

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

1/17/23

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Rutherford, County

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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.

Perkins & Jones, PLLC

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

2016 #035206

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.

TN #035206- 2016-Current

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).

Perkins & Jones, PLLC- In 2021, I combined firms with Perkins & Perkins, LLC to form Perkins & Jones, PLLC. We are a general practice firm that primarily handles civil litigation, family law, and criminal law.

First Class Contractors, LLC- In 2023, I obtained my General Contractor's License. The business is still in its early stages. We provide a full array of residential construction services to the Greater Middle Tennessee Area.

Law Office of Micheal A. Jones- In 2018, I began the private practice of law as a solo practitioner. I focused primarily on civil litigation, family law, and criminal law.

Tennessee Bureau of Investigation (TBI)- In 2017, I relocated to West Tennessee for a job offer with the TBI. I served as a Public Information Officer for the Western District.

Tennessee Department of Mental Health and Substance Abuse Services- In 2013, became employed with the Department. During my tenure, I served in various roles including Executive Assistant to the Commissioner, Assistant Director Legislative Affairs, and Director of Communications.

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.

Civil Litigation- 60%

Family Law- 20%

Criminal Law- 20%

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.

Trial Courts: I have practiced in various Trial Court's throughout the state. This practice has encompassed multiple Judicial Districts in Circuit Criminal, Circuit Civil, Probate, and Juvenile matters.

Appellate Courts: I am the Appellant's counsel in two cases currently before the Tennessee Court of Appeals. One of which is in the post oral argument stage pending an Order of the Court. The other is pre-oral argument stage.

Administrative Bodies/Legislative: While employed with the Tennessee Department of Mental Health, I served in various roles including Executive Assistant to the Commissioner, Assistant Director Legislative Affairs, and Director of Communications, I regularly participated in administrative and legislative matters including: Coordinating and organizing the meetings for the Governor's Task Force on Sentencing and Recidivism, drafting legislation at the direction of the Commissioner and the Governor's office, working with legislators to understand and support the Department's legislation, and involvement with the Administrative Review Hearings conducted pursuant to the Department's Rules and Regulations.

Transactional Matters: Early in my practice, I was sub-contracted through a local title company to conduct real estate title searches and conduct real estate closings on their behalf.

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

Appellate Court:

Fulghum v. Notestine M2022-00420-COA-R3-CV: This is a complex civil matter involving a serious personal injury that occurred during the construction of a personal residence for the Defendant. An essential part of the Appeal is to seek clarification of the law related to homeowner responsibilities when they obtain a construction building permit for the construction of their own residence. The main issue presented: Do Worker's Compensation laws apply when a homeowner hires individuals to perform work under the building permit they obtained? This is a matter of first impression and/or an area of the law that needs clarification from our Appellate Courts.

Administrative/Legislative Bodies:

Mandatory Outpatient Treatment (MOT) Law Tenn. Code Ann. §33-7-303 (2017): While employed with the Tennessee Department of Mental Health and Substance Abuse Services, I was tasked with drafting legislation to address gaps in our State's MOT laws. I drafted legislation and worked to ensure its passage by the Tennessee General Assembly that requires mandatory outpatient treatment for those who have been found Not Guilty by Reason of Insanity (NGRI) when charged with First degree murder or a Class A felony offense. As a result, subsection (g) was added to the Tenn. Code Ann. §33-7-303 in 2017 to address this issue.

Recovery Court Funding & Expansion: While employed with the Tennessee Department of Mental Health and Substance Abuse Services, I was involved in the efforts to increase funding and access to Recovery Courts across the State. Through our legislative affairs office, I worked with Governor Haslam's Administration and the Tennessee General Assembly to obtain the necessary funding to implement a Recovery Court in every Judicial District in the State of Tennessee. Being intricately involved in this process was one of my proudest professional achievements. The scourge of Mental Health and Substance Abuse has taken a tremendous toll on the citizens of Tennessee and in particular the judicial system in our state. Recovery Courts are a necessary tool in the judicial arsenal to help combat this epidemic in our state. Recovery Courts save lives and gives those struggling with mental health and substance abuse an opportunity at recovery instead of being trapped in the continual revolving door of the judicial system.

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

While employed with the Tennessee Department of Mental Health, I was intricately involved in the Governor's Task Force on Sentencing and Recidivism (2015) and in the implantation and expansion of the Tennessee Recovery Oriented Compliance Strategy (TN-ROCS) program throughout the State. This is a cost-effective recovery court option originally created by Judge Sloan that criminal courts can use in their effort to combat the substance abuse epidemic. I worked with Judge Sloan in duplicating the program he created to be implemented at the state-wide level and worked to secure funding from the State General Fund for the program.

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

N/A

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.

Nashville School of Law- Juris Doctorate Degree – 2012-16

Middle Tennessee State University (MTSU)- B.S. Criminal Justice/Minor Political Science – Magna cum Laude– 2010-12

University of Tennessee at Martin- No Degree Transferred to MTSU - Major Criminal Justice- Transferred to MTSU – 2008-09

Jackson State Community College- Dual Credit– 2007-08

PERSONAL INFORMATION

12. State your date of birth.

1989

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

Since Birth

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

2010-2017---2018-Current

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

Rutherford

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.

N/A

17. Have you ever pled guilty or been convicted or are now on diversion for violation of any law, regulation or ordinance other than minor traffic offenses? If so, state the approximate date, charge and disposition of the case.

No

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

No

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

I have had two formal complaints filed against me with the Board of Professional Responsibility. The first complaint was dismissed by the Board on December 21, 2021. The second complaint has been pending since January 5, 2023.

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.

Yes, Case No. 75406 Rutherford County Circuit Court. Case resolved in December 2021. Dispute involving the construction of my personal residence.

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.

Rutherford County Young Republicans- Current

Rutherford County Republican Party- Current

Murfreesboro Little League- Current

Tennessee Youth Baseball Association- 2014-2020

National Rifle Association Lifetime Member

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.

No

ACHIEVEMENTS

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

Tennessee Bar Association 2016-Current

Rutherford and Cannon County Bar Association 2018-Current

American Inns of Court- 2021-Current

Tennessee Licensed General Contractor 2023-Current

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.

The National Trial Lawyers: Top 40 under 40 Civil Plaintiff

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.

Candidate for 16th Judicial District Circuit Court Judge, Division 1- 2022 General Election – Elective Position

ESSAYS/PERSONAL STATEMENTS

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

Over the past few years in our country, I have witnessed a direct attack on our fundamental rights and freedoms. The judiciary is without exception. The 16th Judicial District is blessed

with quality judges, but we have all seen judges from other jurisdictions forego their impartiality by legislating from the bench and allowing their personal ideology to supersede the law. I also believe it is important that individuals appointed to office share the same core values as the constituents in their Judicial District. In the 2022 16th Circuit Court election, I received approximately 48% of the vote (12,800+ votes). A significant portion of the electorate already expressed their confidence in my ability to serve. If given the honor to serve as Circuit Court Judge, I will ensure our laws, the Tennessee State Constitution, and the Constitution of the United States will be applied as written.

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

The 16th Judicial District is comprised of Rutherford and Cannon Counties. This current vacancy is one of three judicial positions that currently handle all Circuit Civil and Chancery Court matters in our Judicial District. If selected, I will bring my vast experience in Mental Health and Substance Abuse to help better serve our community. I will work diligently to continually evaluate the need for systematic improvements to increase the effectiveness and efficiency of the judicial system. I plan to incorporate more technology into the court room to foster an attorney and litigant user-friendly environment. Most importantly, as a strict constructionist, I will remain impartial to ensure equal protection for everyone under the law by strictly adhering to the laws of Tennessee, the Tennessee Constitution, and the Constitution of the United States.

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)*

Grandparents Rights vs. Parental Rights: It is an absolute necessity for Judges to uphold the law even if you disagree with the substance of the law. The Judiciary must refrain from legislating from the bench. In my practice, I have pursued and defended against Petitions seeking Grandparent Visitation Rights. Under Tennessee law, there are very limited situations in which grandparents can obtain visitation rights with their grandchildren. On the other hand, our laws and the Tennessee Constitution adamantly protect the rights of parents to raise their children as they see fit. Parental Rights are one of the most fundamental and protected rights granted by our State Constitution. It can be difficult in cases to explain and/or argue that grandparents cannot be involved in their grandchildren's lives. However, the law clearly outlines the parameters where it is appropriate to grant grandparent visitation rights over the objections of the parent(s). Obviously, there are inherently recognizable benefits to having grandparents involved in the lives of their grandchildren, but the law must prevail in these cases when the facts of the case do not align with the limited exceptions outlined in the Tennessee Code Annotated. In these difficult cases, the Petition to seek grandparent visitation rights must be heavily scrutinized under our Constitutional and Statutory framework. Even though human compassion might lead a Judge to want to grant grandparent's visitation with their grandchildren, the rule of law must

be followed.

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. Russell Perkins- Perkins & Jones, PLLC- [REDACTED]

B. Commissioner E. Douglas Varney (RTD)- Tennessee Department of Mental Health and Substance Abuse Services- [REDACTED]

C. Alex King- Deputy Assistant Commissioner- Tennessee Department of Mental Health and Substance Abuse Services- [REDACTED]

D. Dray Curtis- Chairman, Rutherford County Young Republicans
[REDACTED]

E. Frances Rosales- Rutherford County GOP Executive Committee & Rutherford County School Board- [REDACTED]

AFFIRMATION CONCERNING APPLICATION

Read, and if you agree to the provisions, sign the following:

I have read the foregoing questions and have answered them in good faith and as completely as my records and recollections permit. I hereby agree to be considered for nomination to the Governor for the office of Judge of the [Court] 16th Judicial District Circuit 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: July 23, 2023.


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.

MICHAEL JONES
Type or Print Name
[Signature]
Signature
7/23/23
Date
035206
BPR #

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

Board for Licensing
Contractors #79259
(TN)