

JUDGE W. NEAL McBRAYER

Recommendation: RETAIN

Commission Vote: 9 FOR RETENTION • 0 FOR REPLACEMENT

Legal Education and Experience

Judge W. Neal McBrayer received his law degree from the Marshall-Wythe School of Law, The College of William and Mary in 1989. He has engaged in the private practice of law in Nashville since then, and was most recently a member of the firm of Butler Snow LLP. His practice emphasized commercial litigation and bankruptcy, as well as some transactional work. He also co-authors and annually supplements a treatise on secured transactions, *Tennessee Secured Transactions Under Revised Article 9 of the Uniform Commercial Code: Forms and Practice Manual (2001 & Supp. 2013)*.

Service to the Profession

Judge McBrayer is a member of the American and Tennessee Bar Associations, as well as the Nashville Bar Association. He has been a delegate to the TBA House of Delegates since 2001. He is a past chair of the TBA's Bankruptcy Law Section and member of the TBA Joint Article 9 Committee responsible for studying and proposing legislation adopting the 2010 version of amendments to Article 9 of the UCC in 2011-2012. He is a past president of the Mid-South Commercial Law Institute. He is a member of the Defense Research Institute and the American Bankruptcy Institute.

Survey Results and Interview

At the time of the interview, Judge McBrayer had only been sworn in to his position on the Court of Appeals for two days. For the same reason, no survey results were

available for consideration by the Commission. The Commission used the information available in Judge McBrayer's application to the Governor's Commission for Judicial Appointments and his Self-Evaluation Form to conduct the interview. As a result of the interview, the Commission found Judge McBrayer to have a broad range of experience as a practitioner and litigator.

Comments and Recommendation

Judge McBrayer appears to possess the knowledge and writing ability to serve on the appellate court. He has written extensively on the law of commercial transactions, including his 2001 Article 9 practice manual. Having served previously as a hearing committee member for the Tennessee Board of Professional Responsibility, Judge McBrayer should conduct himself in a professional and ethical manner as a member of the Court of Appeals.

The Commission unanimously recommends Judge Neal McBrayer be retained on the Court of Appeals.

Judge McBrayer's Response

I am grateful for the unanimous recommendation of retention and thank the Judicial Performance Evaluation Commission. It is an honor to serve on the Tennessee Court of Appeals, and if given the privilege to continue my service by the citizens of the State of Tennessee, I promise to respect and honor the office as a public trust and to pursue my responsibilities with diligence.