

Tennessee Trial Court Vacancy Commission

Application for Nomination to Judicial Office

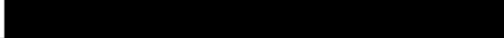
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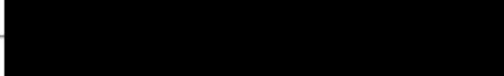
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INTRODUCTION

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 Microsoft Word 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 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.

Wright, Cortesi & Gilbreath – Partner

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

2014; TN BPR 033644

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.

Not applicable.

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).

Chambliss, Bahner & Stophel (May 2017 – October 2020).

While at Chambliss, I advised employers regarding all aspects of labor and employment issues, including matters relating to workers' compensation, ADA, ADEA, FLSA, FMLA, and Title VII. Some of my duties included advising clients regarding their day-to-day operations, drafting and revising employee policies, employment agreements, severance agreements, and employee handbooks, as well as engaging in all aspects of protracted state and federal litigation, from drafting discovery, taking depositions, drafting all manner of motions, arguing motions, participating in mediations, and trying cases.

Luther-Anderson, PLLP (February 2017 – May 2017).

While at Luther-Anderson, I advised clients regarding their litigation needs on a wide range of

complex matters, including products liability, construction defects, insurance defense, personal injury, and criminal defense. My primary duties included preparing and prosecuting cases through trial and appeal if needed, by conducting depositions, drafting and responding to briefs, answering and propounding discovery, interviewing witnesses, and negotiating settlements when appropriate.

Fleissner, Davis & Johnson (August 2014 – February 2017).

FDJ was my first job out of law school. While there, I assisted in the preparation and execution of cases, including drafting and answering discovery, interviewing witnesses, drafting and arguing motions, conducting depositions of lay and expert witnesses, and conducting trials. My primary areas of practice included insurance defense, workers' compensation, and personal injury.

I have had no employment other than as a legal professional since graduating law school.

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.

Litigation and corporate. I work primarily in state and federal litigation, handling a range of matters from business/contractual disputes and trust/probate litigation, among other things. This involves both the research and briefing components of litigation, as well as presenting arguments before courts, including routinely in the circuit courts of Hamilton County. The bulk of my practice is targeted at Hamilton County, but our firm also handles cases in surrounding counties, such as Cumberland and Davidson Counties.

Percentagewise, my practice is 80% litigation and 20% transactional.

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.

I have litigated primarily in Hamilton County Circuit, Chancery, and General Sessions Courts during my career—in all parts and divisions. During that time, I have had the privilege to second chair jury trials, lead bench trials, and brief and argue in front of the court of appeals on multiple occasions. I have additionally been chiefly involved in many cases before federal courts, locally within the Sixth Circuit, as well as within the Eighth Circuit—both at district and appellate levels. Prior to my current role, I additionally routinely practiced in front of the Court of Workers' Compensation Claims between 2014 and 2020.

My experience in different areas of litigation over the years has been vast, especially during my days practicing insurance defense. I have handled cases concerning (both as plaintiff and defendant's counsel) products liability, personal injury, disputes over contract terms, shareholder disputes, will contests, trust disputes, boundary disputes, employment

discrimination or FLSA violation claims, conversion, property damage, among other things. The only area of which I have not garnered substantial experience is in the area of family law, but that is an area of law on which I am confident I can quickly get up to speed. For example, when I began my legal career the Tennessee Legislature completely revised the workers' compensation code. Despite my complete dearth of experience in the field, I was able to quickly learn the new statutory scheme and use my newfound skills to assist clients in claim defense and resolution. I additionally undertook a criminal appointment on one occasion, which resulted in dismissal of felony charges for my client.

On the transactional side, I have handled day-to-day business and employment advice for companies of all sizes, and have additionally handled business formation and sale matters, including, but not limited to, drafting corporate documents such as bylaws, preparing documents relating to asset and stock sale agreements, as well as assisting in negotiating the deal itself. This includes one particularly fun business deal, where I assisted the clients in preparing a unique dispute-resolution provision in their operating agreement that all but eliminated the need for court involvement in any dispute.

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

I was involved in one of the first Anti-SLAPP cases in Hamilton County, where we obtained a near complete defense judgment. The plaintiff appealed, and the parties settled after briefing and oral argument had completed, but prior to the decision being handed down. (*John A. Smith v. Miranda Cooper et al.*, Docket No. 20-C-974; COA No. E2021-01456-COA-R3-CV.)

Aside from this potentially important case—which would have settled many statutory construction issues but for its settlement—all of my other cases, while all important to the particular client, were not “noteworthy” in the way that I interpret this question. But I am happy to give further examples of specific cases and their outcomes if given the opportunity to do so.

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

One of my strongest skills is in client control and helping my clients see “the facts of life” based on the law, the facts, and the application of the facts to the law in a given case. This skill allows me to guide my clients where they need to go in a given case. And this skill also translates strongly to how I would view cases from the bench, i.e., follow the law to the correct and right answer, despite what one party might be seeking. As part of this skillset, and what has helped me develop the same, I have been involved in more mediations (both in advising clients and in drafting agreements) than I can count, whether it be in a workers' compensation case, a multi-million-dollar trust dispute, or a “business divorce” involving business partners who have reached a crossroads in how to proceed.

And with my more than 10 years of litigation experience, I have also participated heavily in all aspects of the discovery process, including drafting and serving discovery, taking and defending depositions, and briefing and arguing discovery disputes.

Litigation is the most stressful time of a party's life, and this can at times lead attorneys to become overzealous and take a personal interest in their client's cause. And I feel my calm demeanor, regardless of the stressors that are presented to me, will be an invaluable asset if appointed to this position in handling such situations and enabling counsel (and pro se parties) to advocate their positions well, while at the same time not being adversarial on a personal level with the opposing counsel or party.

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.

The University of Tennessee at Chattanooga: 2004 – 2010; Major: Criminal Justice; Minor: Psychology; member of Lambda Chi Alpha where I held numerous leadership positions during my tenure.

University of Memphis, Cecil C. Humphreys School of Law: 2011 – 2014; obtained J.D.

During law school, I received the CALI Excellence for the Future Award (highest grade) in Products Liability, and several other "A"s (A- and A) during my law school tenure, including in, as is relevant here, Contracts I, Property I, Torts II, Evidence, Commercial Paper, and Conflicts of Law.

I was a member of both the Law Review and the Moot Court Board. And I interned for the Honorable Donna M. Fields, Shelby County Circuit Court (summer after 1L year), and externed for The Honorable Bernice B. Donald, Sixth Circuit Court of Appeals (during 2L year (upon special selection by the Admissions Office), and again part-time during 3L year, upon their request for assistance). During my time with Judge Fields, I conducted research, drafted bench briefs, and assisted Judge Fields with trial preparations. And during my time with Judge Donald, I performed research, assisted clerks with drafting opinions, and assisted in drafting opinions relating to en banc petitions.

I also received the following awards during my law school tenure: ALI CLE Scholarship & Leadership Award (Awarded for exemplary scholarship and leadership) (one of two who received the award) Class of 2014; Outstanding 3L Staff Member (Law Review) 2013 – 2014; Dinkelspiel Family Scholarship (Annual merit-based scholarship) 2012 – 2014; Dean’s Letter Recognizing Academic Excellence Fall 2011; Fall 2012; Dean’s Distinguished Pro Bono Award (Platinum: Over 100 hours) 2012 – 2014; and Law Student for Justice (Awarded for high level of pro bono service).

PERSONAL INFORMATION

12. State your date of birth.

1986

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

My entire life.

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

I was born and raised in Hamilton County (East Brainerd) and attended college here at the University of Tennessee at Chattanooga. The only time I have lived elsewhere was during my time enrolled at the University of Memphis, Cecil C. Humphreys School of Law. Following graduation, I returned to Hamilton County to start my legal career. My family and I presently reside in Ooltewah.

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

Hamilton.

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.

Not applicable.

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.

Not applicable.

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.

Not applicable.

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.

Not applicable.

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

Not applicable.

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.

Not applicable.

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.

Chattanooga Ronald McDonald House (2018 – 2020): Board member.

SCALES (2018 – 2019): Though this is outside the five-year window, I list it due to its importance and rarity of its involvement in Chattanooga. I was an attorney volunteer and I, along with Judge Marie Williams, Judge Philyaw, and other esteemed attorneys, educated high school students regarding the justice system and complexities of an assigned case to be argued before the Tennessee Supreme Court.

Hamilton County Youth Court (2016 – Present): I routinely serve as an attorney coach/volunteer, assisting high school students in formulating direct/cross examinations, opening statements, and closing arguments. I have actively participated in the program since its inception in Hamilton County, and I am proud to have helped, and to have seen it grow, under Judge Philyaw and Randy Wilson’s stewardship.

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.

Not applicable.

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.

Chattanooga Bar Association – 2015 to present.

Tennessee Bar Association – 2014 to present.

Brock-Cooper Inns of Court – 2015 to present (with one year roll off); currently Co-Pupilage

Chair and member of the Executive Committee. The Pupilage Chair is responsible for assigning Pupilage Groups (which lead monthly civility presentations) and playing a pivotal role in determining the theme for a given year.

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.

Best Lawyers, Ones to Watch (Labor and Employment Law – Management): 2020 to present

Super Lawyers, Rising Stars (Labor and Employment Law – Management): 2023 to present

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.

Not applicable.

ESSAYS/PERSONAL STATEMENTS

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

Being a judge is a calling, not a job. It is something that I have strongly desired since before I graduated law school, and being afforded the opportunity to do so in my home has long been a dream of mine.

My temperament as a litigator is one that always tends toward finding the correct answer and then guiding my client to the best resolution possible rather than being the pit bull who is let off his leash. There is nothing wrong with the latter. And at times it is needed. But I have always felt that due to my temperament toward finding the solution within the bounds of the law is one that is meant for the bench. If afforded the opportunity, it would be my great honor to apply my skills for the benefit of the citizens of Hamilton County.

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 an appointment for the pleasure to serve as the judge for the Circuit Court, Division II, of Hamilton County, Tennessee. This would make me one of the four Circuit Court judges who serve this county who oversee civil litigation involving cases that range from disputes relating to commercial disputes to catastrophic injuries to divorce.

My role would be to enforce the law and enable the parties putting forth their position to do so

in a manner that is respectful and to the standards of Hamilton County, while also enabling them to zealously advocate for their clients. If appointed, I would aim to bring a calm to the court that will hopefully carry through the style and judicial temperament that Judge Dumitru and his predecessor Judge Hollingsworth brought to the bench. Trying to live up to their standard is something I would strive for each day.

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 trial judge's role in the justice system is to enforce the law, not make it.

Everyone has seen or had experience with judges in districts who treat locals better than outsiders. While this is far from the norm, it's a narrative for a reason. I once tried a case in a smaller county in Tennessee where the plaintiff lacked any evidence at all, and instead brought only hyperbole to the table to support his claim for damage to his property. On our side, however, we had expert testimony that our client's product could not have caused the harm, both because the chemical was not used in the region, and because the wind that day would not have allowed for it. Despite this, the court gave a ruling that it felt was "fair" to all, which resulted in a near total plaintiff verdict.

Though the claim was later settled for a much less amount, the experience exemplifies the reason to follow the law. Not only did our client expend monies to try a case, but it then had to contend with fighting a set of circumstances that were contrary to the law itself.

If appointed, my goal will be to get the law right, regardless of who I feel should win, or who I feel would benefit more from a given decision. The law is the law, and my job would be to apply it fairly and justly. Doing otherwise only serves to undermine people's faith in the system.

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. Stephan Wright; Partner at Wright, Cortesi & Gilbreath; [REDACTED]

B. Michael St. Charles; Senior Counsel at Chambliss, Bahner & Stophel; [REDACTED]

C. Everett L. Hixson III, Partner at Chartwell Law; [REDACTED]

D. Benjamin Luby; General Manager of Rental Services, Stowers Machinery; [REDACTED]

E. Jason Roberts; Senior Vice President at MODE Global [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 Circuit Court, Division II, of Hamilton County, 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: February 3, 2025.


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.

Charles Wayne Gilbreath II
Type or Print Name


Signature

2/3/25
Date

033644
BPR #

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

Not applicable
