

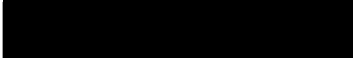
Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office


04/15/16


Name: Terry Ryan Malone

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(including county)

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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 debra.hayes@tncourts.gov, or via another digital storage device such as flash drive or CD.

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

PROFESSIONAL BACKGROUND AND WORK EXPERIENCE

1. State your present employment.

Attorney with Peterson White, LLP.

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

2004, BPR# 023762.

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.

In addition to Tennessee, I have been licensed in Kentucky since 2011. That license is active, and my Kentucky bar number is 94208.

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).

Attorney with Chambliss, Bahner & Stophel (Chattanooga) from January 2005 through May 2012.

Attorney with Peterson White (Brentwood) from May 2012 to present.

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.

My current practice focuses on insurance defense litigation and workers' compensation. In June, 2018, roughly 60% of my hours were in the areas of insurance defense and premises liability. Workers' compensation accounted for the remaining 40%. Those percentages fluctuate by month.

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.

My entire career has been in litigation. I started my career primarily working in the areas of medical malpractice defense and the defense of long-term care facilities. After roughly four years, I began to also defend products liability and commercial litigation matters. I additionally handled insurance defense claims during that time. After changing firms in 2012, my focus has been primarily in the insurance defense and workers' compensation fields.

I am licensed to practice in Tennessee and Kentucky. I have been admitted to practice before the Middle, Eastern, and Western Districts of Tennessee, and the 6th Circuit Court of Appeals.

I have tried cases, handled multiple appeals, and generally defended lawsuits all across Tennessee and in other state and federal jurisdictions. As part of this, I have drafted hundreds of motions and attended hundreds of depositions. I am very familiar with the litigation process.

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

I have represented a Tennessee nursing home industry group as amicus curiae before the Tennessee Supreme Court. I have been counsel on multiple appeals to the Tennessee Court of Appeals, and I currently have a premises liability case on appeal to the 6th Circuit. I have represented individuals and companies in state and federal courts across Tennessee and in other jurisdictions.

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

I have a broad range of litigation experience and have at least a basic understanding of the laws

applicable to many types of claims likely to be before me as a judge. Additionally, because I have defended claims in multiple jurisdictions, I have experience with researching and teaching myself laws and procedures about which I was not previously aware. I am additionally a trained Rule 31 mediator. I believe I know how to be a good judge, because I have experience with both excellent judges and judges that fell short of that standard.

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

Not applicable.

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.

University of Tennessee, Knoxville - 1997-2001 – Awarded B.S. in Communications, Cum Laude

University of Tennessee, Knoxville, College of Law - 2001-2004 - Awarded Juris Doctorate

PERSONAL INFORMATION

12. State your date of birth.

1978.

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

39+ years.

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

Since 2010.

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

Williamson County.

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.

None.

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.

No.

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.

I am a member of Brentwood Baptist Church.

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.

At various times in my legal career, I have been a member of the Nashville, Memphis, Chattanooga, and Tennessee Bar Associations. I lack records regarding the specific years I was a member of each. I did not serve on committees or have significant involvement beyond meeting attendance.

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.

I have authored legal articles and spoken regarding issues relevant to the long-term care industry.

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 enjoy the academic challenges of the law, but the adversarial nature of litigation practice is undesirable. I have been described by one colleague as “too reasonable,” and I seek to avoid the contentious – and frequently unnecessary – disputes that arise in litigation, whenever possible. Additionally, I went to law school to be in court, but as the years pass, it seems I am in court less and less. Ultimately, I believe I am well suited to being a judge. I have a very even, respectful temperament, I have years of experience in many areas of civil litigation, and I understand the importance of fairness and impartiality.

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)*

I am seeking a position as a Circuit Court Judge in the 21st Judicial District. I live in Franklin, but I am comfortable travelling to Hickman, Lewis, and Perry Counties, as well. I believe my selection would give the court a hard-working, respectful, and impartial judge that would assist in making the other divisions’ dockets more manageable.

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)

Absolutely. I fully believe in impartially enforcing the law as written. While I respect the significant majority of judges I have been before, I have, at times, had situations where my clients were treated unfairly by biased judges. I believe that when those situations occur, it damages the credibility of the legal system as a whole.

As an attorney, I have had multiple cases where I believed my client was in the wrong. Nonetheless, I provided them the best legal defense I could within the scope of the Rules of Professional Conduct. For instance, in one medical malpractice case, multiple experts indicated to me that my client negligently caused a patient's death. Nonetheless, I continued to vehemently defend the claim until a settlement could be reached. There have been several other instances in which I defended clients that I questioned or did not respect. Despite my concerns, they were entitled to competent representation.

Whether attorney or judge, the legal obligations imposed by the law should be followed, regardless of one's personal feelings.

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.

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|---|
| A. Nate Bargatze – Comedian – [REDACTED] |
| B. Devin Williamson – President, Greenway Home Services – [REDACTED] |
| C. Michael Devore – Senior Claims Counsel, Lipscomb & Pitts Ins. – [REDACTED] |
| D. Josh Gebhart – Chiropractor with 180 Wellness - [REDACTED] |
| E. Colin McCaffrey – Attorney with State Auto – [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 Circuit Court Judge in the 21st Judicial District 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 8, 2018.



Signature

When completed, return this questionnaire to Debbie Hayes, 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.

Terry Ryan Malone

Type or Print Name



Signature

July 8, 2018

Date

023762

BPR #

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|---|
| <p>Please identify other licensing boards that have issued you a license, including the state issuing the license and the license number.</p> <p><u>Kentucky Bar Association, No. 94208</u></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> |
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