

Tennessee Judicial Nominating Commission
Application for Nomination to Judicial Office

Rev. 22 December 2011

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INTRODUCTION

Tennessee Code Annotated section 17-4-101 charges the Judicial Nominating 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 <http://www.tncourts.gov>). The Commission requests that applicants obtain the word processing form and respond directly on the form. Please respond in the box provided below each question. (The box will expand as you type in the word processing document.) Please read the separate instruction sheet prior to completing this document. Please submit the completed form to the Administrative Office of the Courts in paper format (with ink signature) *and* electronic format (either as an image or a word processing file and with electronic or scanned signature). Please submit seventeen (17) paper copies to the Administrative Office of the Courts. Please e-mail a digital copy to debra.hayes@tncourts.gov.

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

PROFESSIONAL BACKGROUND AND WORK EXPERIENCE

1. State your present employment.

Currently I am an attorney in private practice in Murfreesboro at the Law Offices of Bennett, Parkerson, & Bray which is an association of attorneys. I maintain my own practice as Thomas Parkerson, Attorney at Law.

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

My license was given to me in Tennessee in 2004. My bar number in Tennessee is 023338.

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	023338	2004	Active	
Mississippi	101289	2003	Inactive	I placed my license on inactive status in MS because I currently do not practice law in that state.

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).

I have never been denied admission to the bar of any state. I voluntarily placed my license on inactive status in MS due to the fact I do not practice in MS.

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).

2004-2006 Select Soccer Coach in Columbia, Lawrenceburg and Murfreesboro, Tennessee

2000-2003 Server at Macaroni Grill in Jackson Mississippi and Memphis Tennessee
 Legal Runner for Carroll, Warren, & Parker in Jackson Mississippi
 Valet & Attendant for Central Parking Services in Jackson Mississippi
 Legal Assistant for Jon Colletti in Jackson Mississippi

1999-2000 Warehouse Manager for Paragon Logistics in Memphis Tennessee
 Newspaper Delivery for Commercial Appeal in Memphis Tennessee
 Hub Worker for Fed Ex Corporation in Memphis Tennessee

1998-1999 Miscellaneous tasks for Volunteer Community Hospital in Martin, Tennessee
 Seasonal Factory Worker for Tridon Enterprises in Lawrenceburg, Tennessee
 Seasonal Driver Assistant for United Parcel Services in Columbia, Tennessee

1996-1997 lifeguard, customer service, Teen Coordinator, Wellness Coordinator for the YMCA
 in Columbia, Tennessee
 cook, server at Campbellsville Pike Country Store in Columbia, Tennessee
 instructor at Richard Bute Soccer Camps in Columbia, Tennessee

1996 cook at Sonic in Murfreesboro, Tennessee

1994-1995 Computer Lab Worker at Christian Brothers University in Memphis, Tennessee

1993-1994 Delivery & Processing for Tennessee Valley Meats in Columbia, Tennessee
 miscellaneous tasks for Exxon Corner Stop in Columbia, Tennessee
 Construction Work in Columbia, Tennessee

1990-1994 Soccer Referee in Columbia, Tennessee

1992-1994 Select Soccer Team Trainer in Columbia, Tennessee

1991-1992 Cash Register and bag boy at Piggly Wiggly in Columbia, Tennessee

1990 miscellaneous tasks at Polk Motel in Columbia, Tennessee

6. If you have not been employed continuously since completion of your legal education, describe what you did during periods of unemployment in excess of six months.

I have been employed continuously since the completion of my legal education.

7. 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.

My current areas of practice include a small percentage of domestic law (divorce, child custody) and personal injury. As a former assistant district attorney the majority of my practice deals with criminal law. A break down of the percentage is as follows:

Criminal Law 85%

Personal Injury 10%

Domestic Law 5%

8. 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. In making your description, include information about the types of matters in which you have represented clients (e.g., information about whether you have handled criminal matters, civil matters, transactional matters, regulatory matters, etc.) and your own personal involvement and activities in the matters where you have been involved. In responding to this question, please be guided by the fact that in order to properly evaluate your application, the Commission needs information about your range of experience, your own personal work and work habits, and your work background, as your legal experience is a very important component of the evaluation required of the Commission. Please provide detailed information that will allow the Commission to evaluate your qualification for the judicial office for which you have applied. The failure to provide detailed information, especially in this question, will hamper the evaluation of your application. Also separately describe any matters of special note in trial courts, appellate courts, and administrative bodies.

Upon graduating in 2003 I was fortunate to begin the practice of law in Lawrenceburg Tennessee at the firm of Boston, Holt, & Sockwell, PLLC. Hired as an associate, this established local firm provided me with experience in many areas of law. As a general practice that focused on civil matters, I was asked to research legal issues, prepare memos with regard to research, draft and answer interrogatories, meet with prospective and current clients, and prepare cases for trial and assist in those trials.

Upon gaining experience I was given more responsibility including handling my own cases.

My practice was dictated by cases provided to me, which included social security disability, workers compensation, personal injury, contract issues, juvenile court practice, and domestic law such as divorces and child custody matters. At that time the firm did not handle many criminal matters, however they were interested in doing so and therefore I began making appearances in General Sessions and Criminal Court on smaller criminal issues as well.

In school we are taught nearly every aspect of the law with one major exception and that is how to actually practice law and manage a caseload. One key aspect of my practice at Boston, Holt, & Sockwell was learning to deal with that exact issue. By watching, learning, imitating and following the example of these skilled attorneys I was able to understand the respect the bar has to have for the judiciary and vice versa. I was shown the importance and the responsibility attorneys have with respect to involvement in the community. In all aspects of life with legal practice being no different, it is important to gain a strong foundation in which to build from. My time as an associate at this firm provided me with a detailed look into many civil practice areas, but most importantly the firm gave me a foundation to build from in my legal career.

Although I enjoyed my time in Lawrenceburg, an opportunity arose in Murfreesboro which I could not turn down. In January of 2005 General Bill Whitesell, Jr. offered me a position as an Assistant District Attorney for the 16th Judicial District covering Rutherford and Cannon Counties. As my family and many friends resided in Murfreesboro at that time, and I was to begin practice in a new area of law that extremely interested me and I felt drawn to, my wife and I decided to move to Murfreesboro and I accepted the position.

As I began my criminal practice in General Sessions Criminal Court an entire new world seemed to open up. In my civil practice experience up to that point, a case could last for months, even years. This was such a contrast to the fast moving pace in General Sessions Criminal Court. In General Sessions I handled cases as small as public intoxications to as complicated as first degree murders. From violations of probation hearings to preliminary hearings and even bench trials, I learned the importance of understanding the responsibility a prosecutor has to the victim and ultimately the community in handling each case.

At that time our office did not have a designated domestic violence prosecutor. Along with the other types of criminal cases, I began to handle many of the domestic issues. Although the domestic violence cases were difficult in many aspects, I truly felt this was an area where the attorney for the state could make a tremendous impact. Many of the victims were scared, frustrated, and didn't realize they were in a cycle of violence that could lead them back to the one who assaulted them initially. These individuals craved someone to speak with, someone who would listen to them. The Court system was in the process of making that happen with the Domestic Violence Coordinators, yet ultimately I realized the victims sought guidance from the prosecutor as much as anyone else in these matters. Based upon my experience in the domestic violence field, I was fortunate enough to be chosen by General Whitesell to teach seminars on how to prosecute domestic violence cases to the Murfreesboro Police Department to satisfy the Department's training requirements in that area of law.

Around 2007 I was given the opportunity to practice in Circuit Court Criminal and spent much of my court time in front of the late Judge James Clayton and the current Judge Don Ash. I can recall the first week I spent “upstairs” the Court was in the process of resolving cases that had been pending for some time. If the case could not settle the Judges were setting them for trial and quickly. My first day, around seven cases were set for trial and although several settled on the eve of, several others went to the jury within a few months.

Very soon, I began to learn the difference between Circuit Court and General Sessions. Many of the cases were the same however fewer misdemeanors made their way to this level and most cases were felonies. I prepared my own indictments, discussed with and advised officers and detectives, and most importantly was given more time and resources to work with victims. I tried cases that ranged from driving on a suspended license to driving under the influence charges, domestic assaults, serious drug charges, sexual offenses and first degree murders. Based upon the time spent at suppression hearings, violation of probation hearings and ultimately jury trials and sentencing hearings, I was able to gain vital courtroom and trial experience.

Another responsibility I was given and extremely enjoyed was pro tem prosecution. In cases where a conflict existed in another jurisdiction I was asked to travel to the district to handle the case on behalf of the state. In this manner I made many contacts and friends throughout middle Tennessee, both on the prosecution side and the defense. One benefit to this travel was seeing first hand how other jurisdictions operate including the Judiciary. Despite the procedural differences in separate jurisdictions, the similarity in the respect and knowledge from the bench in each county was astounding. The attorneys and Judges treated me as if I resided and practiced in their local community on a daily basis.

In 2011, I made a very difficult decision to leave the district attorneys office and move into private practice. Fortunately, the time I previously spent in private practice along with my time at the district attorneys office helped prepare me for the transition. Myself, Stan Bennett and Tommy Bray formed an association of attorneys in which we are still currently engaged. My practice consists of mainly criminal defense with some domestic law and personal injury.

Clients, associates, friends, and even family have all asked how can I defend the same charges and individuals I once would prosecute. Defending an individual charged with a criminal offense is very similar to handling a case on the prosecution side that involves a victim. In both cases the victim and the defendant are typically at low points in their lives. Both need someone to speak with and counsel them during this difficult period. This is an area of practice that can be taken for granted or overlooked. The impact our counsel can have on these individuals is remarkable.

On the defense side I have been fortunate to have represented every type of case I was able to prosecute. Now, instead of discussing and debating ways to justly prosecute a case, I use the experience I have obtained to benefit my clients when there is a suppression issue or question on a legal matter. However, the most important and undoubtedly indispensable benefit of prosecuting a case through a jury trial and sentencing hearing and then doing the same for the defense is experiencing the criminal process from both sides of the fence per say. In my mind this provides a distinct advantage for clients in understanding what options are available in each

particular case.

9. Also separately describe any matters of special note in trial courts, appellate courts, and administrative bodies.

Many cases have had an impact on me either as a prosecutor or defense counsel, however there are a few that for one reason or another have meant the most. In the State of Tennessee vs. Ricky Reed I represented a former pastor who entered a plea to attempted aggravated burglary. Mr. Reed was a devout Christian and dedicated years of his life to the church. Unfortunately, he became addicted to pain pills and abused the trust he had earned with one of the church members. He then attempted to break into her house to steal pain medication.

At the sentencing hearing I argued Mr. Reed should be granted a judicial diversion. The prosecutor and the victim were not as open to the argument. In a case that admittedly could have been decided either way, the Judge granted Mr. Reed the diversion and he avoided jail time. This case was particularly difficult because I could understand how the Court could have denied our request despite his efforts to rehabilitate.

In the State of Tennessee vs. Sue Mzrowski, I prosecuted the charge of vehicular homicide. This case had such an impact on me with regard to understanding the sensitivities of a victim's family. After a sentencing hearing the defendant received the maximum time on the vehicular homicide conviction, however that was not what stuck with me. The pain and grief a family member can have that can not be alleviated by a sentence to serve on the person that committed the offense impacted me tremendously.

Another case that helped form my understanding of the balance between a criminal charge and the community was the State of Tennessee vs. Adam "Pac Man" Jones. At the time I was in General Sessions and asked to prosecute Adam Jones for the charge of public intoxication. His case was frustrating due to the fact many other crimes of much more importance were being prosecuted daily. However, the only case the community wanted to hear about was his public intoxication. Ultimately, his case was retired in Murfreesboro, yet this was one of the first cases on the criminal side where I could see first hand how the news, video cameras, name of the person charged, and many other irrelevant factors could have an impact on the community's perspective toward a case.

There are numerous other cases that have helped form my opinions and specific mindset on how to approach a case. The one underlying theme they have provided me is to look toward helping others. Whether as a prosecutor where your goal is to support a victim and the community or on the defense side where you counsel clients at a very difficult time in their life, the cases I have prosecuted or defended have helped to instill in me a goal of using my experience to assist others.

10. If you have served as a mediator, an arbitrator or a judicial officer, describe your experience (including dates and details of the position, the courts or agencies involved, whether elected or appointed, and a description of your duties). Include here detailed description(s) of any noteworthy cases over which you presided or which you heard as a judge, mediator or arbitrator. Please state, as to each case: (1) the date or period of the proceedings; (2) the name of the court or agency; (3) a summary of the substance of each case; and (4) a statement of the significance of the case.

On September 2nd and October 27th, 2011 I was asked to sit as Special Judge for General Sessions Criminal Court in the absence of Judge Ben Hall McFarlin. On several other dates subsequent to those original requests, I have been asked to sit as Special Judge in the same court to hear certain cases or pleas. As Special Judge I accepted pleas, heard motions, decided probable cause for preliminary hearings and heard violation of probations.

11. Describe generally any experience you have of serving in a fiduciary capacity such as guardian ad litem, conservator, or trustee other than as a lawyer representing clients.

I have limited experience serving in a fiduciary capacity other than representing clients.

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

In a very limited role I have drafted wills, power of attorneys, handled smaller collection issues, dealt with contract issues between a contractor and his subs, and handled several juvenile cases on the defense side including child support and custody matters. However, as previously stated the majority of my practice involves criminal defense.

13. List all prior occasions on which you have submitted an application for judgeship to the Judicial Nominating Commission or any predecessor commission or body. Include the specific position applied for, the date of the meeting at which the body considered your application, and whether or not the body submitted your name to the Governor as a nominee.

I have not applied for any position before the Judicial Nominating Commission or any predecessor commission or body.

EDUCATION

14. 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.

Christian Brothers University Memphis Tennessee	Fall 1994 – Spring 1995	transferred to Middle Tennessee State University
Middle Tennessee State University Murfreesboro, Tennessee	Spring 1996	transferred to Columbia State Community College
Columbia State Community College Columbia, Tennessee	Fall 1996 - Spring 1997	transferred to University of Tennessee at Martin
University of Tennessee at Martin Martin, Tennessee	Fall 1997 – Spring 1999	Bachelor of Science Degree
Mississippi College School of Law Jackson, Mississippi	Fall 2000 – Spring 2003	Doctor of Jurisprudence

PERSONAL INFORMATION

15. State your age and date of birth.

I am 36 years old and my date of birth is September 15th, 1975.

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

I have lived continuously in Tennessee since I graduated law school in 2003.

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

I have lived continuously in Rutherford County since I accepted the position as Assistant District Attorney in 2005.

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

I am registered to vote in Rutherford County Tennessee.

19. 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.

I have no military experience.

20. Have you ever pled guilty or been convicted or are you now on diversion for violation of any law, regulation or ordinance? Give date, court, charge and disposition.

In 1996 at the age of 20 years old, I was cited with a minor in possession of alcohol in Tampa Florida. I paid the citation and to my knowledge there is no record of this offense at this time.

21. 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.

To my knowledge, I am not under any investigation at this time.

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

I have never been disciplined or cited for any of the above referenced conduct.

23. 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.

I have not had any tax lien or other collection procedure instituted against me.

24. Have you ever filed bankruptcy (including personally or as part of any partnership, LLC, corporation, or other business organization)?

I have never filed bankruptcy.

25. 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.

To my knowledge, I have never been a party to any legal proceeding.

26. 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.

Secretary of the Rutherford & Cannon County Bar Association	2012- present
Treasurer of the Rutherford & Cannon County Bar Association	2011-2012
Juvenile Diabetes Research Foundation Committee Member	2012-present
Member of American Bar Association	2012-present
Member of Belle Aire Baptist Church in Murfreesboro	2010-present
Rutherford County High Schools Criminal Justice Advisory Council	2011-present
Read to Succeed Adult Tutor	2008-2010

27. 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.
- If so, list such organizations and describe the basis of the membership limitation.
 - 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.

I have not been a member of any organization that limits its membership to race, religion, or gender.

ACHIEVEMENTS

28. 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.

Secretary of the Rutherford & Cannon County Bar Association	2012- present
Treasurer of the Rutherford & Cannon County Bar Association	2011-2012
Member of the Rutherford & Cannon County Bar Association	2006-present
Member of American Bar Association	2012-present
Rutherford County High Schools Criminal Justice Advisory Council	2011-present
Lawrence County Bar Association	2003-2005

29. 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.

Recognition for Completing the DUI Trial Advocacy Workshop	2005
Recognition for Completing the New Prosecutors Training Academy	2006
Recognition for Completing the New Prosecutors Training Academy	2007
Recognition for Completing the Advanced Cross Examination Workshop	2008
Recognition for Completing the Advanced DUI Prosecution Workshop	2010

30. List the citations of any legal articles or books you have published.

I have not published any legal articles or books.

31. List law school courses, CLE seminars, or other law related courses for which credit is given that you have taught within the last five (5) years.

I taught the Murfreesboro Police Department on the topic of prosecuting domestic violence cases in 2008 and 2009. The credit given was not to the attorney but to the officers and detectives per department guidelines. Also, in April of 2011, I taught Relevant Administrative Procedures in Criminal Cases which provided CLE to the participants.

32. 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 2007, I applied for the position of Child Support Magistrate in Murfreesboro Tennessee. The position was an appointed position.

33. Have you ever been a registered lobbyist? If yes, please describe your service fully.

I have never been a registered lobbyist.

34. Attach to this questionnaire at least two examples of legal articles, books, briefs, or other legal writings which reflect your personal work. Indicate the degree to which each example reflects your own personal effort.

State of Tennessee vs. Ricky Reed – motion for diversion. This motion was prepared by me and was a vital element in my argument for Mr. Reed.

State of Tennessee vs. James Kaiser – letter of correspondence. This letter is standard, however it is an important process in the legal proceedings before the judge could come to a resolution on his case. Based upon this request in this letter and the finding of the doctor, Mr. Kaiser was found not guilty by reason of temporary insanity.

ESSAYS/PERSONAL STATEMENTS

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

Upon graduating from law school I have aspired to use my knowledge and experience to the best of my abilities to help others. This has led me down many legal paths. Through civil defense, to prosecution, to criminal defense there are many facets of law I have been fortunate to practice. However, to have the opportunity to be appointed or elected to a judicial position is of the highest honor and responsibility. Although I have planned on seeking a judicial position through an election, I did not anticipate this opportunity to appear at this time. Yet, now that it has I wish to embrace the chance to preside in a position that requires the greatest responsibility to the legal and general community of Rutherford & Cannon County.

36. State any achievements or activities in which you have been involved which demonstrate your commitment to equal justice under the law; include here a discussion of your pro bono service throughout your time as a licensed attorney. *(150 words or less)*

An unfortunate fact in our society is that many people struggle to survive on a daily basis. As attorneys, we have been given the opportunity to help those who do not have the knowledge or

the funds to help themselves. In many of my cases, I have provided a legal defense at no cost to my client. I realize this may not be the standard pro bono definition, but it has been important to my conscience and a benefit to my clients as well. Whether for a single mother with three children or for a young man struggling to get through school I have treated the cases exactly the same as if I were retained to do so. I feel we are obligated in our profession to give back to the community and to those who are in need. I hold volunteer legal work in the highest regard.

37. 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 position I seek is Circuit Court Judge for the 16th Judicial District which includes Rutherford & Cannon County. Currently there are five other Judges or Chancellors who handle the criminal and civil cases in these jurisdictions. The particular position that is open presides over mainly criminal cases at this time. My appointment would impact the court in that I would bring my experience as a former prosecutor and defense attorney to allow a smooth and successful transition to the bench. As having practiced in this specific court for years, I have an understanding regarding the procedural and legal issues that may arise. I hope to implement new ideas as well that may assist in the judicial economy of the court system.

38. Describe your participation in community services or organizations, and what community involvement you intend to have if you are appointed judge? *(250 words or less)*

At this time I am involved in fundraising for research regarding Juvenile Diabetes in Murfreesboro, Tennessee. This is an important area of my legal practice. As mentioned previously, we have been given an opportunity to practice law and have a positive impact on others. A result, attorneys are in a unique position to help the community in areas other than legal matters. If I were appointed Judge of Rutherford & Cannon County I would continue my support of Juvenile Diabetes Research.

Another important aspect of an appointed or elected position is the responsibility in which we are entrusted. Public Service work is part of that responsibility. As a judicial officer I plan on partaking in as many activities as my schedule will allow that will benefit others, specifically organizations that have minorities and children as the focus. During my legal profession, the cases that have impacted me the most are those that involve these two groups.

As the Judge of Rutherford & Cannon County, I feel I would be in a position to enhance or create a greater awareness of the law in general. Currently, I am on the criminal justice advisory board for Rutherford County high schools. My input as an attorney has been helpful, however as a Judge I believe I would have an even greater platform to create awareness for these organizations.

39. Describe life experiences, personal involvements, or talents that you have that you feel

will be of assistance to the Commission in evaluating and understanding your candidacy for this judicial position. *(250 words or less)*

To be able to say that I am an attorney is still a surreal statement. In law school, my father had a heart transplant and I was faced with the decision to continue in my legal education. I supported myself in school, however at this point my family required financial assistance as well. I was already working, however I increased my work to 40 to 50 hours a week between serving at a restaurant and working at a parking garage. My grades suffered accordingly. I was placed on academic probation my first semester and brought before the review board asked what was most important to me. Of course, I told them my family. Fortunately, I was given the chance to continue and I have never looked back. This is just one experience that has shown me to never take for granted the gifts we have been given.

It goes without saying that if we work hard we can earn what we accomplish but there are many who would have the same work ethic who are for whatever reason of fate or circumstance, not given the chance to fulfill a dream. My life experiences have provided me with a unique perspective in understanding everything is not black and white. Every action has a reason, whether it be justified or not, there is still a driving force behind an individual's decisions. If I were appointed Judge for the 16th Judicial District I would remember these experiences and hopefully allow them to take part in any decision I would be entrusted to make.

40. 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)*

In answering this question I will refer to a very recent case in which I've previously discussed. In the State of Tennessee vs. Ricky Reed, the trial judge had the very difficult decision as to whether Mr. Reed should be granted a diversion. The substance of the law stated that he was an eligible candidate. He had no prior conviction for any criminal offense. However, the victim on the case stated that he abused his trust as a pastor and that she could never fully recover from this betrayal and therefore he should not be granted the diversion.

As defense counsel, I argued adamantly he should be granted the opportunity to move forward with his life without a conviction and it my contention that is what the law dictates. However, I struggled with this argument because my faith is extremely important in my life. Ultimately, the trial judge granted our request and he was given a judicial diversion by following the letter of the law. Yet, just as easily he could have denied the request and satisfied many who opposed our position. However, I think a denial would have been an incorrect interpretation of the law. Judge Bragg truly followed the law in this matter, despite the fact many would disagree that he should be eligible based upon his actions.

REFERENCES

41. 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. General Bill Whitesell, Jr., Current District Attorney of 16 th Judicial District Rutherford & Cannon Counties, [REDACTED] [REDACTED]
B. J. Paul Newman, Assistant District Attorney 16 th Judicial District Rutherford & Cannon Counties, [REDACTED] [REDACTED]
C. Rick Mansfield, Attorney, [REDACTED] [REDACTED]
D. Tim Pogue, Certified Nurse Anesthetist for Murfreesboro Anesthesia Group, [REDACTED] [REDACTED]
E. Dale Truitt, Licensed Contractor with Truitt Homebuilders, [REDACTED] [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 [Court] 16th Judicial District Circuit & Criminal 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: July 30th, 20 12.


Signature

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