to the Board of Professional Responsibility, in a letter dated September 21, 2020, I have received no formal complaints.

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.

No.

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.

- World Outreach Church, Murfreesboro, Tennessee.
- Since 2016, I have served on the Rutherford County Republican Party Executive Committee as Secretary.
- Since 2019, I have served on the Leadership Rutherford Council, which is the board of directors for Leadership Rutherford.
- From 2014 to 2018, I served as the Secretary for the Sigma Alpha Epsilon Fraternity Alumni Association for Middle Tennessee State University.
- Since 2019, I have been a Member of the Rutherford County Chamber of Commerce.
- Lifetime Member, National Rifle 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.

Yes, from 2003 to 2006 I was an undergraduate member of Sigma Alpha Epsilon Fraternity. That is a collegiate fraternal organization that 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.

Rutherford and Cannon County Bar Association (2013 to present)

Tennessee Bar Association (2012 to present – *non-continuous*)

Tennessee Municipal Attorneys Association (2019 to present)

Federalist Society (May 2020 to present)

Andrew Jackson Inns of Court, Murfreesboro, TN (2018 to present)

National College for DUI Defense (2020 to 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.

2017 Marie Raghianti Anti-Corruption Award, Tennesseans Against Corruption, for work related to the ouster case: *State of Tennessee, ex rel. Gann v. Robert Arnold, Sheriff*, Rutherford County Chancery Court 16CV-1500

Graduate, Leadership Rutherford, Class of 2019

Certified, NHTSA Standardized Field Sobriety Testing, June 2020

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.

In September 2020, I was appointed by the State Election Commission to serve as a member of the Rutherford County Election Commission due to a vacancy and currently serve in that capacity. I previously served as an appointed member of the Rutherford County Election Commission in 2018.

In 2016, I ran for the Republican Nomination for Tennessee State House of Representatives, District 34. I finished second, among four candidates, losing by 599 votes.

ESSAYS/PERSONAL STATEMENTS

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

I was taught at a young age that to whom much is given, much is *required*. For if we hide our talents, Matthew 25:26 tells us that we are “wicked and lazy.” Therefore, we have a duty to serve. My daily reminder of this duty to serve is provided by my talented wife through her service as an elementary school teacher and as a mother to our two sons. I am pursuing this position to fulfill my duty to utilize my talents to impartially serve our justice system. With my diverse background, I can relate to litigants and understand their unique circumstances. Each day on the bench will begin with a quiet devotional to make sure the day is a success, not a failure, in the administration of justice. I seek this position to humbly serve Rutherford and Cannon Counties with a trusting and thoughtful demeanor.

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)

This is Circuit Court Division II of the 16th Judicial District, encompassing Rutherford and Cannon Counties. There are five Circuit Divisions and one Chancellor in this district. There is no statutory criminal or civil designation for the Circuit Divisions. However, Division II is currently assigned a criminal docket and periodically hears an Order of Protection docket. Division II also presides over Drug Court, which is an amazing, court monitored program that offers intensive therapy to individuals with addiction issues that led to criminal activity.

Given that my current practice is 85% criminal, my selection to fill Division II would keep dockets running smoothly. I have had many clients enter our Recovery Courts which would allow me to transition well into presiding over Drug Court. I am very familiar with the other two Judges that hear criminal dockets and will work well with them both.

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 will absolutely uphold the law. A judge renders the legislative branch irrelevant when that judge alters the law or ignores it. The late Justice Antonin Scalia once said, “If you’re going to be a good and faithful judge, you have to resign yourself to the fact that you’re not always going to like the conclusions you reach. If you like them all the time, you’re probably doing something wrong.”

An example that is relevant to this particular judicial position is that I generally disagree with the legislature’s classification of certain crimes relative to other crimes. For example, it is a Class E Felony for a person to alter a vehicle’s registration, which carries a range of punishment of 1-6

years. Comparatively, there are several Class A Misdemeanors that I believe constitute much worse criminal behavior:

- (1) domestic assault causing bodily injury;
- (2) hiding a camera in someone's bathroom for purposes of sexual gratification constituting unlawful photography invasion of privacy.

Although I disagree with the legislature's measure and classification of some criminal offenses relative to others, I would uphold the sentencing guidelines associated with all crimes when called upon to sentence someone.

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. Brad Turner (<i>no relation to applicant</i>) Commissioner, State of Tennessee Department of Intellectual and Developmental Disabilities 309 Sam Davis Drive Smyrna, TN 37167 [REDACTED]
B. Matt Herriman State Director, National Rifle Association (TN, AR, MS, LA) 5140 Prickly Pine Place Murfreesboro, TN 37129 [REDACTED]
C. Bryan Terry, MD Tennessee House of Representatives, District 48 2306 Blackfox Court Murfreesboro, TN 37127 [REDACTED]
D. Stan Bennett, Esq. Bennett, Michael & Bray 108 N. Church Street Murfreesboro, TN 37130 [REDACTED]
E. Jimmy Musice, Esq. Senior Policy Advisor, Tennessee Bureau of Investigation 901 R.S. Gass Boulevard Nashville, TN 37216 [REDACTED]

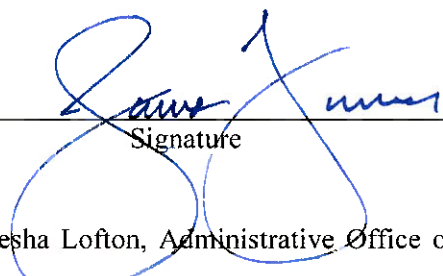
AFFIRMATION CONCERNING APPLICATION

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 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 2, 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.

James A. Turner
Type or Print Name


Signature

10/2/2020
Date

030383
BPR #

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