

Tennessee Judicial Nominating Commission
Application for Nomination to Judicial Office

Rev. 22 December 2011

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INTRODUCTION

Tennessee Code Annotated section 17-4-101 charges the Judicial Nominating 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 <http://www.tncourts.gov>). The Commission requests that applicants obtain the word processing form and respond directly on the form. Please respond in the box provided below each question. (The box will expand as you type in the word processing document.) Please read the separate instruction sheet prior to completing this document. Please submit the completed form to the Administrative Office of the Courts in paper format (with ink signature) *and* electronic format (either as an image or a word processing file and with electronic or scanned signature). Please submit seventeen (17) paper copies to the Administrative Office of the Courts. Please e-mail a digital copy to debra.hayes@tncourts.gov.

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

PROFESSIONAL BACKGROUND AND WORK EXPERIENCE

1. State your present employment.

White & Polk, P.C.

- Associate with George H. White, P.C. 2004-2007
- Partner 2007 – Present

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

I was admitted to practice law in Tennessee in 2002. #022238

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.

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).

1. Leitner, Williams, Dooley and Napolitan, PLLC, Nashville, TN
 - Associate (August 2002 to July 2004)
2. White & Polk, P.C. f/k/a George H. White, P.C., Murfreesboro, Tennessee
 - Associate (2004 – 2007)

- Partner (2007 – Present)

3. Beginning in high school, I worked as a lifeguard every summer until I graduated from Oakland High School in Murfreesboro, TN. At that point, I began to work for my father, T. Allen Polk, M.D., in his primary care practice while studying at Middle Tennessee State University. During that time, I also worked part time for the Financial Aid Office at Middle Tennessee State University.

Upon starting law school, I clerked during the summer of my first year at Leitner, Williams, Dooley & Napolitan, PLLC in Nashville along with Trail & Trail, in Murfreesboro, TN. I clerked for Blackburn & McCune, PLLC and Leitner, Williams, Dooley and Napolitan, PLLC during the summer of my second year of law school.

4. If you have not been employed continuously since completion of your legal education, describe what you did during periods of unemployment in excess of six months.

Not applicable

5. 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.

Beginning in Murfreesboro in 2004, I have engaged in a general law practice with a primary focus on civil law. Collections work 30%; Family Law 20%; Probate/Estate 10%; Contract 15%; Corporate/transactional 15%; Personal injury 5%; Criminal Law 5%.

6. 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. In making your description, include information about the types of matters in which you have represented clients (e.g., information about whether you have handled criminal matters, civil matters, transactional matters, regulatory matters, etc.) and your own personal involvement and activities in the matters where you have been involved. In responding to this question, please be guided by the fact that in order to properly evaluate your application, the Commission needs information about your range of experience, your own personal work and work habits, and your work background, as your legal experience is a very important component of the evaluation required of the Commission. Please provide detailed information that will allow the Commission to evaluate your qualification for the judicial office for which you have applied. The failure to provide detailed information, especially in this question, will hamper the evaluation of your application. Also separately describe any matters of special note in trial courts, appellate courts, and administrative bodies.

Throughout my entire legal career, my practice has primarily focused on the litigation of my clients' cases. From 2002 until July 2004, I worked as an Associate with Leitner, Williams, Dooley & Napolitan, PLLC in Nashville. During that time, I represented insureds in a number of different areas of law, including workers' compensation, premises liability and personal injury. My responsibilities consisted of deposing parties and witnesses, preparing and arguing, case evaluation, and trials.

Upon beginning practice in Murfreesboro, I expanded my practice to handle a wider variety of cases which included civil and criminal matters. I assumed primary responsibility for all of my cases at that time. During the last eight years of practice, I have handled personal injury claims for injured clients. I have also represented numerous individuals and companies in and around Rutherford County on cases regarding the Uniform Residential Landlord and Tenant Act. I have also represented individuals with family law matters, including divorce, child support, child custody, dependency and neglect, adoption and matters involving the Department of Children's Services. I have represented clients in construction and other real property matters. The above-referenced areas of law have required both extensive oral and written discovery. Further, it has been necessary to prepare, file and argue motions in court on a routine basis.

I have represented clients relating to contract law issues. This has required the construction and interpretation of a variety of contracts. Finally, I have represented clients with regards to the formation and dissolution of corporate and business entities.

7. Also separately describe any matters of special note in trial courts, appellate courts, and administrative bodies.

I represented several defendants in the Chancery Court for Rutherford County regarding an easement and use of an abandoned road. The matter was tried over two days and following the close of plaintiffs' proof; the judge dismissed their case involuntarily based on defendants' motion. The plaintiffs appealed the matter to the Tennessee Court of Appeals. The Court subsequently remanded the case to the trial court for damages. As my clients did not have an opportunity to defend the case, I filed a Petition for Rehearing based on the Violation of Due Process. Upon filing the Petition, the Court withdrew its opinion and filed another opinion that remanded the case for a new trial. *Vaught v. Jakes*, 2009 WL 1470490 (Tenn. Ct. App. May 26, 2009).

8. If you have served as a mediator, an arbitrator or a judicial officer, describe your experience (including dates and details of the position, the courts or agencies involved, whether elected or appointed, and a description of your duties). Include here detailed description(s) of any noteworthy cases over which you presided or which you heard as a judge, mediator or arbitrator. Please state, as to each case: (1) the date or period of the proceedings; (2) the name of the court or agency; (3) a summary of the substance of each case; and (4) a statement of the significance of the case.

I have never served as a mediator or an arbitrator. However, I have served as a substitute Judge on numerous occasions in the General Sessions Court for Rutherford County. On some the occasions I served as a substitute Judge, I handled the calling of the docket and handled matters basically involving collections and default judgments. On other occasions when I have served as a substitute Judge, I conducted trials and heard testimony of parties and witnesses in various kinds of civil matters. I do not recall all of the parties or circumstances in those cases. Finally, I have served as a substitute Judge for a preliminary hearing in a criminal case in the General Sessions Court. I do not recall the facts of the case or the docket number.

9. Describe generally any experience you have of serving in a fiduciary capacity such as guardian ad litem, conservator, or trustee other than as a lawyer representing clients.

None.

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

My litigation experience includes: meeting with clients, conducting discovery, preparing for trial, trials, dealing with post trial matters, appeals and resolving subrogation and lien claims in Rutherford and surrounding Middle Tennessee counties.

11. List all prior occasions on which you have submitted an application for judgeship to the Judicial Nominating Commission or any predecessor commission or body. Include the specific position applied for, the date of the meeting at which the body considered your application, and whether or not the body submitted your name to the Governor as a nominee.

None.

EDUCATION

12. 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.

Florida College, 1994-1996, Associate of Arts

Middle Tennessee College of Law, 1996-1998 – Bachelor of Science, Biology

University of Tennessee College of Law, 1999-2002 – Doctor of Jurisprudence

PERSONAL INFORMATION

13. State your age and date of birth.

Thirty six (36) years old, February 15, 1976

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

Sixteen (16) years.

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

Ten (10) years.

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

Rutherford County.

17. 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.

None.

18. Have you ever pled guilty or been convicted or are you now on diversion for violation of any law, regulation or ordinance? Give date, court, charge and disposition.

No, other than tickets for moving violations. I do not recall the specific details of any of my tickets.

19. 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.

20. If you have been disciplined or cited for breach of ethics or unprofessional conduct by any court, administrative agency, bar association, disciplinary committee, or other professional group, give details.

Not applicable

21. 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.

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

No.

23. 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.

24. 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.

Cason Lane Church of Christ, Deacon (2008 – Present) and Sunday school teacher

Middle Tennessee Medical Center Foundation – Board Member elect (2012 -)

Rutherford County Sportsman's Club

Blue Raider Athletic Association

Stones River Country Club

Rutherford Society

Project Help

Middle Tennessee Christian School Patron

25. 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

26. 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.

Andrew Jackson American Inn of Court – Secretary and Treasurer – (2010 – present). As the Secretary and Treasurer, my responsibilities have entailed coordinating with one of the local judges who is assigned to a monthly program for continuing legal education. I am also responsible for assisting with the creation of the programs and submitting said programs to the Tennessee Commission on Continuing Legal Education for accreditation. I am also required to manage the annual dues and the payment of the Inn’s expenses.

Rutherford/Cannon County Bar Association

Tennessee Bar Association

American Bar Association

27. 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.

None.

28. List the citations of any legal articles or books you have published.

None.

29. List law school courses, CLE seminars, or other law related courses for which credit is given that you have taught within the last five (5) years.

I have been responsible for assisting in the teaching of at least one CLE seminar per year over the last five (5) years in conjunction with the Andrew Jackson American Inn of Court. The Inn typically assigns one local member of the judiciary to serve as a meeting coordinator for each program who in turn oversees the individual members who present materials.

30. 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.

31. Have you ever been a registered lobbyist? If yes, please describe your service fully.

No.

32. Attach to this questionnaire at least two examples of legal articles, books, briefs, or other legal writings which reflect your personal work. Indicate the degree to which each example reflects your own personal effort.

Attached are copies of the Brief of Appellees, filed in *Vaught v. Jakes*, 2009 WL 1470490 (Tenn. Ct. App. May 26, 2009) and Defendant's Memorandum of Law in Support of Defendant's Motion for Summary Judgment, filed in *Frelix v. YMCA of Middle Tennessee*, Davidson County Circuit Court No.: 02C3267.

I prepared both of these documents in their entirety.

ESSAYS/PERSONAL STATEMENTS

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

My father was a primary care physician. I learned from a very early age that the impact you can have on people's lives during a time of turmoil can leave a lasting impression. I learned that people do not care about how much you know until they know how much you care. With this philosophy, I began my law practice. I have had the opportunity to comfort clients in times of sorrow as well as rejoice in times of triumph. People avail themselves to the judicial system to resolve their grievances. I believe it is important for people to know that their judge will give them a fair day in court and listen to their story. I have tried to build my practice on those principles and would continue to do so as a judge.

34. State any achievements or activities in which you have been involved which demonstrate your commitment to equal justice under the law; include here a discussion of your pro bono service throughout your time as a licensed attorney. *(150 words or less)*

It is often difficult to explain to clients that "equal justice" does not always refer to whether you simply win. People need to understand that both parties are entitled to the same justice regardless of their background or their current station in life. Throughout my career, I have assisted a number of individuals who have had significant financial hardships. Further, I have been appointed as counsel for clients involving Department of Children's Services and juvenile delinquent matters.

35. 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 applying for the Circuit Court vacancy in Part III of the 16th Judicial District (Rutherford and Cannon Counties). The District has four judges, who hear civil cases in both Circuit and Chancery, as well as criminal cases in Circuit Court. I understand that the position, recently vacated by the Honorable Don R. Ash, has primarily handled criminal cases, while also hearing civil matters. I would bring to the Court a strong work ethic, a genuine love for people, a deep passion for the legal profession and an abiding sense of justice.

36. Describe your participation in community services or organizations, and what community involvement you intend to have if you are appointed judge? *(250 words or less)*

My wife and I have been very involved in community service organizations in an attempt to better our community. I have been involved in numerous fundraisers to help support the youth of Rutherford County. Specifically, I have co-sponsored the annual fundraiser for Project Help, an Early Intervention Resource Agency, affiliated with both MTSU and Rutherford County.

While remaining active in our community, I have maintained a full-time law practice, which typically includes obligations outside the eight to five work day. I believe that the position I seek would allow me to take on an even greater greater role in the community.

37. Describe life experiences, personal involvements, or talents that you have that you feel will be of assistance to the Commission in evaluating and understanding your candidacy for this judicial position. (250 words or less)

I have always believed that it is important to treat people with respect regardless of whether you agree or disagree with their position. Over the past ten (10) years, I have had the opportunity to deal with hundreds, if not thousands, of debtors on my collection practice. I have found that treating people with respect and dignity often results in an unexpected civility. As a result, I have been later retained by former defendants to represent them in future matters.

I believe it is important for a judge have an appropriate judicial temperament. Individuals, who may avail themselves to the judicial system one or two times in their lives, should expect to be treated with respect and receive a fair day in court. I believe I have such a temperament and demeanor, which I would bring to the bench.

38. 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. Under our form of government, the judicial branch is required to uphold the law providing the law is Constitutional. The legislative branch is required to approve on the substance of the law. This is a very important distinction that should be honored by Judges. I have advised clients of the substance of the law and their likelihood of success in court based on the law. I have always believed it to be important to explain to clients that judges are required to follow the law even if they have a personal disagreement with the policy or substance behind the law.

REFERENCES

39. 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. Barbara Webb, Wilson County Clerk and Master, [REDACTED]

B. Lisa A. Eischeid, Esq., [REDACTED]

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|--|
| [REDACTED] |
| C. Charles R. Farrer, [REDACTED] [REDACTED] |
| D. Michael Wayne Ferrell, Esq., [REDACTED] [REDACTED] |
| E. John Ingleson, Esq., [REDACTED] [REDACTED] |

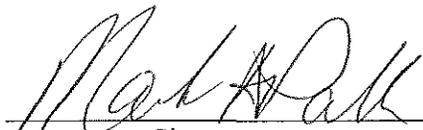
AFFIRMATION CONCERNING APPLICATION

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 16th 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: June 30, 20 12.



Signature

When completed, return this questionnaire to Debbie Hayes, Administrative Office of the Courts, 511 Union Street, Suite 600, Nashville, TN 37219.