

**Tennessee Trial Court Vacancy Commission**  
***Application for Nomination to Judicial Office***

1/17/23

Name: James Harwell Todd

Office Address: 408 Second Avenue North, Suite 3120  
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Davidson County

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Home Phone: [REDACTED] [REDACTED]

**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 Microsoft Word format from the Administrative Office of the Courts (telephone 800-448-7970 or 615-741-2687; website [www.tncourts.gov](http://www.tncourts.gov)). The Commission requests that applicants obtain the Microsoft Word 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. Your complete application, including both the original and digital copies, must be received by the Administrative Office of the Courts on or before the deadline prescribed in the Notice of Vacancy. See section 1(g) of the application instructions for additional information related to hand-delivery of application packages.

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

**PROFESSIONAL BACKGROUND AND WORK EXPERIENCE**

1. State your present employment.

Judge, Davidson County General Sessions Court, Division VI

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

1993, 016320

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 – 016320 -- 1993. License is 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).

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).

1993-2005 Assistant District Attorney – Davidson County

- Division Leader, Juvenile Court
- Special Prosecutor, Violent Gang Related Juvenile Offenders
- Division Leader, Criminal Court Division VI

2006-2011 Jim Todd, Attorney at Law

2011-2014 Hagan & Todd, PLLC

2015-2017 May, Hagan & Todd, PLLC

2017-2022 Hagan & Todd Law Offices, PLLC

2022-Present Judge, Davidson County General Sessions Court, Division VI

-Present Partner, 110 4<sup>th</sup> Avenue North, LLC (Ownership in Parking Lot)

2025-Present Owner, Creekside Garden Center, Nashville

Not sure if this qualifies, but in the interest of completeness, two friends and I formed a partnership, Richland Creek Properties, LLC, and renovated a house. Upon selling the house and losing money, we ended our venture. My wife and I also own two rental properties which we rent, however, they are not in a business name and are in our personal names rather than a business name.

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.

I currently do not practice law as I was elected General Sessions Judge in 2022. Approximately 70% of my docket is criminal and 30% is civil.

From 2006-2022, while in private practice, 95% of my practice involved criminal defense in State and Federal Courts. The remaining 5% was civil in nature. My law partner, Katie Hagan, also practiced family law.

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.

From 1993 to 2005, I practiced as an Assistant District Attorney in Davidson County; serving as division leader for Juvenile Court and Criminal Court Division VI and also as special prosecutor for violent and gang related juvenile offenders. During that time, I prosecuted and tried cases in every Davidson County Criminal Court except Division V. Also, during my time as an Assistant District Attorney I served as a member of Governor Don Sundquist's Juvenile Justice Reform Commission, as well as Chairman of the Subcommittee on Delinquent Affairs. During my time as an Assistant District Attorney, I assisted the Tennessee District Attorneys Conference in

drafting legislation and appearing before the State Legislature regarding proposed legislation.

From 2005 to 2022, I was a criminal defense attorney appearing before and conducting jury trials in State and Federal courts throughout the State of Tennessee as well as Kentucky, Georgia and West Virginia. As a defense attorney I have also appeared and argued before the Tennessee Court of Criminal Appeals on several occasions. Further, as a defense attorney, I have practiced before Administrative Law Judges in the area of asset forfeitures and other regulatory matters.

Also, while in private practice, I served as a member and chairman of the Davidson County Sexually Oriented Business Licensing Board.

Currently I am a General Sessions judge in Davidson County. Approximately 70% of my docket is criminal and 30% is civil.

My trial practice as both a prosecutor and defense attorney were extensive. I did not keep a tally of the number of jury trials that I was involved in, but they were numerous. In addition, I have been involved in the presentation or cross-examination of almost every form of expert testimony including DNA evidence, blood splatter evidence, accident reconstruction experts, cadaver dogs, drug sniffing dogs, fingerprint analysis, ballistic analysis, blood testing analysis, and computer forensic analysis. Further, I have been involved in countless motion hearings involving evidentiary issues, constitutional issues/suppression under the Fourth, Fifth and Fourteenth Amendments in both State and Federal courts.

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

In the two and a half years I have been on the bench, I have learned that many problems exist that need to be addressed.

Upon taking office, the first problem I noted was that the magistrates who set bond on arrestees do not have access to the arrestee's out-of-county criminal history. I have been working with the TBI and the Nashville Mayor's Office to obtain the data bases and staffing that is needed to check arrestee's out-of-county criminal records. Based upon the Mayor's 2025 budget, we expect to implement this improvement within the next several months.

The second problem I observed is that our magistrates were not setting conditions on individuals' bonds. In addition, our magistrates struggled to follow current law as it relates to GPS monitoring and other statutory conditions of bond. Since taking office, I have worked with the magistrates, the Mayor's office, and the Metro Police Department to enable our magistrates to set appropriate conditions on bond, both statutory and non-statutory; further, working through the clerk's office and the police department, I helped ensure that all police officers have access to this information while on patrol. Consequently, for the first time, if a police officer stops an individual, the officer can determine not only if the person has outstanding warrants, but if they

are currently on bond with any conditions.

Bond conditions are only as effective as the ability to enforce them. Consequently, I worked with the state legislature to pass a law that makes it a class A misdemeanor to violate bond conditions. Now, if an officer comes upon an individual who is violating bond conditions, the officer can arrest the individual on the spot.

Bond conditions balance the presumption of innocence with the need to come back to court, and the need to maintain public safety. The legislature has recently mandated that public safety is the number one priority in setting a bond. Meaningful bond conditions, like curfews, GPS monitoring, prohibition against carrying weapons or using drugs, can help ensure that those who are released are not a danger to the community. With our changes, we can ensure that police now have the ability to monitor bond conditions and enforce them.

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

From 2007 to 2017, I served as Referee for the Davidson County Environmental Court. The Davidson County Environmental Court handles all Metro Code violations including, but not limited to, zoning, building codes, signage, animal control and Metro Police civil citations. The authority of the Davidson County Environmental Court is civil in nature but also includes contempt power.

As a prosecutor and defense attorney, I had the pleasure of teaching at conferences sponsored by the Tennessee District Attorneys Conference, the West Virginia District Attorneys Conference, the American Prosecutors Research Institute, the Tennessee Department of Children's Services, the Tennessee Administrative Office of the Court, the Tennessee Association of Criminal Defense Attorneys and the Tennessee Bar Association.

Finally, while perhaps technically not legal experience, I coach the Harpeth Hall Mock Trial team. (Last year we won third in the state.)

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

Davidson County Criminal Court, Division II, April, 2016.

### **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.

Vanderbilt University, Bachelor of Arts, 1984; interdisciplinary major, Political Communication, Resident Advisor, Head Resident Advisor, Varsity Letter winner, Men's Track, 1982, 1983. Memphis State University, Juris Doctorate, 1993; Member and Chief Justice, Moot Court Board.

**PERSONAL INFORMATION**

12. State your date of birth.

[REDACTED]

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

I have lived continuously in the State of Tennessee since 1989.

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

I have lived continuously in Davidson County since 1993.

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

Davidson 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. You may wish to request a report from the appropriate supervisory authority (or authorities) for a complete history.

On January 29, 2021, I received a private informal admonition from the Tennessee Board of Professional Responsibility for violating Rule 4.2 (communication with a person represented by counsel) and Rule 5.3 (not having measures in place giving reasonable assurance that an investigator's conduct would be compatible with the professional obligations of a lawyer).

The complaint stemmed from my representation of an individual who was contacted by Metro Police regarding a cold case homicide. Upon my research into the case, it became apparent that another individual had already been convicted of first-degree murder regarding the same victim. Consequently, I hired a private investigator to interview the person convicted in an effort to learn more about the case. Prior to dispatching the investigator to meet with the individual in custody, with the investigator present, I checked all computer records to see if the individual was represented by counsel. All of his state appeals had terminated unsuccessfully as well as his federal appeals. From what I could ascertain from both the state and federal databases, the individual did not have an attorney, nor were there any pending actions in court.

Upon arriving at the prison to meet with the individual, the individual informed my investigator that he was represented by counsel. Unfortunately, the investigator did not terminate the interview but continued. Unbeknownst to me at the time, the witness had retained an attorney to facilitate review by the District Attorney's Office's Conviction Review Unit.

Soon after the investigator left the prison, I was contacted by the individual's attorney, and I apologized for the mistake. The attorney for the individual asked if the interview was recorded, and I informed him that it was. The attorney for the individual requested a copy of the tape. Of my own accord, I contacted the Board of Professional Responsibility to inform them of my mistake and requested their advice on whether the tape could be turned over to counsel for the individual. The Board informed me that the tape should not be turned over to counsel for the individual as it was the property of my client.

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.

- St. George's Episcopal Church, Member;
- Judge Dinkins Educational Center, Co-Founder and current Board Member

The Judge Dinkins Educational Center is a non-profit organization that provides a high school education, combined with the vocational training in masonry, carpentry, electrical and plumbing, for at-risk juveniles. The non-profit and Board was formed in 2024. Our first class graduated in 2025. In addition to receiving a high school education and vocational training, students will graduate with an apprenticeship license and will receive both financial and mental health counseling. I founded The Judge Dinkins Educational Center due to my experience both as a prosecutor and defense attorney witnessing socioeconomically challenged individuals turn to narcotics and drug trafficking to obtain money. Young individuals who street traffic drugs become ensnared in a repetitive cycle of probation and ultimate incarceration and this non-profit combats that cycle;



- The Collective, Current Board Member

The Collective is a non-profit organization that provides broad-based mental health counseling to children and teenagers in the Middle Tennessee area. The Collective offers individual, group and family counseling as well as an on-site nurse to assist with any medications and eating disorders that may exist;

- Nashville Symphony, Current Board Member;
- Nashville Urban League, past Board Member (over 5 years ago);
- Nashville Ballet, past Board Member (over 5 years ago).

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.

- 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.

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.

Current member, Nashville Bar Association (Fellow); current member, Tennessee Bar Association (Completed Tennessee Bar Association Leadership Program); Member and President-Elect, American Inns of Court, Belmont School of Law; Graduate and current member, 2025 Leadership Nashville.

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.

Not applicable.

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.

Elected Judge, Davidson County General Sessions Court, Division VI, 2022.

See also, answer to Question No. 10.

**ESSAYS/PERSONAL STATEMENTS**

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

I am seeking the position to make a positive impact on the lives of individuals who interact with the Criminal Court; victims, police, witnesses and attorneys. As a District Attorney, I enjoyed representing the State in its effort to seek justice and punishment for those committing crimes. As a defense attorney, I enjoyed upholding the rights of my clients and assisting those who have made mistakes achieve a disposition that helps them become productive citizens.

A judge has a unique opportunity to do these things: assist individuals who are victims of crimes, safeguard the constitutional rights of the State and defendants, punish offenders, and assist individuals who have made mistakes and want to become productive members of society.

As a General Sessions Judge I have learned to balance the need to protect public safety against the court's ability to provide, and the defendant's willingness to accept, meaningful assistance.

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)*

Division III exclusively handles criminal cases. There are six Criminal Court judges in the 20<sup>th</sup> Judicial District, Davidson County.

Hopefully, my experience as a prosecutor, defense attorney, General Sessions judge, and Environmental Referee, combined with my trial experience, will flatten my learning curve as compared to other applicants.

Before becoming a judge, I appeared before countless judges: witnessing how a good judge and a bad judge can make the court experience fair, unfair, pleasant or miserable.

Everyone has an ego. I have worked very hard not to allow my ego to interfere with my job. It is important that a judge be aware that they are not always the smartest person in the room.

Finally, I have learned to let people speak. If a person loses their case but feels they had a chance

to be heard, they will leave the court feeling that they were treated fairly.

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)*

Yes.

A judge is bound to follow the law and the Constitution. A judge has a responsibility, however, to work with the legislature and other entities when a judge sees an area that needs attention.

As a prosecutor, I saw that juveniles possessing handguns were not being detained. The Tennessee statute only allowed courts to detain an individual if they were involved in a serious offense involving the likelihood of death or bodily injury. Many of the Davidson County judges felt the possession of a handgun did not fit under that category. Consequently, I went to the state legislature and had the law amended so a juvenile possessing a handgun could be detained.

In 2012, I wrote an editorial that was published by *The Tennessean* regarding what I perceived to be the unfairness of the Tennessee Drug Free School Zone Act. Several years ago, some of the enhanced sentence provisions of the School Zone Act were abolished.

I observed problems in the bond system relating to an officer's ability to assist in the enforcement of bond conditions. Again, I went to the legislature. We now have a law enabling police officers to arrest individuals allegedly violating their bond conditions.

Finally, in the area of treatment and rehabilitation, judges must also be social workers, often trying to find solutions to defendants' issues like addiction and mental health. If a judge sees problems that need addressing, but lacks the resources to do so, a judge should work to solve the problem.

#### 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.

A. Honorable Timothy L. Easter, Judge, TN Court of Criminal Appeals, Middle Section, Supreme Court Building, Room 200, 401 7<sup>th</sup> Avenue, North, Nashville, TN 37219; [REDACTED]

B. William Lamberth, Tennessee State Representative and House Majority Leader, 425 Rep. John Lewis Way, North, Suite 602, Cordell Hull Bldg, Nashville, TN 37243; [REDACTED]

C. Honorable Nancy B. King, Judge, U.S. Bankruptcy Court, Middle District of Tennessee, [REDACTED]
D. Torry Johnson, Professor, Belmont School of Law, [REDACTED] 37205; [REDACTED]
E. Deb Varallo, Owner, Varallo Public Relations, [REDACTED] 37138; [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] 20<sup>th</sup> Judicial District, Criminal Court, Division III 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: 6/26/25, 20  .

                    *John H. Todd*                      
Signature

When completed, return this questionnaire to John Jefferson at the 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

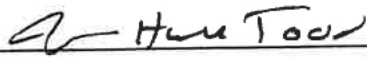
**TENNESSEE BOARD OF PROFESSIONAL RESPONSIBILITY  
TENNESSEE BOARD OF JUDICIAL CONDUCT  
AND OTHER LICENSING BOARDS**

**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 Harwell Todd

Type or Print Name

  
Signature

June 26, 2025

Date

016320

BPR #

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