

# Supreme Court of Tennessee

## *Application for Tennessee Attorney General and Reporter*

### CONTACT INFORMATION

Name:	Donald Q. Cochran, Jr.		
Home Address:	[REDACTED]		
Office Address:	1901 Fifth Avenue South, Nashville, Tennessee 37212		
Home Phone:	[REDACTED]	Office Phone:	[REDACTED]
Cell Phone:	[REDACTED]		
Email Address:	[REDACTED]		

### PERSONAL INFORMATION

1. Please provide the following:

Age:	64	Date of birth:	[REDACTED] 1958	City and state (or country) of birth:	St. Louis, Missouri
Social Security No.	[REDACTED]	TN Driver's License No.	[REDACTED]		
Tennessee Board of Professional Responsibility No.	028651	Year licensed to practice:	1992 (Georgia) 2010 (Tennessee)		

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

Thirteen years

3. Are you registered to vote in Tennessee? If so, please give the county.

Davidson County

4. In what states have you lived since age 21? Indicate length of stay and approximate dates.

State	Length	From	To
Tennessee	4 years	August 1976	May 1980
Georgia	6 months	May 1980	November 1980

North Carolina	4 years	December 1980	July 1984
Georgia	8 months	July 1984	March 1985
Tennessee	6 years	March 1985	May 1991
Georgia	2 years	May 1991	September 1993
Alabama	16 years	September 1993	August 2009
Tennessee	13 years	August 2009	present

5. Family Status:

a) If you are presently married, give the full name and present address of your spouse, the date and place of your marriage, and your spouse's occupation and place of employment.

Spouse's Name	Address	Date of Marriage	Place of Marriage
Sandra B. Cochran	[REDACTED] Nashville, Tennessee 37215	[REDACTED] 1991	Sea Island, Georgia
Occupation		Place of Employment	
Chief Executive Officer, Cracker Barrel Old Country Stores		Lebanon, Tennessee	

b) If you have been married previously, state the name of your former spouse, the date and place of the marriage, and the date the marriage terminated. If the marriage was terminated by divorce, give the date and place of the divorce, the name and location of the court, and the present or last known address of your former spouse.

Former Spouse's Name	Date of Marriage	Place of Marriage	Date Marriage Terminated	
Judy Wilhide Brandt	[REDACTED]	[REDACTED]	[REDACTED]	
Divorced Spouse	Divorce Date	Place of Divorce	Court Name & Location	Spouse Address
Judy Wilhide Brandt	[REDACTED] 1984	[REDACTED]	[REDACTED]	[REDACTED]

c) If you have children, state the name, age, address, present occupation, and name and address of the employer of each, if applicable.

Name	Age	Address
[REDACTED]	[REDACTED]	[REDACTED]

Occupation	Employer Name	Employer Address
[REDACTED]	[REDACTED]	[REDACTED]

Name	Age	Address
[REDACTED]	[REDACTED]	[REDACTED]
Occupation	Employer Name	Employer Address
[REDACTED]	[REDACTED]	[REDACTED]

Name	Age	Address
Occupation	Employer Name	Employer Address

Name	Age	Address
Occupation	Employer Name	Employer Address

6. If you have served in the military, please state the branch of service, your service number, the dates of active duty, and your rank/rate at separation. If your discharge was other than honorable, please explain. Please list any decorations, honors, or achievements in connection with your military service.

Branch	Service Number	Dates	Rank/Rate
U.S. Army	5 [REDACTED]	1980 to 1993	Major/O-4

Awards include the Meritorious Service Medal, Army Commendation Medal, Master Parachutist and Military Freefall Jumpmaster qualifications, Expert Infantryman's Badge, Special Forces tab (Distinguished Graduate – Green Beret Qualification Course), and Ranger tab.

7. If you are not physically and mentally able to perform the essential duties of Attorney General and Reporter without accommodations, please identify any accommodations you may need to perform the job.

Not applicable

8. If you have ever pleaded guilty to or been convicted of a violation of any law (other than a minor traffic offense), regulation, or ordinance, give the date, court, charge, and disposition. This question includes any convictions that have been expunged and any convictions for which you are on diversion.

Date	Court	Charge	Disposition
Not applicable			

9. If, to your knowledge, you have ever been under federal, state, or local investigation for possible violation of a criminal statute, give details.

Not applicable

10. If a tax lien or other collection procedure has ever been instituted against you by any federal, state, or local authority, or any private party, give details.

Not applicable

11. If you have not complied with all federal and state tax laws, including social security tax laws, please explain.

Not applicable

12. If you have ever been a party in any legal proceedings, give details, including the date, court, docket number, nature of proceedings, and resolution.

When my wife and I built our house in Birmingham, Alabama, we paid the general contractor in full for installation of the heating and air conditioning system. The general contractor, however, did not pay the installer (Mainline Heating and Air Conditioning) on our house and several others. Mainline sued the general contractor as well as the homeowners in Jefferson County Circuit Court in July 1997. Default judgment was granted against the general contractor, who went out of business, and we settled the case with Mainline.

13. Do you have a social media presence? If so, list the names of all social media platforms, networking sites, websites, gaming websites or blogs (i.e. Facebook, LinkedIn, Twitter, YouTube, etc.) you are currently a member of, administer, maintain, or post on regularly for personal or professional use. Additionally, next to the platform's name, enter the user/profile names or handles you use for each. Please **DO NOT** provide your passwords. If you do not have a social media presence, please enter N/A in the first space below.

Social Media Platform	User/profile name or handle
Not applicable	


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## EDUCATION

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14. List each college, law school, and other graduate school you have attended, including dates of attendance, degree awarded, and major. If you left before obtaining a degree, please give your reason for leaving.

School	Dates	Degree	Major
Vanderbilt Law School	1989 to 1992	Juris Doctor	
Vanderbilt University	1976 to 1980	Bachelor of Arts	Psychology

15. For your law school education only, please give your academic standing (class rank), whether you served on the staff of a legal publication such as the law review, including your position and responsibilities, and whether you were a member of a moot court or mock trial team. List other significant law school activities and any honors, awards, or other forms of recognition you received in law school.

<p>At the time I attended Vanderbilt Law School, it did not provide class rank. I was a member of both the Vanderbilt Law Review and the Vanderbilt Moot Court Board, the Best Oral Advocate at the Moot Court competition, and received the highest grade in Civil Procedure I and Legal Writing.</p>
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## LEGAL BACKGROUND AND EXPERIENCE

16. If you are licensed to practice law in any state other than Tennessee, please give the year and whether your license is currently active. Please also list all courts to which you have been admitted, including administrative bodies that require special admission to practice.

State and Bar No.	Year	License Status
Alabama (#9481C55D)	Since 1993	Became a Special Member in 2013 after we moved to Tennessee
Georgia (#172440) since 1992 (inactive starting in 1993 when we moved to Alabama)		
Court Admissions: U.S. District Court for the Middle District of Tennessee, U.S. District Court for the Northern District of Alabama (1998-2002), Circuit Court, Jefferson County, Alabama (1993-1998)		

17. If you have ever been denied admission to, suspended by, or placed on inactive status by the Bar of any state, please give dates, even if the action was temporary, and explain.

Not applicable

18. If you have been disciplined or cited for a breach of ethics or unprofessional conduct by any court, administrative agency, bar association, disciplinary committee, or other professional group, give details.

Not applicable

19. 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 and participation in any committees you consider significant.

Group	Dates	Office	Dates
Tennessee Bar Association	Since admission to the bar		
Nashville Bar Association	2017 - present		
Belmont Law School American Inn of Court	2011 - 2016		
Committees:			

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

United States Attorney's Office – Northern District of Alabama  
 Department of Justice's John Marshall Award, Outstanding Legal Achievement for Trial of Litigation  
 Executive Office for United States Attorneys Director's Award for Superior Performance as an Assistant U.S. Attorney  
 Chief Postal Inspector's Award

Cumberland Law School, Samford University  
 Excellence in Teaching Award  
 Lightfoot, Franklin, and White Faculty Scholarship Award

Belmont University College of Law  
 Best Professor Award

21. If you have served as a judicial law clerk for a judge or as a staff attorney to a court, give the name of the judge or court and dates of service, and describe your experience.

Law clerk for the Honorable Julie E. Carnes, United States District Court for the Northern District of Georgia (currently on the U.S. Court of Appeals for the 11<sup>th</sup> Circuit), June 1992 to August 1993. Wrote over 125 opinions for Judge Carnes, none of which were reversed.

22. Indicate your present employment, and list any professional partners or other members if applicable.

Current Employment	Date Employed
Professor of Law, Belmont University College of Law	2021 to present
Partners or other members: Not applicable	

23. Other than service as a judicial law clerk for a judge or as a staff attorney to a court, list and briefly describe your prior employment in the legal field since the completion of your legal education, and give the dates of such employment. If you have had any periods of unemployment in excess of six months since completion of your legal education, please describe what you did during those periods.

United States Attorney for the Middle District of Tennessee (2017 – 2021)  
 In September 2017 I was appointed by the President and confirmed by the U.S. Senate to serve as the U.S. Attorney for the Middle District of Tennessee. During my time as U.S. Attorney, the office doubled its federal firearms prosecutions under the “Project Safe Nashville” program, which I instituted, and the homicide rate in Metro Nashville fell by 28% in the first two years of my tenure. The office also dramatically increased its public corruption and white-collar prosecutions.

I also led major civil investigations. These included two settlements in excess of \$60

million with pathology lab companies to resolve allegations of improper referral relationships with physicians, an \$18 million settlement of a major elder justice False Claims Act lawsuit for grossly substandard care for residents with Medicare and TennCare coverage, and a \$3 million settlement with Nissan Motor Acceptance Corporation resolving allegations that it had violated the Servicemembers Civil Relief Act by repossessing motor vehicles belonging to service members without court order and failing to refund lease payments to service members who lawfully terminated their leases due to military orders. Finally, my office obtained the first Temporary Restraining Order in the country under the Controlled Substances Act shutting down two pharmacies in Clay County, Tennessee for knowingly dispensing significant amounts of opioids outside the usual course of professional pharmacy practice. During a five-year period, my office's Affirmative Civil Enforcement attorneys collected more than \$600 million for the U.S. taxpayers.

Finally, I led a task force of more than 900 federal agents and support personnel during the successful investigation of the Christmas Day 2020 car bombing in downtown Nashville – a complex crime with over 1200 victims and 2500 tips to law enforcement which was nonetheless solved in less than 48 hours.

Professor of Law, Belmont University College of Law (2012 – 2017)

I was an early faculty member of the new Belmont Law School and was instrumental in establishing the school's trial advocacy program and the Belmont Criminal Law Journal. As a law professor, I have trained and mentored hundreds of law students over the years. Many of my students have achieved great success in a wide variety of endeavors, including representing countless defendants and victims in court, winning multimillion dollar verdicts, and advising high-level public officials.

Associate Professor of Law, Cumberland School of Law (2002 – 2012)

I taught courses in Criminal Law, Criminal Procedure, Evidence, and National Security Law. I also took the trial advocacy program to a higher level by developing a highly realistic Advanced Trial Advocacy course, which I later replicated at Belmont Law. In the Advanced course, all aspects of the course are done in the most realistic manner possible, including using real child witnesses, doing direct and cross examinations of actual expert witnesses, and the extensive use of technological presentation resources. The course culminates in the trial of a complex case with actual law enforcement agents and forensic chemists as witnesses, tried before an experienced trial judge and a jury of local citizens.

Assistant United States Attorney, Northern District of Alabama (1998 – 2002)

I began my time in the U.S. Attorney's Office in the Civil Division, where I defended government employees against suit and investigated civil health care fraud allegations. Once in the Criminal Division, I prosecuted white collar crimes, public corruption cases, and violent crimes, including successful prosecution of the final defendant charged with the infamous 1963 Sixteenth Street Baptist Church bombing. During my time as an Assistant United State Attorney, I received the two highest awards given by



the Department of Justice for work as a trial attorney, the John Marshall Award and the Executive Office for U.S. Attorneys Director’s Award.

Deputy District Attorney, Jefferson County, Alabama (1993 – 1998)

I spent the majority of my time in the Special Prosecutions unit, which handled the most serious cases in the office – homicides and sexual assaults. During my time in the DA’s Office, I tried 70 jury trials, including more than 25 murder trials (see question 32 for a list of major jury trials).

24. Describe the nature of your present law practice; list the major areas of law in which you practice and the approximate percentage each constitutes of your total practice.

In my current position as Professor of Law at Belmont Law School I teach substantive courses in Evidence and Criminal Constitutional Law, and hands-on courses in Basic and Advanced Trial Advocacy. I am also the Chair of the Curriculum Committee and a member of the Faculty Recruitment Committee and the Promotion and Tenure Committee. My time is fairly evenly divided between substantive and advocacy courses.

25. List other areas of law in which you have practiced, and describe any other legal experience that you would like to bring to the attention of the Court.

As U.S. Attorney, I was chosen by the Attorney General and Deputy Attorney General to serve as the Chair of the Attorney General’s Advisory Council’s Health Care Fraud working group. In this role, I selected other U.S. Attorneys to serve as committee members and together we addressed major health care policy issues on the national level, resulting in a reduction in fraud on programs such as Medicare and Medicaid. The working group was also integral in rewriting internal Department of Justice rules to prevent overreach by Executive agencies by clarifying that while so called “guidance documents” (that is, documents issued by Executive agencies but not passed by Congress or subject to notice and comment rulemaking) can be used for limited purposes, they do not have the force of law and should not be treated as such.

I also served as a member of the Appalachian High Intensity Drug Trafficking Area Task Force, working with federal, state, and local law enforcement agencies to reduce the flow of illegal drugs into Tennessee and the surrounding states.

26. If you have practiced in proceedings before administrative boards or commissions, state the agencies and the approximate number of proceedings in which you appeared before each agency. Of that total, indicate in how many you appeared as sole counsel, how many as chief counsel, and how many as associate counsel.

<b>Agency</b>	<b>Total</b>	<b>Sole Counsel</b>	<b>Chief Counsel</b>	<b>Assoc. Counsel</b>
Not applicable				

27. If you have handled matters that have been arbitrated or mediated, state the approximate

number. Of that total, indicate in how many you were involved as sole counsel, how many as chief counsel, and how many as associate counsel.

<b>Approx. Number</b>	<b>Sole Counsel</b>	<b>Chief Counsel</b>	<b>Assoc. Counsel</b>
Not applicable			

28. Please describe your trial court experience during the past ten years. Approximate the number of trial court matters in which you appeared. Of this total, state the number that was before a federal court, the number that was before a Tennessee court of record, and the number that was before a Tennessee court that was not of record (general sessions, municipal). State the approximate percentage of these matters that were criminal and the approximate percentage that were civil. Indicate in how many matters you were sole counsel, how many you were chief counsel, and how many you were associate counsel. Please indicate the approximate percentage of your cases that were tried to resolution, how many were dismissed upon pre-trial motion, and how many were settled prior to trial.

As the United State Attorney in Nashville, I took part in every one of the dozens of pre-trial strategy sessions and post-trial reviews for every civil and criminal trial the office conducted. I also worked with my attorneys in every case to rehearse their opening statements and the cross examination of critical witnesses. I was also personally involved in prosecuting approximately a half dozen cases, although none of those resulted in a jury trial prior to my departure from the office. Noteworthy cases that I participated in included:

United State v. Wiggins: Steven Wiggins committed the execution-style murder of Dickson County Sheriff’s Deputy Sergeant Daniel Baker on May 30, 2018. As soon as I heard of the shooting, I drove to the scene on a rural road in Dickson County and was involved in the investigation of the case and the pursuit of the killer. Once Wiggins was apprehended, I worked to gain authority from the U.S. Attorney General to prosecute him federally and to seek the death penalty. I personally handled the prosecution until I left the office. Eventually Wiggins was convicted in state court and allowed to plead guilty in federal court with a sentence of life without parole.

United States v. Dunaway: Metro Nashville Police Department Sergeant James Dunaway stole more than \$100,000 during the execution of drug search warrants. When I began my tenure as U.S. Attorney, I promised law enforcement leaders that I would personally prosecute corrupt police officers. MNPDP Chief Steve Anderson was pleased that we took this case federally and that I handled it personally. Dunaway pled guilty to all charges. I argued the case at sentencing and U.S. District Judge Aleta Trauger sentenced Dunaway to an above guideline sentence of 2 years in prison.

29. Please describe your appellate court experience. Approximate the number of matters in which you appeared as counsel of record in Tennessee appellate courts, the number in federal courts, and the number in other states. Give the approximate percentage that were criminal and the approximate percentage that were civil.

As an Assistant United States Attorney in the Northern District of Alabama, I handled all

my own appeals. The total number of appeals was approximately 25 – all federal criminal cases. As the United States Attorney in Nashville, I supervised our Appellate Division in approximately 150 appeals and provided guidance on all appellate issues of significance to the office, both civil and criminal.

I also personally argued before the Tennessee Supreme Court in the case of In Re: Petition to Stay the Effectiveness of Formal Ethics Opinion 2017-F-163. I handled this case personally because of the importance of the issue presented. The Tennessee Board of Professional Responsibility had issued a Formal Ethics Opinion that purported to interpret Rule 3.8(d) of the Tennessee Rules of Professional Conduct regarding a prosecutor’s duty to disclose. By requiring that prosecutors provide any information that was “favorable” to the defendant (without defining that term) as early as arraignment, the Board’s opinion placed my prosecutors in grave danger of facing allegations of unethical conduct merely for doing their jobs and complying with existing federal law (at the time the opinion was issued, my office had pending cases against MS-13, the Gangster Disciples, and the Mongols Motorcycle Gang, among other dangerous defendants; providing witness information, as the opinion would have required, would have placed our witnesses in grave danger – and would have been in violation of federal law). I coordinated with the state’s District Attorneys, the other Tennessee U.S. Attorneys, the Department of Justice, and the Tennessee Attorney General’s Office (which filed an amicus brief in support of our position). The Tennessee Supreme Court unanimously agreed with our argument and vacated the Board’s opinion.

30. Please describe any other relevant legal experience, including transactional and other non-litigation matters.

Not applicable

31. Please describe your negotiation experience.

As a line prosecutor and as the U.S Attorney, I was involved in negotiating the outcome of hundreds of criminal and civil cases.

32. List any noteworthy cases you handled as an attorney before mediators, arbitrators, administrative agencies, trial courts, or appellate courts. As to each case, please : (1) give the date or period of the proceedings; (2) identify the court or agency; (3) summarize the substance of the case; and (4) explain why the case is significant.

As a Deputy District Attorney and Assistant United States Attorney I tried more than 75 jury trials. The following are some of the major cases I prosecuted:

1. Alabama v. Bobby Frank Cherry  
Circuit Court, Jefferson County, Alabama, Hon. James S. Garrett  
May 2002

Bobby Frank Cherry was the last person prosecuted for the historic 1963 bombing of the

Sixteenth Street Baptist Church in Birmingham, Alabama and was convicted for the murder of Addie Mae Collins, Carole Robertson, Cynthia Wesley, and Denise McNair. During investigation of the case, I found evidence linking Cherry to the crime that had not been discovered in 39 years, resulting in conviction and a life sentence. The prosecution was the result of a joint state and federal investigation into the bombing. I was appointed by Alabama Attorney General Bill Pryor to serve as an Assistant Attorney General of the State of Alabama and prosecute the case as co-counsel in state court. For my role in the case, I was awarded the Department of Justice's highest award for trial work – the John Marshall Award for Outstanding Legal Achievement for Trial of Litigation.

2. United States v. Jimmie Turquitt and Sabrina Blaikie

United States District Court, Northern District of Alabama, Hon. Sharon L. Blackburn  
October 2001

Jimmie Turquitt and Sabrina Blaikie were prosecuted and convicted under the federal Racketeer Influenced and Corrupt Organizations (RICO) Act for taking out insurance policies totaling approximately seven million dollars on indigent individuals and collecting more than 1.6 million dollars in insurance payments after the suspicious deaths of five of these individuals. I represented the United States as co-counsel at trial and on appeal, where the case was affirmed. For my work on this case, I was awarded the Chief Postal Inspector's Award.

3. United States v. Harry Snyder and Renee Peugeot

United States District Court, Northern District of Alabama, Hon. H. Dean Buttram  
March 2000

Defendants Harry Snyder and Renee Peugeot were convicted of reporting falsified drug test results to the Food and Drug Administration for studies done on an experimental drug developed to treat a rare form of skin cancer. Study participants with Cutaneous T-Cell Lymphoma, a potentially deadly cancer, were told that the drug was working when the defendants knew that it was not. This endangered the lives of the study participants, who voluntarily remained in the study based on the false statements and were required to forego other treatments. I represented the United States as co-counsel at trial and, on appeal, wrote the Government's brief challenging the sentence – an issue on which the Government prevailed. I received the Executive Office for U.S. Attorneys Director's Award for this prosecution.

4. Alabama v. James Suttle

Circuit Court, Jefferson County, Alabama, Hon. James H. Hard  
April 1998

The defendant was charged with capital murder for the strangulation killing of an 87-year-old grandmother living in public housing. The defendant's fingerprints were found on a telephone in the victim's house, and the evidence showed that he had pawned a ring similar to the victim's. The defendant was convicted of capital murder and sentenced to life in

prison without parole. I represented the state of Alabama as sole counsel at trial.

5. Alabama v. Jason Vann

Circuit Court, Jefferson County, Alabama, Hon. James H. Hard  
March 1998

The defendant was charged with capital murder for the brutal killing of a Birmingham Southern College administrator at his home in Mountain Brook, Alabama. The defendant stole the victim's car and credit cards and fled to Maryland but was linked by DNA evidence to the crime scene. He was convicted of capital murder and sentenced to life in prison without parole. I represented the state of Alabama as sole counsel at trial.

6. Alabama v. Darves Thornton

Circuit Court, Jefferson County, Alabama, Hon. James S. Garrett  
November 1997

The defendant was convicted of kidnapping, sodomy, and robbery for luring a lost female motorist to a darkened street where he robbed and sodomized her. Thornton had committed an almost identical crime ten years earlier in Peoria, Illinois. The defendant was sentenced to life in prison without the possibility of parole under Alabama's habitual felony offender statute. I represented the state of Alabama as lead counsel at trial.

7. Alabama v. Raphael Bimbo

Circuit Court, Jefferson County, Alabama, Hon. James H. Hard  
October 1997

The defendant was in charge of Birmingham operations for one of the most violent crack cocaine gangs in the nation, Harlem's "142nd Street Lynchmob Crew." When a Birmingham drug dealer interfered with the gang's local operation, the defendant brought two of the gang's hit men from New York and paid them \$2,000 to kill the local drug dealer. He was charged with murder for hire, convicted, and sentenced to life. I represented the state of Alabama as sole counsel at trial.

8. Alabama v. Clarence Simmons

Circuit Court, Jefferson County, Alabama, Hon. James H. Hard  
September 1997

Simmons, a serial killer investigated by the FBI's Profiling and Behavioral Assessment Unit, was charged with capital murder in the horrific killing of a 65-year-old woman. Simmons was convicted of capital murder based on the theory that the murder was a capital offense because the defendant received sexual gratification from the torture he inflicted on the victim prior to her death. Simmons was sentenced to death. I represented the state of Alabama as lead counsel at trial.

9. Alabama v. Donald Broadnax

Circuit Court, Jefferson County, Alabama, Hon. James S. Garrett  
June 1997

Broadnax previously had been convicted of murder and sentenced to 99 years. Nineteen years later he was on work release when he killed his wife in Alexander City, Alabama. He then drove her four-year-old grandson an hour and a half to Birmingham and beat him to death because he had witnessed the murder of his grandmother. Broadnax was convicted of capital murder. The jury unanimously recommended that Broadnax receive the death penalty and he was sentenced to death. I represented the state of Alabama as co-counsel at trial.

10. Alabama v. Carey Dale Grayson

Circuit Court, Jefferson County, Alabama, Hon. Michael W. McCormick  
January 1996

The nineteen year old defendant was the ringleader of a group of four teenagers, which also included a sixteen year old and two seventeen year olds. The four were charged with capital murder in the sadistic killing of a female hitchhiker. The defendants beat the victim to death, bit into parts of her body, and kept some of her fingers as souvenirs. The jury unanimously recommended that Grayson receive the death penalty, and he was sentenced to death. I represented the state of Alabama as co-counsel at trial.

33. If you have served as a mediator, an arbitrator, or a judicial officer, please describe and include the dates, the courts or agencies involved, whether you were elected or appointed, and a description of your duties.

Not applicable

34. If you have served as a mediator, an arbitrator, or a judicial officer, please list any noteworthy cases you handled in these capacities. As to each case: (1) give the date or period of the proceedings; (2) identify the court or agency; (3) summarize the substance of the case; and (4) explain why the case is significant.

Not applicable

35. Describe the *pro bono* service you have given throughout your legal career, and describe activities in which you have been involved that demonstrate commitment to equal justice and equal access to justice.

Most of my adult life, including both my legal career and my military service, has been devoted to public service and much of my work has directly benefited disadvantaged persons and those who would not otherwise have equal access to justice. I have served on and financially supported numerous nonprofit boards and organizations and have served as a judge at numerous law school moot court and mock trial competitions. Over the years, I have mentored and counseled hundreds of law students and young lawyers who have

devoted their careers to public service.

36. List any legal articles or books you have published.

*Police Worn Body Cameras: An Antidote to the "Ferguson Effect"?* Alberto R. Gonzales and Donald Q. Cochran, 82 MISSOURI LAW REVIEW 299 (2017).

*Malcolm Gladwell and the Art of Trial Advocacy: Getting the Jury to the Tipping Point*, 38 AMERICAN JOURNAL OF TRIAL ADVOCACY 2 (2014).

*Material Witness Detention in a Post-9/11 World: Mission Creep or Fresh Start?* 18 GEORGE MASON LAW REVIEW 1 (2010).

*Ghosts of Alabama: The Prosecution of Bobby Frank Cherry for the Bombing of the Sixteenth Street Baptist Church*, 12 MICH. J. RACE & L. 1 (2006).

Case file: United States v. Andre Clark. National Institute for Trial Advocacy (2006).

*Alabama v. Clarence Simmons: FBI "Profiler" Testimony to Establish an Essential Element of Capital Murder*, 23 ALA. L. & PSYCHOL. REV. 69 (1999).

37. List any law school courses, CLE seminars, or other law-related courses that you have taught within the last five years.

At Belmont Law School I have taught Evidence, Criminal Constitutional Law, and Basic and Advanced Trial Advocacy. In the past five years, I have also conducted a number of CLE sessions, including to the Nashville and Napier-Looby Bar Associations, on my role in the prosecution of the Sixteenth Street Baptist Church bombing case.

38. List any presentations you have made to civic groups on legal topics within the past five years.

As the United States Attorney, I made numerous presentations to civic and law enforcement groups. These included bimonthly presentations to the law enforcements leaders in my district, remarks at the Tennessee Bureau of Investigation's graduation, a speech to the Federalist Society, remarks to the Tennessee Sheriff's Association and the Tennessee Association of Chiefs of Police, and numerous speeches in support of law enforcement agencies and victim's rights groups.

39. State any other information about your legal experience that may reflect positively or adversely on you or that you believe should be disclosed in connection with your application for Attorney General and Reporter.

Following on the heels of my military service, I learned that the leadership skills and service mindset that I developed in the Army translated well to a legal career of public service. Whether it was prosecuting the most serious cases in state court, defending government

employees in federal court, pursuing corrupt government officials, righting a historic wrong, training the next generation of attorneys, or serving as the chief federal prosecutor for the citizens of middle Tennessee, I have made a legal career of taking on difficult challenges in the service of others.



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## NON-LEGAL/CIVIC INFORMATION

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40. Describe any occupation, business, or profession other than the practice of law in which you have ever been engaged. Please give details, including approximate dates.

Prior to attending law school, I was an Army Airborne, Ranger, and Special Forces officer. I served from 1980 to 1993, rising in rank from Second Lieutenant to Major. My significant leadership positions include serving as the Company Commander of a 145-soldier infantry company in the 101<sup>st</sup> Airborne Division and Detachment Commander of two Special Forces A-teams in the 5<sup>th</sup> Special Forces Group specializing in high-altitude parachute infiltration and the employment of tactical nuclear weapons. In these roles, I successfully led numerous highly sensitive and classified training and real-world missions, both in the United States and overseas.

41. If your current income is derived from sources other than the practice of law, specify the other income sources and the approximate percentage of your total income each source represents.

I will provide my most recent Federal Ethics Disclosure filed as United State Attorney, which provides that and other information. The additional income, all of which is passive investment income, is over 75% of total income.

42. If you are now an officer, director, or major stockholder (5% or more) of any for-profit organization or you are otherwise engaged in the management of any for-profit enterprise, please give details, including the name and nature of the organization, your position, the nature of your duties, and your term of service. If you are selected as Attorney General and Reporter and you would consider continuation of your involvement, please address whether such continuation would be a conflict of interest.

Not applicable

43. List all non-profit organizations other than legal professional associations to which you have belonged within the last ten years, including civic, charitable, religious, educational, social, and fraternal organizations. If you have held an office in any of these non-profit organizations, please give titles and approximate dates. If you have received any honors, prizes, awards, or other forms of recognition in connection with your participation in such non-profit organizations, please list.

Nonprofit boards:

The Legion Fund (assists soldiers and families of the 5th Special Forces Group), 2014 – 2017 and 2021 – present

Boy Scouts of America, Middle Tennessee Council, 2013 – 2017 and 2021 – present

YMCA Camp Widjiwagan, 2014 – 2017  
Westminster Presbyterian Church, Nashville, Tennessee, member

44. If you are selected for this position, how much of your current level of civic and community involvement do you feel that you could continue?

I would curtail my level of involvement to whatever degree is needed to perform the duties of Attorney General and Reporter.

45. If you have ever belonged to an organization, association, club, or society which limits its membership to those of any particular race, religion, national origin, or gender, please list the organization and describe the basis of the membership limitation. Do not include organizations formed for a religious purpose, such as a church or synagogue. Please address whether you would withdraw from any such organization if you are selected as Attorney General and Reporter.

Not applicable

46. If you have served in a fiduciary capacity other than as a lawyer representing clients, please describe.

I serve as trustee for various trusts that my wife and I have created for the benefit of other family members.

47. Please list any non-legal articles or books you have published.

Not applicable

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## MANAGEMENT AND GOVERNMENT EXPERIENCE

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48. Describe your management philosophy and your views on delegation to subordinates.

I lead through engagement and example. I do everything possible to recruit, recognize, and develop talented individuals and place them in leadership and other roles appropriate for their talents. I then strive to develop them and provide them with the resources they need to succeed. I set high standards for myself and for everyone in the organization, and clearly communicate these. If people do not meet these standards, I make sure they receive feedback to that effect and have the opportunity to excel. If they still choose not to meet the standards, I take appropriate action. The taxpayers of Tennessee deserved nothing less from their U.S. Attorney's Office and the same is true for the Attorney General's Office.

Effective delegation is vital to lead a large legal organization efficiently. An organization the size of the Attorney General's Office, with over 300 employees, cannot operate effectively by micromanagement. The important distinction, which I learned as a young officer in the Army, is that while you can and should delegate authority to carefully selected and trained subordinates, you can never delegate responsibility. As I said when I spoke to my office on my first day as U.S. Attorney, my job is to make everyone in the office succeed. When we succeed, the credit will go to all of "us." If we ever don't succeed, however, that's on me – that comes with having my name on the door.

49. Describe any management experience you have had in the legal profession, such as managing attorneys, paralegals, and legal support staff. Approximate the number of persons over whom you had management responsibilities and indicate whether your experience included preparing and managing a budget.

As United States Attorney, I led an office of more than 100 attorneys and support personnel. I was also directly responsible for managing the office's budget of approximately \$10 million.

When I took over the U.S. Attorney's Office, I took several weeks to assess the situation, speaking to every employee to find out what they thought we did well and what we could improve on. When it became clear that there were changes needed in leadership in the office, I did not hesitate to do what was necessary. I stressed results, and the office dramatically increased its production in every important metric, including charging twice as many firearms offenses and violent offenders.

I delegated authority (but not responsibility) to my new leadership team to the maximum extent possible, but when I needed to step in personally I did not hesitate to do so. One example came in the area of trial performance. Early on it became apparent that we were not performing as we should in the courtroom. Because we were charging more defendants, we had more tough cases to try. While these cases were challenging, they were winnable and yet we were losing more than half of them at trial. To address the problem, I hired a

Senior Litigation Counsel and instituted a jury trial training program for the office. The program was modeled on the Advanced Trial Advocacy class that I developed as a law professor, and I personally taught the first two classes. The results were dramatic. Since the beginning of 2020 the office has had only one acquittal while prevailing in 23 jury trials.

During a survey conducted three months before the end of my tenure as U.S. Attorney, employees described my style as leading by example, setting high standards, holding people accountable, making hard decisions, and working hard. They said I was highly visible to all the staff, daily walking the halls and talking with staff members. The scores relating to my leadership were 94% positive, with employees describing me as approachable and fair, caring deeply about the mission of the office and the people in the office, and reinvigorating the office through good hires and putting a good management team in place, then letting them do their jobs.

50. Describe any management experience you have had in federal, state, or local government. Approximate the number of persons over whom you had management responsibilities, and indicate whether your experience included preparing and managing a budget.

As a Deputy District Attorney in the most populous county in Alabama, I led law enforcement teams in investigating and prosecuting some of the most egregious crimes ever committed in the state. In that role, I achieved guilty verdicts in 27 of the 29 murder and sexual assault jury trials I conducted in the Special Prosecutions unit. As a federal prosecutor, I led teams of federal agents in the investigation of complex fraud cases as well as violent crimes, prevailing in every case I tried to a jury. As the U.S. Attorney, I led over 100 attorneys and staff and managed a budget of approximately \$10 million.

51. Describe any other management experience you have had. Approximate the number of persons over whom you had management responsibilities, and indicate whether your experience included preparing and managing a budget.

In addition to leading an Infantry Company of 145 soldiers in the 101<sup>st</sup> Airborne Division, my time in the Army also included serving as the logistics officer for an Infantry Battalion of more than 600 soldiers. In that role, I was responsible for providing all the logistical support those soldiers required, including transportation, fuel, ammunition, weapons, rations, batteries, vehicles, and spare parts. The equipment I was responsible for was valued in the hundreds of thousands of dollars and I managed a comparable budget.

52. List any judicial or non-judicial government offices you have held, and describe your experience. Include the date, the position, whether the position was elected or appointed, and whether your responsibilities included legal matters or policy matters. If you have been a candidate for government office but were not selected, please list this as well, including date, position, and whether the position was elected or appointed.

I served as a law clerk to the Honorable Julie E. Carnes, a United States District Judge in Atlanta, Georgia.

53. Other than as an elected or appointed official, please describe any experience you have had with the legislative or executive branches of government, federal, state, or local. Indicate whether your experience related to legal matters or policy matters.

I was nominated by President Trump to serve as the Presidentially appointed United States Attorney for the Middle District of Tennessee on June 29, 2017, and was confirmed unanimously by the United States Senate on September 14, 2017.

54. Describe any other government experience you have had. Please indicate whether any such experience involved legal matters or policy matters.

Not applicable

55. State any other information about your management or government experience that may reflect positively or adversely on you or which you believe should be disclosed in connection with your application for Attorney General and Reporter.

My management and government experience in the United States Army, the state and federal courts of Alabama, and the U.S. Attorney's Office in Middle Tennessee have given me a unique set of skills that I believe would serve me well in performing the duties of Attorney General and Reporter in Tennessee.

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## PERSONAL PERSPECTIVE

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56. What are your reasons for seeking this position?

The Tennessee Attorney General's Office is the law firm for the people of Tennessee – it represents its citizens on the issues that matter most to them. It is my sincere belief that the people of Tennessee deserve the best legal representation possible, and I would consider it the highest public service to have a role in providing that. As head of the office, the Tennessee Attorney General and Reporter must be both an exceptional leader and an excellent lawyer. For the reasons I have set out in this application, I believe that my background, training, and experience have prepared me to be both, as evidenced by my consistent success in legal roles throughout my career, and I can think of no higher calling than to use those skills to return to public service as the leader of the citizens' law firm.

57. Describe your perception of the primary duties, responsibilities, characteristics, and qualifications for the position of Attorney General and Reporter. Describe which of these may be delegated in whole or in part to subordinates and which may not.

The duties and responsibilities of the Attorney General and Reporter are set out in Tennessee statutes and the state constitution. They are exceedingly broad, but essentially fall into three categories. The first is to run the Attorney General's Office in a manner that best serves the needs of the citizens of Tennessee. The second, as set out in response to the next question, is to interact effectively with all three branches of Tennessee government, again in a manner that best serves the interests of all Tennesseans. The third is to work with the other state Attorneys General and policy makers to represent Tennessee's interests on the national level.

As for the most important characteristic needed to be successful as Attorney General, I have no doubt that it is the same character trait I sought when I hired Assistant U.S. Attorneys: exceptional judgment. I hired lawyers with a wide range of backgrounds who became highly successful AUSAs, but what they all had in common was the one thing I couldn't teach – sound judgment. If I am selected for this position, I will bring with me the good judgment that I have developed over 40 years working in a wide variety of positions of responsibility. It is impossible for the Court to predict what situations its Attorney General and Reporter will face in the next eight years – just as when I took the job as U.S. Attorney, I could not have known all the possible situations I would face (I can assure you that when I woke up on Christmas morning in 2020 I had no idea that in less than 24 hours I would be on the national stage supervising one of the largest bombing investigations in history). What I can guarantee is that I will begin on day one to develop the finest team of lawyers and support staff possible, then consult with them and listen to their advice to deal with every situation we face together and use my best judgment to reach the right decision for the people of Tennessee.

58. What is your view of the role of Attorney General and Reporter with respect to the executive branch, the legislative branch, and the judicial branch of state government?

The role of the Attorney General and Reporter in Tennessee is unique, but in my opinion appropriate. Obviously, the Supreme Court entrusts great responsibility in the person they select, and the Attorney General must live up to that trust. He or she must ensure that the attorneys from the office who represent the State in front of the Supreme Court, or any other state or federal court, live up to the highest standards of diligent preparation, zealous advocacy, and unquestioned ethics.

With respect to the Executive branch, the Attorney General has a number of roles. These include being available to consult with the Governor's office on legal matters and initiatives, providing counsel to the Executive branch departments, and lending expertise upon request to Executive agencies and commissions. In every case, the assistance provided must be prompt, professional, and helpful.

The Attorney General's role with the General Assembly is also multifaceted. Requests for opinions should be dealt with in a professional and timely manner. Availability to respond to requests is particularly important when the General Assembly is in session. Perhaps most importantly, the Attorney General has the duty to defend laws passed by the General Assembly against unwarranted attack by those who would undermine the will of the people of Tennessee as expressed by their elected representatives, including attack by the federal government and its agencies.

59. If selected as Attorney General and Reporter, what is your estimate of the amount of time you will actually appear in court or oral arguments in appellate matters?

I believe strongly in leading from the front and leading by example. In my experience, subordinates recognize and respect a leader who has the skills to do what they do and is willing to do it. Although I realize that the bulk of my time as Attorney General and Reporter would not be spent in court, I would volunteer to work with my attorneys – particularly the less experienced ones that I could mentor in the process – as often as I felt I could on trials or appeals. This is particularly true when matters of grave importance to my employees or the office are at stake. This is why, for instance, I immediately went to Dickson County the morning Deputy Baker was murdered and personally prosecuted the case, and why I personally handled the Dunaway case involving a corrupt police officer. Finally, I assumed a role leading the U.S. Attorneys to challenge the BPR opinion regarding a prosecutor's duty to disclose – including arguing the case before the Tennessee Supreme Court – because the opinion presented a grave danger to the welfare of my lawyers and my office's ability to perform its mission.

60. Describe life experiences, personal involvements, or talents that you have that you feel will be of assistance to the Tennessee Supreme Court in evaluating and understanding your candidacy for this position.

I have had a variety of life experiences that I believe will serve me well should the Court

decide to select me as Attorney General and Reporter. I was fortunate to begin my professional career in what I now recognize is one of the greatest leadership training programs in the world – the United States Army. As a 22-year-old college graduate I was given authority over – and responsibility for the actions of – a group of 40 young soldiers. As my military career progressed, I led larger units, culminating in leading highly professional Green Berets in the special missions we conducted together.

Following my military service, I received an exceptional legal education at Vanderbilt Law School, followed by a federal clerkship where I had the great privilege to work with and be mentored by one of the greatest legal minds I've ever encountered – the Honorable Julie Carnes. When our family moved to Birmingham, I joined the law enforcement community during the height of lawlessness in the early 90's and was thrown into the courtroom as a young lawyer, trying 70 jury trials, including more than 25 murder trials. Once I moved to the U.S. Attorney's Office, I started in the Civil Division where I defended government employees against suit and investigated civil health care fraud allegations. Once in the Criminal Division, I learned how to prosecute complex fraud and public corruption cases, including prosecuting the sheriff of Jefferson County. My trial career culminated with an opportunity to right a historic wrong – bringing to justice the last defendant charged with the most deadly single act of the entire civil rights struggle, the bombing of the Sixteenth Baptist Church.

I then had the privilege of moving into a chapter in my life in which I trained the next generation of lawyers, teaching and mentoring literally hundreds of law students in the practical aspects of their legal career. I also engaged in meaningful legal scholarship, placing articles in top national law reviews and coauthoring a piece with a former U.S. Attorney General.

Finally, I had an opportunity to return to public service in one of the most meaningful jobs a lawyer can have – serving the people of the Middle District of Tennessee as their United States Attorney. In that role I dramatically improved the performance of the office, saving lives by lowering the violent crime and homicide rates, and improving confidence in elected officials by prosecuting corrupt police officers, judges, and politicians. On the civil side of the office, I led national fraud investigations resulting in the recovery of hundreds of millions of taxpayer dollars, recovered millions of dollars in an action on behalf of U.S. servicemembers, and used injunctive relief in an unprecedented way to save Tennessee lives from opioid abuse. Also, on the national level I worked with other U.S. Attorneys and the Department of Justice to control agency overreach by limiting the improper use of “guidance documents.”

I believe that this diverse life experience – soldier, prosecutor, law professor, and U.S. Attorney – coupled with my innate abilities and calm demeanor will give me the skill to serve the people of Tennessee effectively as their Attorney General and Reporter.



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## AGREEMENT

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61. 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 appointment for the office of Tennessee Attorney General and Reporter, and, if appointed, I agree to serve in that office. If, between the time this application is filed and the time the Court makes its final selection, there are any changes that occur in the accuracy of the information provided here, I agree to file a written notification advising the Court of the specific changes and the reasons therefore.

I understand that the information provided in this application shall be open to inspection upon filing with the Administrative Office of the Courts and that the Administrative Office of the Courts may publicize the names of persons who apply for the position of Attorney General and Reporter.

I knowingly, willingly, and without reservation waive any right or privilege of confidentiality relative to any background checks that may be performed, including, but not limited to, the Tennessee Bureau of Investigation criminal and civil background investigation, including any check of financial or credit information, conducted for the purpose of review by the Tennessee Supreme Court. I also specifically waive any rights or privileges of confidentiality otherwise conferred in relation to checks of the Board of Professional Responsibility, Board of Judicial Conduct, Board of Law Examiners, or similar entity.

Dated: July 28, 2022



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Signature

Return your completed application to:  
Ceesha Lofton  
Administrative Office of the Courts, Suite 600  
511 Union Street

Nashville, Tennessee 37219