

Tennessee Trial Court Vacancy Commission

Application for Nomination to Judicial Office

1/31/19

Name: James Michael Shipman, II _____

Office Address: 2 Office Locations:
230 E. Broad Street, Suite 206C, Cookeville, TN 38506 (Putnam);
424 Church Street, Suite 2120, Nashville, TN 37219 (Davidson)

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Home Address:

Cookeville, TN 38506 (Putnam County)

Home Phone: None.

Cellular Phone:

INTRODUCTION

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

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

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

PROFESSIONAL BACKGROUND AND WORK EXPERIENCE

1. State your present employment.

Self-employed at Shipman & Crim, pllc.

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

2009 / BPR 027535

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.

Aside from receiving a temporary student license to practice in Illinois while in law school (2007), I have only been licensed in Tennessee.

I am also admitted to the United States Middle District of Tennessee.

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).

2008-2010. Employed by D1 Sports Holdings, LLC in Franklin, TN. I assisted with the development of training facilities into multiple cities and handled the contract negotiations on behalf of the company with celebrity athletes, orthopedic physicians and hospitals.

February 2010 – Nov 2010. Solo practitioner. I maintained a contractual relationship with my former employer, however expanded my practice to include criminal defense and domestic relations.

Nov 2010 – Current. Shipman & Crim, pllc. My business partner joined me in private practice. Our focus became primarily criminal defense.

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.

Since the inception of our firm, approximately 90% of my caseload has comprised criminal cases. We are also currently involved in several federal civil rights cases, as well as co-counsel on several personal injury cases. I will occasionally accept other types of cases, generally pro bono, when I feel an individual needs assistance and may not otherwise find or be able to afford it, elsewhere.

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.

Most of my practice has been handling a large variety of criminal cases in the General Sessions and Criminal Courts across middle and parts of eastern Tennessee. I have gained a significant amount of substantive law knowledge as a result of focusing in criminal law. I have also represented a very wide array of clients with varying personalities and problems. My experience interacting with so many different types of people and different types of problems has given me a good understanding of behavior and of mental health related problems. I believe my experiences will help me formulate effective solutions to behavioral problems with a goal of curbing the rate of recidivism.

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

I have practiced in 43 of Tennessee's 95 counties and 17 out of the 31 judicial districts. I have practiced in approximately 100 different courts. I've learned which methods work best to operate a court efficiently as well as a lot about program sentencing alternatives (e.g., DUI Court, Veterans Court) and believe those types of programs are key to reducing recidivism. My practice does not rely upon a single geographic area or a single set of relationships, as most attorneys do. As a result, I believe I am in a better position than many to be impartial and fair.

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

I have participated as a CLE moderator for the Tennessee Bar Association since 2010.

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

I have never submitted an application for any state or federal position.

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.

1999-2003, B.S. in Education, The University of Tennessee at Knoxville, Major: Sport Management

2003-2005, No Degree, Nashville School of Law. I left to attend The John Marshall Law School in Chicago.

2005-2008, J.D., The John Marshall Law School, Chicago

- Vice President, Christian Legal Society

PERSONAL INFORMATION

12. State your date of birth.

██████████ 1981

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

Aside from attending law school for 3 years in Chicago, IL, I have lived in Tennessee my entire life. 37 years.

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

4 years.

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

Putnam

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.

(1) – TN Board of Professional Responsibility. Private Censure. Funds incorrectly deposited into a wrong account and subsequent withdrawal caused a small overdraft on our trust account (Approx. \$100) which was immediately corrected. No clients were harmed.

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.

Davidson County General Sessions, Docket No. 2015GC6311, Shipman vs. Rogers Group. I filed suit as a result of a minor accident on the interstate. The case was settled without litigation.

Davidson County Circuit Court, Docket No. 13C4526, Stegen vs. McNulty, et al. I assisted an attorney in filing a lawsuit for his client due to a statute of limitations that was about to expire. He later informed me he had filed a substitution of counsel to remove me as attorney of record from case. He in fact had filed a notice of appearance but did not substitute counsel. The other attorney proceeded to mis-handle the case and was sued for malpractice. I was also named as a Defendant however once I explained to the Plaintiff's attorney my involvement, he ultimately dismissed me from the suit without participation. The other attorney was ultimately disbarred from the practice of law for conduct unrelated to this case.

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.

The Sunset Rotary Club, Cookeville, TN, Member 2017-Current.

Tennessee Tech University, Golden Eagle Golf Club, Cookeville, TN. Member 2016 – Present.

Lady Cavaliers Booster Club, Cookeville High School, Cookeville, TN. Member 2017- Present.

University of Tennessee Alumni Association, Member, 2004 - Present

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.

No .

ACHIEVEMENTS

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

Tennessee Bar Association, Member

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.

None.

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

None.

ESSAYS/PERSONAL STATEMENTS

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

I would enjoy the opportunity to utilize the knowledge that I have gained practicing and apply it in a way which would benefit my hometown community. Approximately 90% of our cases are criminal which has provided me a deep understanding of the law, both substantively and practically. I believe one way to help my community and reduce recidivism is to expand programs which are targeted at specific problem areas, such as mental health treatment. I would also utilize my experience of seeing so many different courts operate and improve court efficiency. I believe efficiency is important because it allows attorneys the ability to spend time and focus on those cases which need the most attention.

29. Describe the judgeship you seek (i.e. geographic area, types of cases, number of judges, etc. and explain how your selection would impact the court. *(150 words or less)*)

The 13th Judicial District is comprised of seven counties, of which the most populated are Cookeville (Putnam) and Crossville (Cumberland). The judgeship I am seeking consists of primarily criminal cases and has a criminal caseload shared primarily with one other judge, Gary McKenzie. I share many of the same beliefs and ideals as the current sitting judges and do not believe my selection would represent a departure from the existing mentality by the current 13th Judicial judges. I would like to continue efforts to address problem areas with targeted approaches, such as DUI Court, Drug Court and Veterans Court. I believe my selection would have a very positive impact on our community and would be very well received by the local District Attorney's office as well as the defense bar.

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)*

A judge's role is to administer the law as set forth by the legislature. Certainly, difficult and sometimes seemingly unfair outcomes may result however our job is to enforce the law as it exists. It is an obligation that we have and should be adhered to as a judge. I was responsible for an investigation into a fatal officer involved shooting within this judicial district. My investigation uncovered evidence which many believed was evidence of an unlawful homicide by the sheriff. The District Attorney's office was unaware of the evidence until I disclosed it to them. Being new to the community, I sought local counsel on how to handle the situation. I was strongly advised it was in my best interest to stay out of it. I chose to persist based on what I felt my obligations were to our client. I faced significant risk by continuing with the case and could have elected to pass the client to another attorney. I chose not to because of my obligation to my client. A judges' obligation to the law is no different and they should uphold the law, regardless of any personal feelings or opinions.

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.

32.

A. Bryant Dunaway, 13th Judicial District, District Attorney, [REDACTED]
Cookeville, TN 38506, [REDACTED]

B. David Raybin, Attorney, Raybin and Weissman, [REDACTED]

Nashville, TN 37219	
C. Justin Braden, Vice President of Construction Sales, Lee Company,	
Franklin, TN 37064	
D. Dan Rader, III, Attorney, Moore, Rader, Fitzpatrick and York, P.C.,	
Cookeville, TN 38501	
E. Mark Odom, Rogers Group,	Cookeville, TN 38506

AFFIRMATION CONCERNING APPLICATION

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

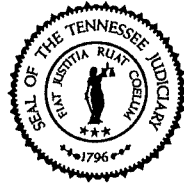
I have read the foregoing questions and have answered them in good faith and as completely as my records and recollections permit. I hereby agree to be considered for nomination to the Governor for the office of Judge of the 13th Judicial District, Circuit Court of Tennessee, and if appointed by the 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: April 15, 2019.


 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 Michael Shipman, II_____
Type or Print Name


Signature

4/16/19_____
Date

027535_____
BPR #

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