Tennessee Trial Court Vacancy Commission

Application for Nomination to Judicial Office

1/17/23

Name: Mark Andrew Cole

Office Address: (including county) 3368 Bell Road, Nashville, Davidson County, Tennessee 37214

Phone: [redacted] Facsimile: Not applicable

Email Address: [redacted]

Home Address: (including county) [redacted]

Home Phone: same as above Cellular Phone: same as above

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.

Retired; previously employed by the State of Tennessee

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

1999, TBPR 020020

3. List all states in which you have been licensed to practice law and include your bar number or identifying number for each state of admission. Indicate the date of licensure and whether the license is currently active. If not active, explain.

Not applicable.

4. Have you ever been denied admission to, suspended or placed on inactive status by the Bar of any State? If so, explain. (This applies even if the denial was temporary).

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).

Law Clerk, Rutherford County Chancery Court, Associate, Law office of James Chamberlain, Partner, Chamberlain & Cole, Associate Hale & Hale, Law Office of Mark Cole, Attorney, Hearing Officer Workers Compensation Division, Tennessee Department of Labor and Workforce Development, Attorney, Counsel on Call, Assistant General Counsel, Associate General Counsel, Senior Associate General Counsel, Tennessee Department of Health, Attorney, Health Care Facilities Commission, Assistant Counsel, Division of TennCare, Partner, Law Offices of Josh Offutt, Attorney, Law Offices of Luvell Glanton.

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.

In my most recent practice, 80% personal injury/ motor vehicle injury, 10% medical malpractice, 10% estates.

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 began my legal career as a law clerk and courtroom officer for the Chancellor in Rutherford County, where I assisted with both jury and bench trials throughout my tenure. I then practiced law in a two-person firm in a small town, handling a wide range of cases including insurance defense, criminal court appointments, and juvenile matters across the county and surrounding areas. I also prepared wills and contracts, and represented a local bank in bankruptcy proceedings.

After relocating to Franklin, I joined a real estate litigation firm and began taking criminal court appointments in Williamson County. I later transitioned into solo practice, focusing heavily on criminal defense- both appointed and retained- while continuing to handle wills, contracts, and other civil matters. My primary focus was on misdemeanor and felony cases.

I next joined the Department of Labor and Workforce Development, working briefly in the Uninsured Employers Fund before serving as a hearing officer in Administrative Review, hearing appeals from Benefit Review workers' compensation claims. When that division was phased out under a new administration, I worked with Counsel On Call as an e-discovery document reviewer.

I then joined the Department of Health as a prosecuting attorney for the Board of Nursing and served as both an advising and prosecuting attorney for the Boards of Chiropractic Examiners, Dietitian and Nutritionists, Veterinarians, Pharmacy, and the Health Care Facilities Board.

Most recently, I worked at TennCare handling member appeals and eligibility denials, then practiced insurance defense with the Law Offices of Josh Offutt, followed by personal injury and premises liability cases with the Law Offices of Luvell Glanton. I left that position on June 19, 2025.

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

I represented, by appointment in the Davidson County Circuit Criminal Court, a defendant that

was charged with Attempted First Degree Murder. We had a four day jury trial where he was found not guilty. I represented a defendant, by appointment in the Williamson County Circuit Criminal Court where he was charged with a Class B felony for taking his mother's new Cadillac Escalade after she had gone to bed. After a one day jury trial, he was convicted of misdemeanor joy riding. I have represented numerous defendants in DUIs, both felony and misdemeanors, as well as misdemeanors in General Sessions Criminal Courts.

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

I have appeared in Criminal Courts in Macon, Sumner, Trousdale, Wilson, Davidson, Williamson and Maury counties. I have observed many judges both on and off the bench. I have seen where the attitude of the judge can make a difficult situation of sentencing a defendant palatable for them and their family.

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.

Mercer University Fall 1983-Spring 1987, Bachelor's of Business Administration, Finance, Cecil C. Humphreys School of Law, University of Memphis, Fall 1996-Spring 1999, Juris Doctor, SBA Governor, SBA Executive Director, Lipscomb University, 2009, Certificate, ADR/Medication training.

PERSONAL INFORMATION

12. State your date of birth.

[redacted]

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

38 years

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

19 years, 10 months

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

Davidson

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.

None.

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 was cited in Myrtle Beach, South Carolina for drinking in public in Spring 1984. I paid the $40 citation/fine and was released.

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 no formal complaints. I did have 2 informal complaints, but they did not escalate to a formal complaint when reviewed by the Board of Professional Responsibility.

20. Has a tax lien or other collection procedure been instituted against you by federal, state, or local authorities or creditors within the last five (5) years? If so, give details.

No

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

No

22. Have you ever been a party in any legal proceedings (including divorces, domestic proceedings, and other types of proceedings)? If so, give details including the date, court and docket number and disposition. Provide a brief description of the case. This question does not seek, and you may exclude from your response, any matter where you were involved only as a nominal party, such as if you were the trustee under a deed of trust in a foreclosure proceeding.

No

23. List all organizations other than professional associations to which you have belonged within the last five (5) years, including civic, charitable, religious, educational, social and fraternal organizations. Give the titles and dates of any offices which you have held in such organizations.

Knights of Columbus, Trustee (2017-2025), Boy Scouts, Adult leader (2010-2022)

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.

The Knights of Columbus is limited to Catholic men. It is a fraternal group which raises money for many different charities. It is not my intention to resign from that organization, unless it is decided it would be a conflict for a criminal court judge.

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.

Tennessee Bar Association, no offices.

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.

None.

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.

I ran for the Metropolitan Nashville Council in the 13th district in 2015. I lost the election in the runoff.

ESSAYS/PERSONAL STATEMENTS

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

As a sixth-generation Nashvillian, I have long aspired to become a judge. Initially, I believed it meant being in charge, but clerking for a judge revealed the true weight of the role: listening to evidence, applying the law fairly, and issuing decisions that can permanently affect people's lives. Nowhere is that responsibility more profound than in criminal court, where the stakes involve freedom, justice, and public safety. I understand the need to balance the goals of our justice system (rehabilitation, deterrence, incapacitation, and retribution) while remaining fair, impartial, and deeply committed to the rule of law. I believe in the judiciary's power to deliver justice with both clarity and compassion, and I am ready to serve with integrity, compassion, and respect for the process. My roots in this community, combined with my experience and

dedication to justice, make me well-prepared for the responsibility and honor of serving as a judge.

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 an appointment to the Davidson County Criminal Court, which currently consists of six judges and handles a broad range of felony cases that directly impact public safety, individual liberty, and community trust in the justice system. Nashville is a dynamic and growing region, with a dense urban center and rural outskirts. It is also home to vibrant immigrant populations - including the largest Kurdish community outside of Kurdistan -as well as a thriving Hispanic community and many others. In this context, cultural competence, fairness, and community awareness are essential on the bench.

I believe that most people who come to Nashville truly want to be part of this community and follow its laws. If they don't, we must respond with accountability, but also with discernment and respect for the law's long-term goals.

While I do not have access to the judges' caseloads, I trust that they are distributed fairly. As a former Scout leader, I know that perception and reality don't always align - but consistency, integrity, and teamwork always matter. I bring all three.

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, I will uphold the law, even if I personally disagree with its substance. As a judge, my duty is to interpret and apply the law as written -not to legislate from the bench. I am a firm believer in the Constitution and the rule of law. If a law is unjust or outdated, the proper avenue for change lies with the legislature, not the judiciary.

As a hearing officer, I have presided over cases where I believed the law did not lead to the most just outcome. In those instances, I used dicta to express where a different result might better serve justice, but my holding always reflected the law as it stood.

Likewise, as an attorney, I have represented the State in administrative proceedings governed by statutes I found overly rigid, particularly in cases involving healthcare providers facing disciplinary action. In one matter, I believed the statute failed to consider meaningful rehabilitation efforts. Nevertheless, I remained fully within the law, advocated zealously for my client, preserved the issue for appeal, and respected the governing framework throughout.

These experiences have only reinforced my conviction that impartiality and adherence to legal process are essential to public trust in the judiciary.

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. Wayne Gregory, TDEC 312 Rosa Parks Ave., Nashville,37243 [redacted]

B. Jonathan Cole, Baker Donelson [redacted]

C. Matt Ramsey, Attorney, 207 University Ave., Lebanon 37087 [redacted]

D. John Green, Green Bldg Mgt. Services [redacted]

E. Mark Finks, TDLW 220 French Landing Dr. Nashville 3723 [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 Circuit Court, 20th 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 27, 2025.

Mark Cole

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.

Mark Cole
Name

Mark Cole
Signature

June 27, 2025
Date

020020
BPR #

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

N/A