

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

1/17/23

Name: Marian Cheadle Fordyce

Office Address: 106 Frey Street, Ashland City, TN 37015
(including county) Cheatham County

Office Phone: (615) 246-1503 Facsimile: (615) 807-3593

Email Address: [REDACTED]

Home Address: [REDACTED]
(including county) Cheatham County

Home Phone: _____ Cellular Phone: [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. 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.

Attorney, sole practitioner – Ashland City, Tennessee

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

1994 BPR 016686

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.

Licensed in Tennessee only.

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).

1994-1998, Davidson County Committal Attorney/Judge – I represented individuals in committal hearings, including those in hospitals. Other times I was the Judicial Officer for the hearings. Committal hearings for competency are legal proceedings used to determine whether an individual requires involuntary hospitalization.

1988-1999, Assistant District Attorney, domestic violence division, Davidson County, TN– I prosecuted domestic violence cases in the Davidson County Criminal Courts, Divisions I and II. I also oversaw proceedings for domestic violence in the General Sessions Court. This position included coordinating, assisting, and supporting domestic violence victims.

2010–2016, Guardian Ad Litem for the Probate Court under Judge Randy Kennedy – I handled dozens of cases in which I represented individuals facing conservatorships. I noticed there was an unserved need for those services at the time. I met with the individuals to ascertain what their wishes were, investigated the propriety of the conservatorship, interviewed physicians to determine their evaluations and recommendations, and then prepared a report with my findings and recommendations for the Court.

1994-present (minus 1998-99), Indigent defense throughout the years – As part of my commitment to offering pro bono services, I have continued to accept indigent appointments throughout my career. This work has been some of the most challenging, but I have felt this representation was important for the facilitation of justice in Tennessee.

1994-present, I have represented doctors, dentists, nurses, and other healthcare providers who suffer from mental health issues and/or substance use disorders. This representation is often comprehensive due to their diagnoses and ranges from criminal work to health care licensing boards (such as TNPAP, the Tennessee Professional Assistance Program, Tennessee Medical Foundation Caduceus Program, and Tennessee Dentistry Peer Assistance Program) for licensing issues and proceedings through civil litigation, including malpractice and divorce proceedings. I often offer discounts if the client maintains mental health protocols and sobriety.

1996-1998, Proctor for the Tennessee Bar Exam I was employed by the Tennessee Board of Law Examiners to conduct the Tennessee Bar Exam.

2010-2011, I was contracted as an attorney by Tennessee Department of Health for the pending TennCare litigation regarding TennCare termination of benefits and the appeal process instituted. As part of my contract, I was on the panel to draft the policies and procedures for appeal acceptance and to review the ongoing appeals for conformity with the policies and procedures we established ensuring compliance the Orders of the United States District Court for the Middle District of Tennessee.

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.

Since moving to Cheatham County, my practice has evolved into a general practice. Conveniently located right across the street from the courthouse, my office often receives visits from individuals looking to discuss ongoing difficulties and plan accordingly. As such, I've recently had the privilege to assist clients with a myriad of legal issues, including estate planning, probate, real estate transactions, criminal matters, domestic issues, and business litigation/creditors' rights cases. Currently, my practice is evenly divided with estate work (from planning, through probate conclusion), criminal defense work (including cases ranging from driving violations to first degree murder), and civil litigation (including domestic in this category) each taking up about a third of my practice and time.

The biggest privilege of my career has been my practice in Cheatham County. The small-town atmosphere has allowed me to provide not only immediate legal assistance at the time of an impending problem, but to help prepare individuals for legal issues which may affect their lives and then ultimately guide them through those events.

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 was admitted to practice law in the United States District Court for Middle Tennessee in 1994, the same year I was licensed in Tennessee. Since that time, I have represented plaintiffs and defendants before that court in both civil matters and as a second panel attorney in criminal matters.

I have also appeared in the United States Bankruptcy Court for the Middle District of Tennessee – representing both creditors and debtors.

I have appeared in several Circuit Courts throughout Tennessee, representing both plaintiffs and defendants in civil cases and serving as both prosecutor and defense counsel in criminal cases. Recently, I began focusing my practice on Cheatham County and the surrounding areas. For instance, I take appointments in criminal cases in Dickson County due to a severe shortage of criminal defense attorneys there. Currently, I have open civil cases in Humphreys, Dickson, and Cheatham County.

My Chancery Court experience has primarily been in Davidson County and Cheatham County. In Davidson County, I historically appeared as guardian ad litem and handled probate work. In Cheatham County, I currently maintain a general practice in Chancery Court with cases covering divorces, civil litigation, and conservatorship.

I have appeared in General Sessions Courts in almost every Tennessee county from Savannah

to Tazewell and everywhere in between for plaintiffs and defendants in both Civil and Criminal Courts. I have also handled cases in juvenile courts in several counties, including, Davidson, Cheatham, Montgomery, and Sumner County, to list just a few.

Further, I have appeared before the Social Security Board, the Internal Revenue Service Tax Appeal Board, the Victim Impact Fund (now known as the Criminal Injures Compensation Fund), numerous Professional Boards, the Tennessee Court of Criminal Appeals, the Board of Education for Metro Nashville, the Nashville Board of Human Resources for Employees, and various Administrative Courts.

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

One of my most impactful representations was assisting clients after the Nashville flood in 2010. One aspect of this representation revolved around the United States Internal Revenue Service Tax Appeal process. I represented property owners impacted by the 2010 flood. The flooding happened right after a new property assessment was conducted by the Property Assessor of Nashville and Davidson County. The damages and new property values affected the tax basis for the property owners. We were successful with the Internal Revenue Service appeal providing significant relief for the property owners. I also collaborated with the Davidson County Codes Commission as well as the Nashville Fire Marshal's Office to modify rebuilding provisions and procedures, thus positively impacting property values and providing broader assistance to flood victims in the Bellevue area.

Another significant issue I addressed due to the Nashville Flood of 2010 was applying for and securing federal relief and resolving structural issues within several Homeowners Associations in River Plantation to qualify for federal funding. We successfully obtained Federal Emergency Management Agency (FEMA) relief for the affected properties and restructured the legal entities to prevent future challenges.

Recently in Dickson County Criminal Court I was appointed to represent a woman who was charged to compel her to testify against her husband for child abuse. This case had been pending for 6 years before I became involved, and the series of events led one of the children to commit suicide. I was able to get the case dismissed against my client, the abuser to face his consequences and since that time, I have been working to help the mother and children heal and move forward. This case is a strong motivator to apply for this Judicial position. The consequences of an overburdened court system with lengthy delays and other legal issues vividly point out the need for timely court rulings.

Recent representations of special note involve local businesses and their challenges conform with changing marketplace and legislation in the 23rd Judicial District.

A local towing company was challenged for compliance with Tennessee Statutes. This business

had operated with standard procedures wherein the fees, while not disputed, were challenged on technicalities of Tennessee Statute. I was able to recover the amounts due and updated their policies and procedures to strictly comply with the statute.

Another case involved a local car repair shop and a new entity in Tennessee that facilitates peer-to-peer car rentals. When a rented car was wrecked, the repair shop bill was disputed due to the complexities of this new legal arrangement, particularly when the car was financed by the first individual and insured under the rental plan, which rental was in violation of the original financing and insurance. The statutes governing repair bill payments were unclear. I successfully recovered the repair bill for my client and investigated this new entity's operational quirks, helping the company avoid similar difficulties in the future.

Recently, upon the formation I was called upon by the Art League of Cheatham County to structure our program to supply for the needs of the Foster Children in Department of Children's Services custody while maintaining our bylaws to comply with our 501(c)(3) status and legally conform to our mission.

These cases highlight the need of local, established businesses needing assistance in navigating the changing landscape of the law. The businesses are second and third generation owners that previously dealt with local, known individuals, but now have a broader marketplace with new customers which opens the door to more complex legal requirements to operate.

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

Throughout the years, I have provided much legal assistance for recovery homes such as YANA (you are never alone), Renewal House, and the individuals therein to get back on track – this work has been mostly pro bono.

I have collaborated with TLAP (Tennessee Lawyers Assistance Program) on several programs, as well as being a mentor for persons under contract with them. We established the "Healthy Bar" to provide the first Continuing Legal Education Credits for mental health and well-being courses.

I provided legal advice and services in the start of the Bell Garden (a 501(c)(3). served as Board Member for the initial start. Bell Garden is a hands-on classroom in the garden located behind Bellevue Middle School. The Bell Garden was the dream of former Councilman Charlie Tygard. The idea was to incorporate learning through the garden (from science, math, etc.) The program is still ongoing, and I was privileged to assist in its formation which was done in conjunction

with the Exchange Club (I was a member of that organization as well).

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

None

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.

Harpeth Hall – graduated 1981 During high school, I was member and officer of the American Field Service Club, Art Club and Spanish Club. I helped to develop an AP English Class of Great Works for classic literature and was the first AP Art Studio participant.

University of Tennessee, Knoxville, 1981-1982 – moved upon marriage to relocate to Texas.

Austin Community College, Austin, Texas 1982-1984 During my time in Texas, I was also a licensed real estate agent and a reporter for the Austin American Statesman, the local newspaper.

Belmont University – graduated with BS in 1987. I was on the honor roll every semester carrying a load of 18 to 21 hours.

Nashville School of Law –1990-1994, graduated with a Juris Doctorate, with an Am Juris Award for the highest grade in the class in Secured Transactions, librarian for the school, and BMBR representative for the bar exam. During law school, I was employed full time as legal assistant to my father John R. Cheadle, Sr.

PERSONAL INFORMATION

12. State your date of birth.

[Redacted]

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

My whole life – with absences for college

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

7 years

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

Cheatham 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.

I have been reported several times to the Tennessee Board of Professional Responsibility over my thirty-year career, all without merit, and all were dismissed. My disciplinary history is unblemished.

I was reported to the TNBPR in 2012, but it was dismissed. A disgruntled opposing party in a custody dispute wherein I was a party, reported me for failing to report my attorney for saying something about him he did not like in a deposition. His report of both me and my attorney were dismissed.

In 2003 to the TNBPR a report was dismissed. This was a criminal defense case.

In 2001, to the TNBPR a report was dismissed regarding someone I never represented.

I was reported to the TNBPR three times in 2000 – all were dismissed and stemmed from my work with indigent parties and/or my work at the District Attorney’s Office– I was reported for not continuing representation of an indigent person in a related civil matter as she was requesting me to present what I knew to be perjured testimony. Another report was filed by a client stating I was a “good lawyer”, but I did not return documents; however, he had signed a release when he picked them up from my office. Another report was made by Ms. Harris after her case was dismissed in Davidson County General Sessions Court.

I was reported to the TNBPR twice in 1998, with both being dismissed. In one criminal defense case I was reported for sending “telepathic” waves to Judge Shriver and the other was for “selling” exculpatory evidence to “obtain my position” with the District Attorney’s Office

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)?

Yes, 2002 – personal with my, now, ex-husband due to his numerous debts.

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.

Dale v. Dale 85D2950, 1985 – Irreconcilable Divorce – no children – Davidson County Circuit Court

Fordyce v. Fordyce 03D2100, 2023 – Divorce – settled with MDA and parenting plan entered with final decree in Davidson County Circuit Court

Harris v. Fordyce 00GC7508 Davidson County General Sessions Court, 2000 - During my representation, she filed a frivolous, nonsensical lawsuit. A nonpartisan Judge was appointed by interchange in General Sessions Court who summarily dismissed after Ms. Harris presented her case.

Child custody – Davidson County Juvenile Court – 2007-001581, 2007 – Agreed Order

Davidson County General Sessions 16GC18688, 2016, A nominal debt incurred by my daughter without my knowledge. I paid the entire balance as soon as I aware of the obligation

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.

Cheatham County Republican Party – secretary in 2023

Cheatham County Art League – Compliance Director, vice president, 2019 to present.

St. George’s Episcopal 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.
- 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.

Presently Tennessee Bar Association

Presently Tennessee Association of Criminal Defense Lawyers

Presently American Bar Association

2014 Board Member Nashville School of Law

2010-2015 Founder and Member Belle Garden Classroom, Bellevue, TN

2009 Bellevue Chamber of Commerce

2008-2010 Board Member Tennessee Bar Association for the Wellness Committee and Liasson with the Nashville Bar Association also on their wellness committee.

2008-2010 Wellness Committee of the Nashville Bar Association and the Tennessee Bar Association

2007-2015 Bellevue Exchange Club

2003-2009 Mentor for TLAP (Tennessee Lawyers Assistance Program)

2003-2010 Mentor for Magdalene House clients.

1996-1998 Proctor for the Tennessee Bar Exam

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.

Only the numerous cards and letters from my clients, which are treasured.

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.

Special Judge for the General Sessions Courts in Davidson County, TN – appointed 1994-1998.

Assistant District Attorney General, Davidson County, TN – Domestic Violence Division – 1998-1999

General Sessions Division II Judge, Davidson County, TN – ran to fill a vacancy as a Republican in Davidson County 2014

ESSAYS/PERSONAL STATEMENTS

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

I am seeking the Circuit Court Judge position to bring my extensive legal experience, commitment to justice, and passion for public service to the bench. I want to ensure fair and impartial rulings, uphold the rule of law, and protect the rights of all individuals. My dedication to maintaining integrity, transparency, and efficiency in the judicial process drives my desire to serve the community in this capacity. I believe my background and values make me well-suited to contribute positively to the judiciary and enhance public trust in the legal system.

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)

The 23rd Judicial District is a mostly rural district presided over by three Circuit Court Judges. Two of the counties border Davidson County and are rapidly growing in population. In discussing the 23rd Judicial District needs with the sitting judges; the civil caseload needs the most attention due to its growing backlog.

The Circuit Court Judgeship I seek involves presiding over a broad range of cases, including civil, criminal, family, and probate matters. This role requires a deep understanding of the law, the ability to interpret and apply legal principles impartially, and a commitment to ensuring justice is served fairly and efficiently.

If selected, my impact on the court would be marked by a dedication to fairness, integrity, and

diligence. I would work to enhance the court's efficiency by streamlining case management processes and reducing backlogs. My focus on clear communication and respectful treatment of all parties would foster a courtroom environment that upholds the dignity of the legal process. Additionally, I would prioritize community outreach and transparency to build public trust and confidence in the judiciary. My experience and values would contribute to a court that is both effective in administering justice and responsive to the needs of the community.

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)

In terms of personal experience, the hardest case for me was being appointed to an alleged child sex offender. However, I understood my role and maintained focus on protecting my client's rights. We almost won the criminal case, even with my client admitting many acts, which contributed to the remembrance of the case and the client.

Throughout the case I had to compartmentalize my feelings. Your mind wants to go to the ramifications of any result, but I understood that these notions were inappropriate for the appointed counsel position I had accepted. I had to trust the process and legal system and zealously defend my client.

While I believe that it is our profession's calling to help those in need, the judiciary's goal should always be to follow the law as written.

I will uphold the law even if I disagree with the substance of the law at issue. As a judge, my primary responsibility would be to apply the law impartially, based on established legal principles and precedents. Personal opinions or disagreements with the substance of the law must not influence judicial decisions. Upholding the rule of law and maintaining judicial integrity are paramount to ensuring a fair and just legal 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. Judge Suzanne Lockert-Mash - 23rd Judicial District, Circuit Court, Division III

[REDACTED]

B. Judge Larry J. Wallace – 23rd Judicial District Circuit Court, Division II

[REDACTED]

C. Debbie Keenan

The Keenan Group, Inc

PO Box 458

Pleasant View, TN 37146

[REDACTED]

D. David Mahaney

President River Road Utility District

Vice-President Cheatham County Cattlemen's Association

[REDACTED]

E. Kevin Adams

President Adams Pools

[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] Circuit Court for the 23rd Judicial District, Division IV, 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: 6/10/24, 20____. 
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.

Marian C Fordyce
Type or Print Name

Marian C Fordyce
Signature

6/10/24
Date

016686
BPR #

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