

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

Name: Mark S. Stapleton

Office Address: 225 South Depot Street, Rogersville, Tennessee 37857
(including county)

Hawkins County

Office Phone: 423-921-9100 Facsimile: 423-921-9104

Email Address:

Home Address:
(including county)

Home Phone:

Cellular 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.

Stapleton Law Office

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

1991 Tennessee 014671

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 014671 1991 to present

Georgia 675586 1990 – 1996 not active. In law school I was preparing to work in Atlanta but was accepted to a LL.M. Program at DePaul University College of Law in Chicago. While in Chicago I accepted a job with the President of the National Health Lawyers Association in New Orleans thus taking my career in a different direction.

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

Not Applicable

5. List your professional or business employment/experience since the completion of your legal education. Also include here a description of any occupation, business, or profession other than the practice of law in which you have ever been engaged (excluding military service, which is covered by a separate question).

1996 - Present Stapleton Law Office (Principal/Owner) Rogersville, Tennessee, practicing primarily in personal injury, wrongful death, workers' compensation, criminal defense, medical malpractice, products liability and

1992 - 1996	health law. Terry, Terry & Stapleton, (formerly Charles R. Terry & Associates) Morristown, Tennessee. Practicing primarily in personal injury litigation, medical negligence, products liability, criminal law and health law.
April 1991- December 1991	<u>Associate</u> - Herndon, Coleman, Brading & McKee, Johnson City, Tennessee. Associate practicing in medical malpractice defense, personal injury litigation defense and health law.
January 1990- October 1990	<u>Associate</u> - Brook, Morial, Cassibry, Fraiche & Pizza New Orleans, Louisiana

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.

My practice consists of:

- Personal injury 55%
- Criminal law 25%
- Workers' Compensation 10%
- General civil practice 10%

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.

My experience has been representing clients in trial courts for 35 years. I have tried dozens of cases including motor vehicle wrecks, products liability, medical malpractice, premises liability and general cases involving litigation. I have tried dozens of non-jury cases including workers' compensation cases (prior to workers' compensation reform of 2014), divorces, and cases of a general nature. I have handled cases at the Appellate Court levels both in Tennessee and the Sixth Circuit. Early in my career I was defense counsel for various insurance carriers. In addition, I have represented state and local police officers before their various administrative boards. To conclude, I have represented various healthcare professionals, doctors, dentists, nurses, and pharmacists before their respective administrative governing boards in Nashville.

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

and administrative bodies.

I have been using the Rules of Civil Procedure and Criminal Procedure for 35 years.

As relates to Civil Procedure I have handled a high volume of issues such as service of process and waiver, summons and re-issuance of summons requirements, facsimile and electronic filings, Rule 12 Motions, counter claims and cross claims, third party practice, joinder, substitution of parties, the entire gamut of Rule 26 discovery issues, both written and oral. In addition, I have handled Rule 34 issues including production of documents, and entry upon land for inspection issues, spoliation, physical and mental exams of persons, request for admissions and discovery sanctions.

I have taken countless discovery and for proof depositions of lay persons and experts, including doctors and engineers. Thus, the chances of discovery issues arising in circuit court that I have not handled are unimaginable.

Further, early in my career it was not uncommon to try to a jury two cases or more a week during our term of court. I personally witnessed the advent of mediation and that has significantly reduced our number of jury trials. I have been mediating my cases for over 26 years. As mediation became more common and I began trying fewer civil cases, I started taking a higher volume of criminal cases to stay in court. I have tried to a jury everything from D.U.I.'s, drug cases of various classes, a wide range of Class A and Class B felonies, all the way up to 1st degree murder.

In the early 2000's I received my first not guilty verdict in a murder case. In early 2023 I received my second not guilty verdict. I tried the 2023 case with my son as co-counsel. Watching my son as defense counsel in this murder case and receiving the jury verdict of not guilty with him was an experience I will remember forever.

I have tried jury trials in 11 different counties in upper East Tennessee on the civil side, including trials with our Federal Judges and Magistrates. I have been in front of so many trial judges in my career I have lost count. This trial practice has given me so much invaluable experience that I now can use on the trial court bench.

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

- While in law school I was a legal intern for the University Health Services Foundation and a law clerk for the Department of Risk Management and Defense Counsel for the University of Alabama Birmingham Hospital.
- While obtaining my LL.M. in Health Law from DePaul University College of Law in Chicago I was a legal intern at the American Hospital Association Office of Legal and

Regulatory Affairs, Chicago Illinois.

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

Not Applicable

EDUCATION

11. List each college, law school, and other graduate school which you have attended, including dates of attendance, degree awarded, major, any form of recognition or other aspects of your education you believe are relevant, and your reason for leaving each school if no degree was awarded.

- University of Tennessee, Knoxville 1985
 - Bachelor of Arts
- Cumberland School of Law, Samford University 1989
 - Juris Doctor
- University of Alabama at Birmingham 1989
 - Master of Public Health/Health Care Organization and Policy
- DePaul University College of Law Chicago, IL 1990
 - Master of Laws/Health Law

PERSONAL INFORMATION

12. State your date of birth.

██████████ 1962

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

63 years

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

34 years

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

Hamblen 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.

Not applicable

18. To your knowledge, are you now under federal, state or local investigation for possible violation of a criminal statute or disciplinary rule? If so, give details.

Not applicable

19. Please identify the number of formal complaints you have responded to that were filed against you with any supervisory authority, including but not limited to a court, a board of professional responsibility, or a board of judicial conduct, alleging any breach of ethics or unprofessional conduct by you. Please provide any relevant details on any such complaint if the complaint was not dismissed by the court or board receiving the complaint. You may wish to request a report from the appropriate supervisory authority (or authorities) for a complete history.

TBPR No.: 18278-1-th	Closed: 2/10/1998	Dismissed by Investigations
TBPR No.: 21374-1-th	Closed: 8/9/2000	Dismissed by Investigations
TBPR No.: 68536c-1-DN	Closed: 9/9/2022	Dismissed by Investigations

20. Has a tax lien or other collection procedure been instituted against you by federal, state, or

local authorities or creditors within the last five (5) years? If so, give details.

Not applicable

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

Not applicable

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

Denise Terry Stapleton v. Mark S. Stapleton
Hamblen County Chancery Court No.: 2013-CV-429

Amicably resolved, without mediation or trial, by Marital Dissolution Agreement, final judgement entered April 2014.

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.

- First United Methodist Church, Morristown, TN 1996-2023
 - Trustee 2007-2010, 2020-2023
 - Sunday School teacher
 - Usher Team

- Manley Baptist Church 2023- Present

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.

Not applicable

ACHIEVEMENTS

25. List all bar associations and professional societies of which you have been a member within the last ten years, including dates. Give the titles and dates of any offices which you have held in such groups. List memberships and responsibilities on any committee of professional associations which you consider significant.

- American Board of Trial Advocates (ABOTA) 1999-Present
 - President, Tennessee Chapter of ABOTA 2006
- Tennessee Association for Justice, (Formerly known as Tennessee Trial Lawyers) 1991- Present
 - Board of Governors 1992-1993
- American Association for Justice (Formerly known as Association of Trial Lawyers of America) 1993-present
 - Board of Governors – Young Lawyers Division 1993-1998
- Hamblen County Bar Association 1991-Present
- Hawkins County Bar Association 1996-Present
 - President 2007, 2024-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.

Certified in Civil Trial Advocacy by the National Board of Trial Advocacy, an American Bar Association Accredited Organization 1995-Present

Certified in Civil Pretrial Practice by the National Board of Trial Advocacy, an American Bar

Association Accredited Organization 2012-Present

Best Lawyers 2023-Present

Mid-South Super Lawyers 2006-Present

I was Senior Editor of the Journal of Health and Hospital Law in 1989. I have seven articles published in the journal during my time as Senior Editor.

I have other articles found in the Tennessee Bar Journal – Health Law Section Newsletter, Town & City Magazine and Risky Business, Professional Risk Management Services, Inc.

I have had the opportunity to serve as trial counsel in five “mock trial” educational programs in Tennessee and South Carolina for the American Board of Trial Advocates. I served as moderator for the entire program in 2006.

I started and served as Program Moderator for Ethical Considerations in the Practice of Law I-IV, 3rd Judicial District from 2007-2010.

Other speaking engagements include the Tennessee Bar Association CLE seminars and the Tennessee Trial Lawyers Association.

Speaking engagements in the academic arena include engagements at Quillen College of Medicine at East Tennessee State University, Walters State Community College and Tulane School of Public Health and Tropical Medicine, Master’s Program, New Orleans, Louisiana.

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 have worked in the legal field my entire adult life. My work experience includes dealing with issues that have a major impact on lives from divorce to wrongful death. I have seen the pain caused by parents losing children, children losing parents, the destruction of marriages, drugs destroying lives and crowding our jails.

This experience has uniquely positioned me to serve my community and the 3rd Judicial District at a positive and productive level. Many people have helped me along the way and now it’s my time to serve.

29. Describe the judgeship you seek (i.e. geographic area, types of cases, number of judges, etc. and explain how your selection would impact the court. *(150 words or less)*)

I am seeking the state trial judge position in the 3rd Judicial District which includes Hawkins, Hancock, Greene and Hamblen Counties in upper east Tennessee. This court has general jurisdiction to hear jury and nonjury matters ranging from divorces to products liability and medical malpractice. This court has unlimited monetary damage limits. The 3rd district has one chancery court judge and four circuit judges. This district has one judge fully dedicated to criminal work with a second judge handling both criminal and civil matters. The remaining two judges handle civil only. My experience includes civil primarily with criminal as well, thus I could handle both civil and criminal as the needs arise.

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)*

Without debate I will uphold the oath of the state trial judge and substance of the law as given by our appellate courts and the state legislature. As an example, approximately 25% of my work is criminal defense. While my moral compass points in a different direction I do represent individuals charged with some of the most heinous crimes imaginable. I believe it is my job as a criminal defense lawyer to provide counsel to these defendants while at the same time disagreeing with their conduct. A further example would be when the State prosecution and local police authorities believe individuals commit a certain crime I, as defense counsel, take the position that they may have committed a crime but one of a lesser included offense and sometimes no crime at all. I have received not guilty verdicts in murder cases all the way down to simple D.U.I.'s. Similarly, I have negotiated pleas for lesser included offenses and I have had jurors find lesser included offenses from the original charge. That, I believe, would be an example of me disagreeing with the conduct of criminal activity while at the same time upholding our constitution while using our state statutes and jury charges effectively.

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.

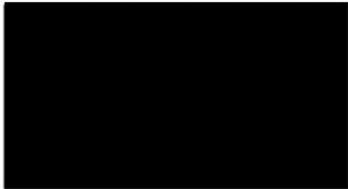
A. William Lewis Jenkins, Esq.
Jenkins Dedmon Law Group



B. D. Scott Hurley, Esq.
The Hurley Law Firm, P.C.



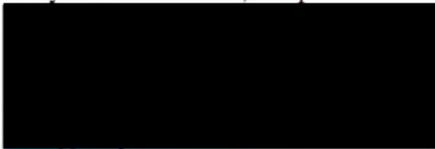
C. Rod Isaacs
President of Pioneer Petroleum & Fastop Markets



D. R. Michael "Mike" Fishman
President of Lakeway Publishers, Inc.



E. Wayne Culbertson, Esq.



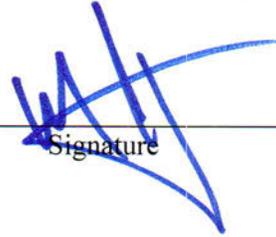
AFFIRMATION CONCERNING APPLICATION

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 Third Judicial District, Part II 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: March 18, 2026.



Signature