

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 fourteen (14) 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.

Circuit Court Magistrate, Tenth Judicial District, State of Tennessee.

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

1991, BPR# 014592

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.

I am licensed to practice law in the State of Tennessee, BPR# 014592, 1991, active. I am also licensed to practice law in select federal courts and the before United States Supreme Court, BPR# 014592, currently active.

4. Have you ever been denied admission to, suspended or placed on inactive status by the Bar of any State? If so, explain. (This applies even if the denial was temporary).

Not applicable.

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).

March 1991 through December 1, 2010 – Associate, Partner (1994), law firm of McCoin, McCoin and Bunch, located in Cleveland, Bradley County, Tennessee.

1998 through December 2010 - Public service in the Tennessee State Legislature.

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.

Not applicable.

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.

Not applicable.

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.

I have practiced law in various local, state and federal courts. My experiences include juvenile courts, sessions courts, state civil and state criminal courts, appellate courts and in the federal courts, as well as before administrative judges in Tennessee. I have represented individual citizens, businesses, partnerships, LLCs, as a plaintiff, a defendant, a third-party, as guardian ad litem, and/or as appointed counsel.

Operating a law practice in a small town essentially means representing clients in practically all types of legal matters. My practice was primarily in the civil side of law, approximately 75% of the time. The remaining 25% of time was in criminal, juvenile and administrative matters. My practice was with a firm of four attorneys. We were partners in the law firm and each of us covered for the other frequently on an as needed basis. My practice ranged from office matters to litigation. The office matters included wills, adoptions, estates, real estate, banking issues, incorporations, business entities, not for profits, to advising and counseling with clients regarding their legal issues. The litigation practice ranged from termination of parental rights, criminal matters, accidents, business matters, as well as domestic and family law. My practice also provided opportunities to appear before governmental agencies and administrative bodies. Examples included local zoning boards, auto seizure cases, licensing agencies, Tennessee boards

and commissions, etc.

My federal court experience was in federal bankruptcy court representing businesses and/or individuals and civil trials which were removed from state court to federal court.

Since 2010, I have served as a judge over issues between our citizens and state agencies, and most recently as a Circuit Court Magistrate for the Tenth Judicial District. During this time period I conducted many contested trials ranging from one hour hearings in length to trials that lasted two or more days. Many of these cases required research into the issues at hand at trial. Issues raised included constitutional issues, issues pertaining to search and seizure, issues of notice and due process, evidence rulings, contractual issues, etc.

Ensuring the rights of the citizens to a fair hearing, complying with the rule of law and the due process issues are the keys to our citizens maintaining faith in our judicial system. These are the things I have focused upon during these past two years.

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

My experiences in the trial courts, appellate courts, and administrative agencies continue to demonstrate that being able to properly treat our citizens, as best as they permit themselves to be treated, remains an important goal for me in my current service as a judge.

It is important to be able to effectively work with and communicate with attorneys, clerks, parties, witnesses, court reporters, as well as other judges. Effectively working together ensures that our judicial system is respected and operates in a manner that serves our society very well.

In summary, it remains my goal to treat all parties, lawyers, clerks, and others in our court system with respect while maintaining proper decorum in the courtroom.

Letting attorneys fully present their arguments on the issues at hand is important to everyone, as well as to our system of justice. Drafting timely orders that address the issues in a concise and straightforward manner is equally important. I strive to let the citizens fully experience their opportunity to be heard, to address their issues in a timely manner and then to enter an order that is timely and one that our citizens can understand how and why the decision was reached.

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.

Mediation of cases involving our citizens and governmental agencies have been conducted over the past two years. The cases I have mediated were noteworthy to the citizens and the agencies involved. The cases all involved school districts and parents. The issues were the appropriate educational opportunity of the students and their requirements upon the local school systems.

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 served many times as a guardian ad litem and an appointed attorney. I served in almost all of these cases on a pro bono basis. I have also served as a conservator on numerous occasions when appointed by the court. My service in the juvenile and circuit courts in guardian ad litem cases is lengthy and continued during my time of public service in the state legislature.

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

I have served as a Juvenile Court Referee, three days per month, for six years, as well as special judge in the Bradley County General Sessions Court on numerous occasions.

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.

Not applicable.

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.

Tennessee Tech University, Cookeville, Tennessee, B.S. Degree in Education, June 1981.

East Tennessee State University, Johnson City, Tennessee, Masters Degree in Social Science/Economics, December 1985.

University of Tennessee, Knoxville College of Law, Juris Doctorate Degree, December 1990.

PERSONAL INFORMATION

15. State your age and date of birth.

54 years of age. March 15, 1958.

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

Since birth.

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

Bradley County, 23 years.

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

Bradley County.

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.

Not applicable.

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.

Not applicable.

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.

Not applicable.

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.

Not applicable.

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.

Not applicable.

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

Not applicable.

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.

Not applicable.

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.

Higher Calling Wrestling Club, Cleveland High School Corner Kick Club (Soccer), Cleveland High School Take Down Club (Wrestling Parents Association), Cleveland High School Blue Raider Club, Cleveland High School PTO, numerous political organizations, American Legislative Exchange Council, Member of the Civil Judiciary Task Force representing the State of Tennessee, Southern Legislative Conference, City of Cleveland Johnston Park Board Member, City of Cleveland Fletcher Park Board Member, City of Cleveland/Bradley County Board Member, Cleveland 100, Administrative Law Judges Association, and Tennessee Preparatory School Board Member.

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.

- a. If so, list such organizations and describe the basis of the membership limitation.
- b. If it is not your intention to resign from such organization(s) and withdraw from any participation in their activities should you be nominated and selected for the position for which you are applying, state your reasons.

Not applicable.

ACHIEVEMENTS

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.

Public service committees that directly impacted the judicial branch of government, Judicial Council (Senate Appointee), served as Chair to the Committee to review the Court of Judiciary and Judicial Recusal, Committee to review the Death Penalty, Victims' Rights Committee, served to represent the Senate in the Impeachment Panel v. District Attorney General, 2008, Bradley County Bar Association, and Tennessee Bar Association.

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.

Tennessee School Board Association, Legislator of the Year, 2001

Legal Services of East Tennessee Award

Honored by Boys and Girls Club of Tennessee for service

Service Award presented by Cleveland State Community College

Tennessee Development District, Legislator of the Year

Spirit of Community Award, Person of the Year, 2010

Award for services as Juvenile Court Referee for Bradley County

Awards for other various legislative and public services

Other various awards for public service

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

No books have been published. I have written several editorials and one legal article pertaining to the constitutionality of income tax in Tennessee which was published in various newspapers and other outlets during the income tax debate.

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 have spoken at numerous seminars and gatherings. However, the only one in the past five years for which credit was given was in Chattanooga dealing with legislative judiciary update.

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.

I served in the Tennessee State Legislature from 1998 through November 2010. I served in the Tennessee House and the Tennessee Senate. The position was elected.

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

Not applicable.

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.

Orders are attached. The orders are my work product.

ESSAYS/PERSONAL STATEMENTS

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

The rule of law is a major component of our civilized society. It is essential that our system have seasoned, experienced, legally trained public servants in the role of judge. A background of

legal experiences, legislative experience, judicial service and proper temperament, provides the necessary mixture of traits for an appellate court judge.

My service as an attorney and in the legislature is one that required a research of authority, compromise, and application of the rule of law. Judicial service is a search for facts, legal authority and the application of law to the facts for each case. A proper temperament serves one well in each of these endeavors.

In summary, my experience as an attorney, a legislator and a judge, as well as my temperament make me well qualified to serve on the Appellate Court.

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)*

My service as an attorney includes numerous pro bono appointments and service as a guardian ad litem and service as an appointed attorney in both criminal and civil matters. I further served as a juvenile court referee for six years. I have served as an attorney advising numerous moot court high school teams.

I was also honored with an award by the East Tennessee Legal Aid community for my work on drafting and passing a law that helped low income and senior citizens. I have served on numerous committees that deal with the issues of representation in court systems and other equal justice provisions of the law. I served on a committee to rewrite the jury service laws to ensure that all citizens have a right and obligation to serve. I sponsored this legislation into law.

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)*

I am seeking to serve on the Court of Appeals, Eastern Division for the State of Tennessee. The Court has four Judges who serve the Eastern Grand Division of our state. My selection for service upon the Court would be one of which I would be the only rural or non-urban person to serve on the Court (along with two Judges from Knoxville and one from Chattanooga). My goal would be to follow the honored and worthy service of Judge Herschel Franks. It would remain my goal to ensure professional decorum in the Court, to ensure that the attorneys and their clients are fully heard, to work with the fellow members of the Court in reaching a decision that is timely issued and which is concise and as straightforward as possible so that our citizens will have greater understanding of the orders of this court.

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)*

During my time as an attorney and while serving as a legislator and a judge, I have remained deeply involved in the service to my community, my church, my region and my state. I have served with several community, state, and national organizations. My service has ranged from civic organizations, issue oriented organizations, public welfare organization, educational activities, as well as personal and family related service in our church, our schools and related fields.

Serving as a judge for the past two years has been somewhat limiting and does restrict ones involvement in certain activities. However, within this constraint, I have continued to serve in various capacities within my community, in my church, my region, as well as my state. Additionally, I continue to speak and teach about public service, our government, and the judiciary, to students, schools and civic and community organizations. I believe that education is the key to people successfully understanding the role of judiciary in our government and in our daily lives.

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)*

This body has many worthy candidates to consider for nomination to the Governor for selection of service on the Court of Appeals. The combination of my service as a lawyer, a legislator, and a judge provide a unique skill set that have served me well in my role as judge. My role as a legislator provided a deeper understanding of the legislative process, of legislative intent and of the complicated process of law making. I have served on committees addressing judicial issues, including the Victims Rights Committee, Ethics Task Force, Judicial Council, Committee to Review the Death Penalty, Committee to Review the Court of Judiciary and Judicial Recusal, and the committee that conducted the Workmans' Compensation overhaul. I drafted and/or sponsored the Grandparents' Rights Legislation, Uniform Court Clerk's Fee Legislation, Shared Income Model for Child Support, Notice Revisions in the Administrative Modification of Child Support, the drafting of the new Judicial Nominating Committee, and the Judicial Evaluation Committee. Sponsored and served on committee rewriting the lien laws, and the rewriting of Jury Service Provisions and served on the Impeachment Panel v. District Attorney General.

The experiences of my work as an attorney provide a necessary courtroom experience of over twenty years, as well as my experiences as a Juvenile Court Referee, and the past two years service as a judge in Tennessee provide me with the well rounded experience that few applicants possess in their submission to this distinguished committee.

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)*

Yes. Our civilized society is based upon the "Rule of Law". Most attorneys support the concept of the rule of law by proper counseling of clients of the law and how it pertains to their case. By performing this service in their office, most attorneys then keep cases off the court docket which really have no merit being filed. Further, we uphold the rule of law by following the order of the court.

I have heard many cases as a judge when I have had a philosophical disagreement with the existing law. Regardless, I have advised the parties of the law and requested the lawyers to address the law. Thereafter, I advised the parties that I am obligated to follow the law. Accordingly, as the orders in my court have shown I have followed the rule of law.

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. The Honorable Diane Black (non-lawyer), United States House of Representatives for Tennessee, [REDACTED]
[REDACTED]

B. Jeff Hagood, Attorney, Hagood, Tarpay and Cox, [REDACTED]
[REDACTED]

C. The Honorable Beth Harwell (non-lawyer), Speaker of the House of Representatives, [REDACTED]
[REDACTED]

D. Rebble S. Johnson, Attorney, Banks, Johnson and Associates [REDACTED]
[REDACTED]

E. The Honorable John Everett Williams, Judge on the Court of Appeals (Criminal) Western Division, State of Tennessee [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] of Appeals, Eastern Division of Tennessee, and if appointed by the Governor, agree to serve that office. In the event any changes occur between the time this application is filed and the public hearing, I hereby agree to file an amended questionnaire with the Administrative Office of the Courts for distribution to the Commission members.

I understand that the information provided in this questionnaire shall be open to public inspection upon filing with the Administrative Office of the Courts and that the Commission may publicize the names of persons who apply for nomination and the names of those persons the Commission nominates to the Governor for the judicial vacancy in question.

Dated: October 16, 2012.


Signature

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



TENNESSEE JUDICIAL NOMINATING COMMISSION

511 UNION STREET, SUITE 600
NASHVILLE CITY CENTER
NASHVILLE, TN 37219

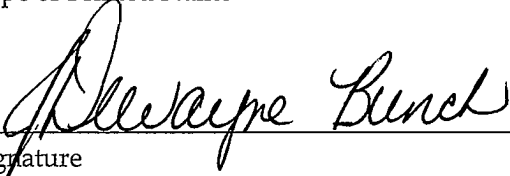
TENNESSEE BOARD OF PROFESSIONAL RESPONSIBILITY TENNESSEE COURT OF JUDICIARY AND OTHER LICENSING BOARDS

WAIVER OF CONFIDENTIALITY

I hereby waive the privilege of confidentiality with respect to any information which 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 Court of 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 Tennessee Judicial Nominating Commission to request and receive any such information and distribute it to the membership of the Judicial Nominating Commission.

Jesse Dewayne Bunch
Type or Printed Name


Signature

October 16, 2012
Date

014592
BPR #

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