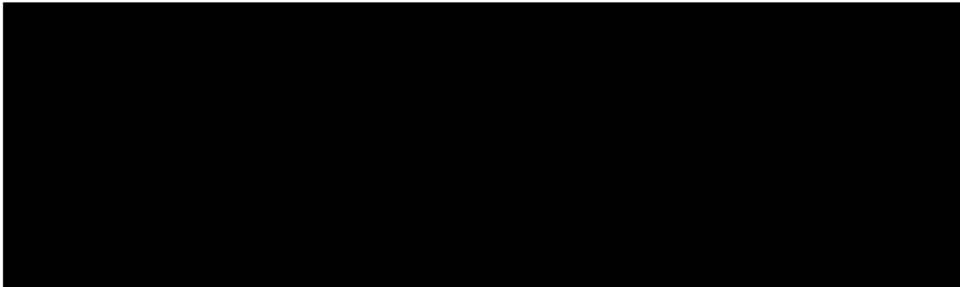


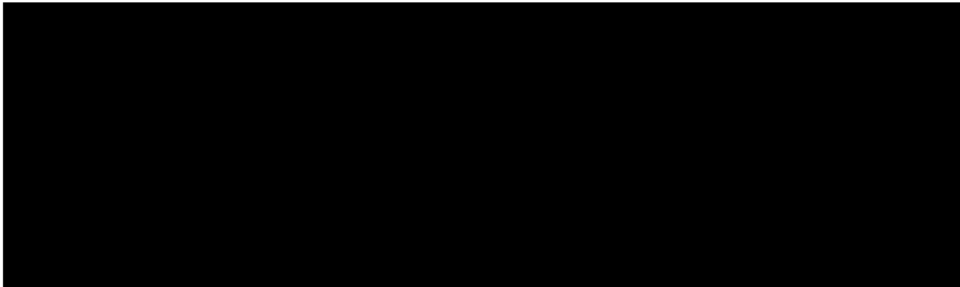
Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office
3/4/26

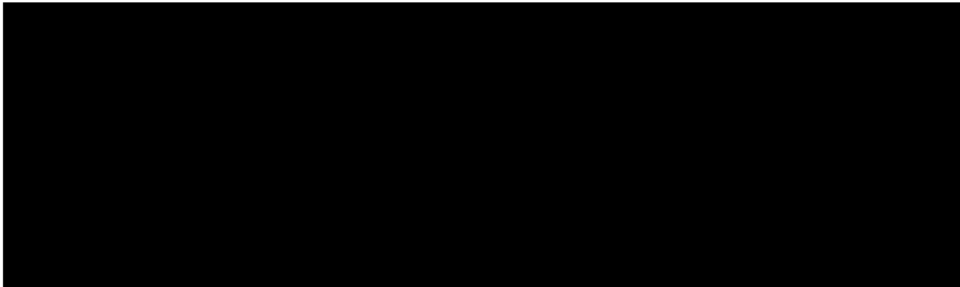
Name: Mark A. Fulks

Office Address: 1500 W Elk Ave, Suite 101
(including county) Elizabethton, TN 37643

Office Phone: (423) 547-5861 Facsimile: (423) 547-5861

Email Address: 

Home Address: 
(including county)

Home Phone: 

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.

I am currently employed by the District Public Defender for the First Judicial District as an Assistant Public Defender.

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

I was licensed in Tennessee in 1998 and given Board of Professional Responsibility number 019387.

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.

I was licensed in Virginia in 2013 and given Virginia Bar number 86012. This license is currently 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).

Assistant Public Defender, *District Public Defender, First Judicial District*, Elizabethton, Tennessee (2026)

- Represent indigent defendants in the courts of the First Judicial District of Tennessee.

Adjunct Professor, *Lincoln Memorial Duncan School of Law*, Knoxville, Tennessee (2023-present)

- Teach electives in Post-Conviction Remedies and Alternative Dispute Resolution.
- Coached a team of students in the ABA Arbitration competition.

Adjunct Professor, *Tennessee State University*, Nashville, Tennessee (2022-present)

- Teach Human Resources Management in the Master of Professional Studies program.

University Counsel and Chief Compliance Officer, *East Tennessee State University*, Johnson City, Tennessee (2019 to 2026)

- Advised the Board of Trustees, the President, the executive team, and other administrators on a wide range of legal and regulatory matters, including campus police investigations and search and seizure issues, contracts, employment law, student discipline, premises liability, academic freedom, and First Amendment issues, Title IX compliance, Clery Act compliance, HIPAA, FERPA, the ADA, and NCAA rules and regulations.
- Managed the Office of University Counsel and the Office of University Compliance, which was comprised of five attorneys, four compliance officers, a legal assistant, and a team of student workers.
- Represented the university in pre-litigation negotiations and mediations.
- Supervised outside counsel who represent the university in areas of special expertise, such as intellectual property, immigration, and FCC regulation.
- Represented individuals in the general sessions, chancery, circuit, and criminal courts of the First District on a pro bono basis.
- Maintained a pro bono practice that included representing the Association of Prosecuting Attorneys in the Tennessee Court of Criminal Appeals and representing the Goldwater Institute before the Tennessee Supreme Court.

Adjunct Professor, *East Tennessee State University*, Johnson City, Tennessee (2014-present).

- Teach political science, management, and law-related courses in multiple departments at the undergraduate, Master's, and Doctorate level, including Introduction to American Government, Law and the Judicial System, American Constitutional Law, Firearms Policy and the Second Amendment, Human Resources Management, Business Law, and the Law of Higher Education.

Associate Attorney, *Baker Donelson*, Johnson City, Tennessee (2012 to 2019)

- Represented banks and financial institutions in bankruptcy cases, mortgage litigation, judicial and non-judicial foreclosures and related litigation, lender liability claims, guarantor recovery, collections, quiet title actions, receiver actions, replevin actions, and other secured transaction matters.
- Represented businesses in commercial litigation, including contracts, business torts, breach of warranty, trademark, government consumer protection investigations, and employment litigation, including retaliatory discharge, age discrimination, and disability discrimination.
- Represented criminal defendants as retained and appointed counsel in the courts of the First and Second Judicial Districts, the Tennessee Court of Criminal Appeals, and the Tennessee Supreme Court, including one death penalty post-conviction proceeding.
- Represented the Tennessee District Attorneys General Conference as amicus curiae in the Tennessee Supreme Court.
- Represented the National Association of Criminal Defense Lawyers as amicus curiae in the United States Court of Appeals for the Sixth Circuit.

Senior Counsel, *Attorney General and Reporter*, Criminal Justice Division, Nashville, Tennessee (2000 to 2012)

- Litigated more than 50 cases in the Tennessee Supreme Court and more than 300 in the Tennessee Court of Criminal Appeals, the Tennessee Court of Appeals, the United States Court of Appeals for the Sixth Circuit, and the United States Supreme Court.

- Trained and supervised a team of six attorneys who handled cases in state and federal appellate courts.
- Litigated habeas corpus cases in federal court and assisted in criminal trials the state courts.
- Assisted various District Attorneys General with trial court litigation.

Adjunct Professor, *Middle Tennessee State University*, Murfreesboro, Tennessee (2004-2005)

- Taught Public Policy and Introduction to Law and the Judicial System in the Department of Political Science.

Adjunct Professor, *Nashville State Technical Community College*, Nashville, Tennessee (2001-2002)

- Taught Introduction to American Government.

Attorney, *Wampler & Pierce, P.C.*, Memphis, Tennessee (2000)

- Represented criminal defendants, retained and appointed, in the courts of the Thirtieth Judicial District, including misdemeanors, felonies, and post-conviction petitions.
- Represented private individuals and businesses in civil litigation matters.

Attorney, *Law Office of Mark A. Fulks*, Memphis, Tennessee (1998-1999)

- Represented individuals in the general sessions and criminal courts of Tennessee.
- Represented individuals in the chancery and circuit courts of Shelby County, Tennessee, in domestic relations, personal injury, and boundary dispute matters.

Law Clerk, *Travis Law Office*, Southaven, Mississippi (1997-1999)

- Assisted with case assessment and investigation; legal research; briefs, pleadings and motions; litigation preparation; and witness interviews in domestic relations, criminal defense, and personal injury cases.
- Drafted appellate briefs for filing in the Mississippi Supreme Court and the United States Court of Appeals for the Sixth Circuit.
- Assisted with real estate closings.

Law Clerk, *Catherines Stores Corporation*, Memphis, Tennessee (1996-1998).

- Assisted corporate officers with commercial real estate matters, including drafting, reviewing, and revising commercial leases; researching landlord-tenant and premises liability issues; and drafting abstracts of key provisions of commercial leases for incorporation into a lease tracking software program.

I am a Rule 31 Listed General Civil Mediator in the State of Tennessee and a Certified Mediator and Arbitrator in the United States District Court for the Eastern District of Tennessee.

I am a freelance photographer.

I have a Type 07 Federal Firearms License.

I have worked full-time since age 18. Before becoming a lawyer, I worked at Parisian (1994-1995) and Watson's Department Stores (1993-1994) in Knoxville, Tennessee; at Sears Telecatalog Center (1989-1993) in Johnson City, Tennessee; at David-Lynn, Inc, in Elizabethton, Tennessee (1992); at Maupin's Exxon in Elizabethton, Tennessee (1988-1989); and at Hardee's of Elizabethton (1986-1988).

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 represent indigent defendants in the courts of the First Judicial District of Tennessee. Criminal law and related constitutional law comprise 100% of my practice.

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.

Tennessee State Courts:

Over the course of my career, I have represented clients in civil and criminal cases in all state and federal courts in Tennessee, including city and county courts, juvenile courts, general sessions courts, circuit, chancery, and criminal courts, the Tennessee Court of Criminal Appeals, the Tennessee Supreme Court, the District Courts for the Eastern, Middle, and Western Grand Divisions, the Sixth Circuit, and the United States Supreme Court.

In the juvenile courts, I have handled many delinquency petitions, including vandalism, felony theft, and threat of mass violence. I have also handled some dependent and neglected matters.

In the general sessions courts, I have represented clients in many civil and criminal matters. On the civil side, I have represented clients in disputes over property damage from car accidents, debt collection, eviction, and contracts. On the criminal side, I have represented clients in traffic offenses and DUIs, theft, trespassing, assaults, and statutory rape, to name a few.

In criminal cases, I have prosecuted cases for the state of Tennessee as District Attorney General Pro Tem (harassment and domestic violence) and in my capacity as Senior Counsel in the Tennessee Attorney General's Office (state habeas corpus and extradition). I have also handled many criminal defense matters. These cases have included death penalty cases, first degree murder cases, DUI, felony drug possession, theft, statutory rape, and post-conviction petitions.

In the circuit and chancery courts, I have litigated divorce cases, breach of contract cases, commercial evictions and other business matters, probate matters, partition actions, and boundary disputes.

In the state appellate courts, I have litigated well-over over 300 cases in the Tennessee Court of Criminal Appeals and more than 50 cases in the Tennessee Supreme Court. I have also supervised thousands more.

Virginia State Courts:

Since 2013, I have represented clients in the state courts of Virginia. I have litigated cases in the General District Courts of Virginia, including commercial foreclosures, debt collection and creditor's rights, and repossession matters. I have also litigated cases in the Virginia Circuit Courts, including breach of contract cases, commercial foreclosures and evictions, personal injury defense, and other business litigation.

Federal Courts:

I have litigated cases in the United States Bankruptcy Courts in Tennessee and Virginia both as lead

counsel and co-counsel.

I have litigated cases in the United States District Courts of Tennessee, including criminal cases as co-counsel and civil cases as both co-counsel and lead counsel. The civil cases included employment law, general business litigation, trademark infringement, unfair competition, and breach of contract. I litigated many federal habeas corpus cases in which prisoners challenged their state court judgments.

I have handled both civil and criminal appeals in the United States Court of Appeals for the Sixth Circuit.

I have handled several criminal cases in the United States Supreme Court on petition for writ of certiorari.

Legislative Appearance:

During my time with the Attorney General's Office, I appeared before various committees to advise the committee on criminal law matters.

During my time at ETSU, I represented the university before the Equal Employment Opportunity Commission. I also represented the university before the Joint Committee on Governmental Operations with respect to the university's rule making.

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

My practice in the trial and appellate courts has resulted in the following published cases:

United States Court of Appeals for the Sixth Circuit

Thomas v. Westbrooks, 849 F.3d 659 (6th Cir. 2017) (evidence of witness's receipt of \$750 from FBI for her services in investigation into gang-related crime was material under *Brady*) (brief of amicus curiae National Association of Criminal Defense Lawyers).

Harold Wayne Nichols v. Heidle, 725 F.3d 516 (6th Cir. 2013) (Petitioner in federal habeas corpus action did not demonstrate that state court's decision was contrary to or an unreasonable application of any clearly established federal law).

Tennessee Supreme Court

Shaw and Raynor v. Metropolitan Government of Nashville and Davidson County, 651 S.W.3d 907 (Tenn. 2022) (As applied challenge to the constitutionality of local government's prohibition of home-business clients visiting home business) (brief of *amicus curiae* Goldwater Institute).

Holsclaw v. Ivy Hall Nursing Home, Inc., 530 S.W.3d 65 (Tenn. 2017) (knowledge obtained by trial judge during ex parte, independent investigation did not qualify as "personal knowledge" for purposes of recusal under Rules of Judicial Conduct).

State v. Adrian R. Brown, 479 S.W.3d 200 (Tenn. 2015) (motion to correct illegal sentence does not authorize the correction of an expired illegal sentence and trial court's failure to award pretrial

jail credits is not a colorable claim for relief from an illegal sentence) (appointed by the Tennessee Supreme Court to represent the indigent defendant on appeal).

State v. Kiara Tashawn King, 432 S.W.3d 316 (Tenn. 2014) (abuse of discretion standard accompanied by a presumption of reasonableness applied to review of denial of judicial diversion).

State v. Corinio Pruitt, 415 S.W.3d 180 (Tenn. 2013) (whether the proportionality analysis for death penalty cases should be broadened) (brief of amicus curiae Tennessee District Attorneys General Conference).

State v. Wayne Donaldson, 380 S.W.3d 86 (Tenn. 2012) (after making a lawful stop for a traffic violation, a police officer may routinely direct the driver to exit the vehicle).

Cyrus DeVille Wilson v. State, 367 S.W.3d 229 (Tenn. 2012) (coram nobis statute of limitation and cognizability of *Brady* claims).

State v. Wlodarz, 361 S.W.3d 490 (Tenn. 2012) (availability of coram nobis review of guilty plea).

State v. Lowe–Kelley, 380 S.W.3d 30 (Tenn. 2012) (motion for new trial that did not contain any grounds for relief was valid and conferred jurisdiction on trial court to consider replacement counsel’s motion to amend).

Henry Zillon Felts v. State, 354 S.W.3d 266 (Tenn. 2011) (post-conviction relief granted on promise to the jury in opening statement and failure to pursue defense of voluntary manslaughter).

K.F. v. State, 350 S.W.3d 911 (Tenn. 2011) (expunction; definition of “case”).

State v. L.W., 350 S.W.3d 911 (Tenn. 2011) (expunction; definition of “case”).

State v. Ungandua Andre Ingram, 331 S.W.3d 746 (Tenn. 2011) (definition of arrest and standard of review for determination of arrest).

Terrance Lavar Davis v. State, 313 S.W.2d 751 (Tenn. 2010) (habeas corpus case: sentence above statutory minimum for Range I offender to serve at 100% is not illegal).

State v. William Glenn Talley, 307 S.W.3d 723 (Tenn. 2010) (no reasonable expectation of privacy in hallway of condominium complex).

Ricky Harris v. State, 301 S.W.3d 141 (Tenn. 2010) (due process did not toll coram nobis statute of limitations).

State v. Thomas Turner, 305 S.W.3d 508 (Tenn. 2010) (unequivocal request for an attorney; request for mobile phone).

Terrance Lavar Davis v. State, 313 S.W.3d 751 (Tenn. 2010) (summary reversal and remand for reconsideration).

State v. Cedric Saine, 297 S.W.3d 199 (Tenn. 2009) (probable cause for search of home; nexus doctrine).

State v. Marcus Richards, 286 S.W.3d 873 (Tenn. 2009) (probable cause for group sitting at picnic table) (SCALES).

State v. Terry Byington, 284 S.W.3d 220 (Tenn. 2009) (written order denying motion for new trial and appellate jurisdiction).

State v. Christopher Lovin, 286 S.W.3d 275 (Tenn. 2009) (right to self-representation on appeal).

State v. Randy Lee Meeks, et al., 262 S.W.3d 710 (Tenn. 2008) (timeliness of State's notice of appeal and "creating exigent circumstances" doctrine).

State v. Stacey Carter, 254 S.W.3d 335 (Tenn. 2008) (sentencing for vehicular homicide where defendant blamed Kentucky officers).

State v. Devin Banks, 271 S.W.3d 90 (Tenn. 2008) (death penalty direct appeal).

State v. Tyson Lee Day, 263 S.W.3d 891 (Tenn. 2008) (whether traffic stop was based upon a reasonable suspicion, supported by specific and articulable facts).

State v. R.D.S., 245 S.W.3d 356 (Tenn. 2008) (school resource officer: search and seizure and *Miranda*).

State v. Henry A. Edmondson, Jr., 231 S.W.3d 925 (Tenn. 2007) (meaning of "take from possession" for purposes of carjacking).

State v. Eric Berrios, 235 S.W.3d 99 (Tenn. 2007) (state appeal: suppression of evidence; questions exceeded scope of stop; "frisk and sit procedure").

Ronnie Finch v. State, 226 S.W.3d 307 (Tenn. 2007) (state appeal: ineffective assistance of counsel-handling of motion for judgment of acquittal).

State v. Victor Hugo Garza, et al., 221 S.W.3d 514 (Tenn. 2007) (state appeal: coram nobis standard; grant of coram nobis relief).

State v. Alice Smotherman, 201 S.W.3d 657 (Tenn. 2006) (suppression of evidence: sufficiency of search warrant affidavit).

State v. Delawrence Williams, 193 S.W.3d 502 (Tenn. 2006) (suppression of evidence: sufficiency of affidavit under *Jacumin*).

Karen Renee Howell v. State, 185 S.W.3d 319 (Tenn. 2006) (knowing and voluntary guilty plea reflected by record as required by *Boykin*; IAC at juvenile transfer hearing).

State v. Amy Deniece Sutton, 166 S.W.3d 686 (Tenn. 2005) (applicability of RED dates to sentences of community correction; sufficiency of evidence).

State v. William Timothy Carter, et al., 160 S.W.3d 526 (Tenn. 2005) (state appeal: suppression of evidence, knock and talk doctrine, inevitable discovery doctrine, police officers creating exigent circumstances).

State v. Robert Faulkner, 154 S.W.3d 48 (Tenn. 2005) (death penalty direct appeal: exclusion of diminished capacity evidence, *Page* error in first degree murder jury instruction).

State v. Stephen Denton, 149 S.W.3d 1 (Tenn. 2004) (consolidation of offenses; sexual battery by authority figure applied to physicians).

State v. Robert Leach, 148 S.W.3d 42 (Tenn.2004) (death penalty direct appeal: collateral fact rule, jury instruction on contextual background evidence, pleading aggravating circumstances in indictment).

State v. G'Dongalay Parlo Berry, 141 S.W.3d 549 (Tenn. 2004) (death penalty direct appeal: pleading aggravating circumstances in indictment).

State v. Christopher Davis, 141 S.W.3d 600 (Tenn. 2004) (death penalty direct appeal: disqualification of district attorney general, jury instruction on contextual background evidence).

State v. F. Chris Cawood, 134 S.W.3d 159 (Tenn. 2004) (disposition of appellate records as public records).

State v. Allen Prentice Blye, 130 S.W.3d 776 (Tenn. 2004) (withdrawal of blood sample).

State v. Jerry Neal Carpenter, 126 S.W.3d 879 (Tenn. 2004) (effective assistance of appellate counsel).

Ricky Harris v. State, 102 S.W.3d 587 (Tenn. 2003) (error coram nobis petition and tolling of statute of limitations).

State v. Ralph Dewayne Moore, 77 S.W.3d 132 (Tenn. 2002) (sufficiency of evidence of felony reckless endangerment; lesser included offense of intentional aggravated assault).

State v. Colico Walls, 62 S.W.3d 119 (Tenn. 2001) (escape from police car is not escape from “penal institution”).

State v. Antonio M. Kendrick, 38 S.W.3d 566 (Tenn. 2001) (election of offenses in rape case).

Ahern v. Ahern, 15 S.W.3d 73 (Tenn. 2000) (criminal contempt and double jeopardy in child support collection).

Tennessee Court of Criminal Appeals

Yates v. Parker, 371 S.W.3d 152 (Tenn. Crim. App. 2012) (claim for post-judgment jail credit was not a cognizable habeas corpus claim and claim that the trial court relied on an invalid prior conviction to classify him as a career offender was not a cognizable claim for habeas corpus relief).

State v. March, 395 S.W.3d 738 (Tenn. Crim. App. 2011) (admission of defendant’s uncounseled statements concerning the uncharged, separate conspiracy to kill victim's parents did not violate defendant's Sixth Amendment right to counsel).

State v. March, 494 S.W.3d 52 (Tenn. Crim. App. 2010) (First Amendment did not protect solicitation to commit first degree murder).

State v. March, 293 S.W.3d 576 (Tenn. Crim. App. 2008) (application of enhancement factor for abuse of a position of public or private trust warranted by state law; but the Criminal Court committed plain error by enhancing sentence without jury as guaranteed by the Sixth Amendment, and thus, defendant is entitled to presumptive sentence).

State v. Cook, 250 S.W.3d 922 (Tenn. Crim. App. 2007) (guilty plea waived habeas corpus review of all non-jurisdictional issues and constitutional infirmities).

State v. Hanners, 235 S.W.3d 609 (Tenn. Crim. App. 2007) (amendment to expungement statute did not apply retroactively to deny defendant’s request for expungement).

State v. Ferguson, 229 S.W.3d 312 (Tenn. Crim. App. 2007) (burglary defendant had effective consent to enter business where business was open and unlocked and the business owners permitted unrestricted entry).

State v. Brooks, 228 S.W.3d 640 (Tenn. Crim. App. 2006) (no abuse of discretion in denying pretrial diversion due to seriousness of the offense of theft of \$185,000 and abuse of position of trust as an attorney, and where payment of restitution was untimely).

State v. Bailey, 213 S.W.3d 907 (Tenn. Crim. App. 2006) (competence to stand trial is not a dispositive issue; cannot be certified for appeal).

State v. Spina, 99 S.W.3d 596 (Tenn. Crim. App. 2002) (venue for custodial interference; child “found” in county of residence).

In re: Sanford & Sons Bail Bonds, Inc., 96 S.W.3d 199 (Tenn. Crim. App. 2002) (exoneration of bondsman when defendant deported; bondsman entitled to hearing)

State v. Easterly, 77 S.W.3d 226 (Tenn. Crim. App. 2001) (double jeopardy in drug prosecution; subsequent prosecution in different county)

Cox v. State, 53 S.W.3d 287 (Tenn. Crim. App. 2001) (no Rule 3 appeal from denial of motion to correct illegal sentence; habeas corpus requirements not satisfied; no basis for writ of certiorari)

State v. Whaley, 51 S.W.3d 568 (Tenn. Crim. App. 2000) (right to preliminary hearing; prosecution did not act in bad faith in securing presentment prior to preliminary hearing)

State v. Thompson, 43 S.W.3d 516 (Tenn. Crim. App. 2000) (evidence of premeditation was sufficient; surrebuttal evidence of victim's assault conviction properly excluded; evidence of mutilation was sufficient)

United States District Court

EEOC v. Care Centers Management Consulting, Inc., 942 F.Supp. 771 (E.D. Tenn. 2013) (employee’s failure to name company in EEOC charge did not preclude EEOC from including company in ADA suit; complaint stated claim for disability discrimination against employer and company under single employer theory).

United States v. One Parcel of Prop. Located at 2526 Faxon Ave., Memphis, Tennessee, with All Appurtenances & Improvements Thereon, 145 F. Supp. 2d 942 (W.D. Tenn. 2001) (Genuine issues of material fact precluded summary judgment as to nature and extent of knowledge by owners of property subject to civil forfeiture that property used to facilitate drug trafficking by brother of one of owners.)

Harold Wayne Nichols v. Bell, 440 F. Supp. 2d 847 (E.D. Tenn. 2006) (Petitioner in federal habeas corpus action entitled to Certificate of Appealability with respect to certain death sentence claims).

Harold Wayne Nichols v. Bell, 440 F. Supp. 2d 730 (E.D. Tenn. 2006) (Petition in federal habeas corpus action did not establish that state court decision was contrary to or an unreasonable application of U.S. Supreme Court precedent).

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

In June 2025, I traveled to Gulu, Uganda, with the Sudreau Global Justice Institute’s Prison Project. The Institute partners with governments around the world to implement equitable laws and systems

and provides training to judges, lawyers, and key stakeholders along the way. The Prison Project works with governments to relieve resource-deprived justice systems through plea bargaining and case review. During the trip, I worked with a Ugandan lawyer and a team of U.S. and Ugandan law students and undergraduate students. We reviewed our clients' cases and negotiated plea agreements. I had the distinct honor to appear in the High Court of Uganda at Gulu on behalf of several clients. I will be returning to Uganda with the Prison Project in June.

I have served on the following boards and commissions:

- Member, Advisory Commission to the Tennessee Supreme Court on the Rules of Practice and Procedure (2016 to 2025)
- Assistant, Tennessee Board of Law Examiners (2014-2018)
- Member, Tennessee Integrated Criminal Justice Program Steering Committee (2008—2012).
- Member, Tennessee Supreme Court Indigent Defense Fund Study Committee (2010).
- Member, Governor's DUI Task Force (2006).

I am the author of many legal articles, including the following:

- *Case Comment: State of Tennessee v. Rosemary L. Decosimo.* Fulks, M.A., and Misenheimer, C. Belmont Criminal Law Journal (2019)
- *The Third Amendment's Consent Clause: A Conceptual Framework for Analysis and Application.* Fulks, M.A., and Range, R.S., III. Tennessee Law Review, 82: 647 (2014-2015)
- *Could Windsor Revive Federalism? The States' Right to Protect Citizens Following DOMA's Demise.* Fulks, M.A., and Range, R.S., III. Tennessee Law Review, 81(2): 307 (Winter Edition, 2014)
- "Talking in your Tweets: Client Confidentiality in the Age of Social Media and Beyond." Lawyer Monthly (August 2018).
- "Don't You (Forget About Me)': Current Trends in Proving § 547(b)'s Affirmative Elements." The American Bankruptcy Institute Journal (July 2018).
- "Living with the Robust Causality Requirement for Disparate Impact Under the Fair Housing Act." Westlaw Journal Bank & Lender Liability (September 2017).

I have been a media commentator:

- "Judge: State Abandoned Duty in Refugee's Case by Stacey Barchenger." <https://www.tennessean.com/story/news/2016/01/03/judge-state-abandoned-duty-refugees-case/77827824/> (January 4, 2016)
- "Tennessee Execution Trial Comes Week After Supreme Court Ruling" by Stacey Barchenger. <https://www.tennessean.com/story/news/crime/2015/07/01/supreme-court-lethal-injection-impact-tennessee/29587723/> (July 2, 2015)
- "Tennessee Joins National Debate on Assisted Suicide," by Dave Boucher. <https://www.tennessean.com/story/news/politics/2015/06/08/changing-law-end-life/28711247/> (June 8, 2015)

- “Attorneys Predict Court Won’t Release Executioners’ Names” by Stacey Barchenger. <http://www.tennessean.com/story/news/crime/2014/12/19/attorneys-predict-court-release-executioners-names/20670843/> (December 20, 2014)

I have been a faculty member at training programs for appellate prosecutors and Tennessee Highway Patrol cadets:

- Prosecutor Training. National District Attorneys Association. National Advocacy Center, Columbia South Carolina (June 25-29, 2007).
 - *Analysis, Planning, and Persuasion in Appellate Practice.*
 - *Appellate Brief Writing.*
 - *Appellate Research and Writing.*
 - *State Appeals.*
 - *Appellate Oral Advocacy.*
- Tennessee Highway Patrol Cadet School (December 2002)
 - *Search and Seizure.*

I have been a frequent CLE presenter, including the following seminars during the previous 10 years:

- *An East Tennessee Attorney in the Gulu High Court: A Pro Bono Experience.* ETSU Center for Continuing Legal Education (October 24, 2025).
- *Second Amendment Case Law Update.* ETSU Center for Continuing Legal Education (October 11, 2023).
- *Legal Writing,* Washington County Bar Association (2020).
- *Bankruptcy Preferences and Fraudulent Transfer Issues.* Baker Donelson NMAC CLE Seminar. (January 9, 2018)
- *God, Guns, and Ganja.* 12th Annual Virginia Labor and Employment Law Seminar. (September 14, 2017).
- *Careless Whispers Etched in Stone: Best Practices for Ensuring that Your E-mail Paper Trail is Free of Stumbling Blocks.* 21st Annual Urgent Issues for Modern Employers Labor & Employment Law Seminar (March 2017).
- *Understanding Employee Motivation.* 11th Annual Virginia Labor and Employment Law Seminar (September 22, 2016).
- *Understanding Employee Motivation.* 20th Annual Urgent Issues for Modern Employers Labor & Employment Law Seminar (March 2016).
- *Ethics and Professionalism in Legal Writing.* Tennessee Bar Association. Court Square Series (September 8, 2016)
- *Extradition.* Annual Conference of the Judicial Commissioner Association of Tennessee. (April 12, 2016)

- *Representing Your Client in Federal Court*. National Business Institute. (2016)

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

I applied to fill vacancies on the Tennessee Court of Criminal Appeals in 2007, 2011, 2013, and 2022. I was nominated by the Judicial Nominating Commission to fill a vacancy on the Tennessee Court of Criminal Appeals (June 6, 2011). I was not appointed. I applied to fill a vacancy on the Tennessee Supreme Court in 2015.

I have applied to fill vacancies in U.S. Magistrate Judge positions on several occasions. I do not have a list of those applications.

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.

Pepperdine Caruso School of Law, Straus Institute for Dispute Resolution, Pepperdine University, Malibu California

- L.L.M., Dispute Resolution (2022)

Tennessee State University, College of Public Service and Urban Affairs, Nashville, Tennessee

- Ph.D., Public Administration (2016)
- M.P.A., Public Administration (2009)
- Certificate in Applied Geospatial Information Systems (2009)
- Phi Kappa Phi Honor Society
- Golden Key International Honour Society
- Pi Alpha Alpha Honor Society

University of Memphis, Cecil C. Humphreys School of Law, Memphis, Tennessee

- J.D. (1998)
- Completed first year studies at Franklin Pierce Law Center, Concord, New Hampshire.

University of Tennessee, Knoxville, Knoxville, Tennessee

- M.A., Political Science (1994), American Government and Political Theory
- Received special admission to the University of Tennessee College of Law to take Constitutional Law (Summer 2003)

East Tennessee State University, Johnson City, Tennessee

- B.S., English and Political Science (1991)

The Program on Negotiation at Harvard Law School, Cambridge, Massachusetts.

- Certificate, Negotiation and Conflict Resolution (2025)
- Certificate, Mediation and Dispute Resolution (2025)

PERSONAL INFORMATION

12. State your date of birth.

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

I have lived continuously in Tennessee since 1980.

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

I have lived continuously in Washington County, Tennessee, since 2012.

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

I am registered to vote in Washington 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.

I have not served in the military.

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.

I have not.

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.

I am not.

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.

Zero.

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)?

I have not.

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.

Mark A. Fulks v. Balbir Grewal. Pulaski County, Virginia, Circuit Court, No. CL20000860-00. Filed November 5, 2020. Dismissed August 3, 2021. The case arose from an automobile accident. The case settled.

Mark A. Fulks v. Mindy Thomas Fulks. Washington County, Tennessee, Chancery Court, No. 18-DM-0764. Uncontested divorce. Final decree filed August 23, 2019.

Mark A. Fulks v. Tammy Von Cannon. Carter County, Tennessee, Circuit Court. No. 4180. The case arose from an automobile accident when I was a minor. The case was settled in 1989.

I was also the plaintiff in a property damage lawsuit in the early 1990s that may have been filed in Washington County Circuit Court or General Sessions Court. The case arose from an automobile accident. I do not recall the details, except that the case was settled. It may have settled before I filed suit.

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.

Member, the National Society of the Sons of the American Revolution

- The Tennessee Society, Kings Mountain Chapter, by descent from William Bean.

Director, Board of Directors, Federal Defender Services of East Tennessee, Inc. (2025-present).

Director, Board of Directors, Jeremiah School, Johnson City, Tennessee (2014-present).

Member, The Federalist Society.

Benefactor Member, National Rifle Association.

Member, American Society for Public Administration.

Member, Second Amendment Institute.

Member, Firearms Policy Coalition.

Member, Gun Owners of America.

24. Have you ever belonged to any organization, association, club or society which limits its membership to those of any particular race, religion, or gender? Do not include in your answer those organizations specifically formed for a religious purpose, such as churches or synagogues.
- a. If so, list such organizations and describe the basis of the membership limitation.
 - b. If it is not your intention to resign from such organization(s) and withdraw from any participation in their activities should you be nominated and selected for the position for which you are applying, state your reasons.

I have not.

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.

American Bar Association (2011 – present)

- Dispute Resolution Section (2022—present)
- Litigation Section, Appellate Practice Committee (2012–2020)
- Labor and Employment Section (2012–2020)
- Criminal Justice Section, White Collar Crime Committee (2012–2020)

- Real Property Section (2013—2020)
- Death Penalty Representation Project (2014—2018)

Tennessee Bar Association (2006 – 2021)

- Faculty Member, Continuing Legal Education
- Executive Committee, Federal Practice Section (2013-2016)
 - Chair (2014-2015) - Vice Chair (2013-2014)
- Executive Committee, Appellate Practice Section (2008-present).
 - Chair (2012) Vice-Chair (2011).
 - Chair, Supreme Court Boot Camp planning committee (2009-2012).
- Executive Committee, Criminal Justice Section (2008-present).
- CLE Committee (2009-2010)

American Society for Public Administration (2005 – present)

Virginia Bar Association (2013-present)

Tennessee Association of Professional Mediators (2025-present)

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.

AV Preeminent Peer Review Rated, Martindale-Hubbell
 Fellow, The American Bar Foundation
 Tennessee Supreme Court Pro Bono Service Award (2014-2025)

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)*

I am a dedicated public servant who views service on the judicial bench as the most important form of public service that a citizen may perform. I have always aspired to become a criminal court judge due to my affinity for criminal law and litigation.

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 seek appointment to the Criminal Court of the First Judicial District of Tennessee, which is comprised of Unicoi, Johnson, Carter, and Washington counties. The court presides over criminal cases. My selection would add a unique perspective to the court. I have a broad range of legal experience to draw upon in deciding cases. I have extensive criminal law experience as a practitioner, especially in the appellate courts. I have served as both a prosecutor and a defense attorney.

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. As a prosecutor, I handled cases in accordance with the law despite my personal misgivings or policy preferences. During my time in the Attorney General's Office, I had several occasions on which I decided that the state had to concede reversible error in the appellate courts. We had to do so to uphold the law in those cases. A judge is bound to apply constitutional laws even if the judge would prefer a different law.

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. Roger Nell, District Public Defender, [REDACTED]
[REDACTED]

B. Mark Davidson, District Attorney General, 25th Judicial District, [REDACTED]
[REDACTED]

C. Drew Hutchinson, Shareholder, Baker Donelson, [REDACTED]
[REDACTED]

D. Dr. Michelle Byrd, Ed.D., Senior Associate Vice President and Dean of Students, East Tennessee State University, [REDACTED]
[REDACTED]

E. Dr. Rob Hardin, Ph.D., Professor, University of Tennessee, Kinesiology, Recreation, and Sport Studies, College of Education, Health, and Human Sciences, [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 Criminal Court for the First 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: May 1, 2026.

A handwritten signature in black ink, appearing to read 'M. A. [unclear]', written over a horizontal line.

Signature