

**Tennessee Trial Court Vacancy Commission**  
***Application for Nomination to Judicial Office***

9/8/20

Name: James Bradley Mercer

Office Address: 124 Austin St., Greeneville (Greene County), TN 37745  
(including county)

Office Phone: (423) 787-1450 Facsimile: (423) 787-1454

Email Address: [REDACTED]

Home Address: [REDACTED] Greeneville (Greene County), TN 37743  
(including county)

Home Phone: [REDACTED] Cellular Phone: [REDACTED]

**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](http://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. Submit by the noon deadline date an original (unbound) completed application (with ink signature) to the Administrative Office of the Courts.** In addition, submit a digital copy with electronic or scanned signature via email to [cesha.lofton@tncourts.gov](mailto:cesha.lofton@tncourts.gov), or via another digital storage device such as a flash drive. 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 serve as an Assistant District Attorney General for the Third Judicial District of Tennessee.

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

2010 - BPR# 029305.

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 is the only state I have been licensed to practice in, and my license is active. Additionally, I am admitted to practice in the following federal courts:

U.S. District Court for the Eastern District of Tennessee – January 21, 2011 – Active

U.S. District Court for the Middle District of Tennessee – November 25, 2013 – 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).

**Professional Experience Since Law School:**

After completing the bar exam, I managed the successful second re-election campaign for State Senator Steve Southerland. Following the campaign, I began practicing law in my hometown of Greeneville, TN as a solo practitioner. I practiced in Greeneville until March of 2013, when I went to work as an Associate Attorney for the law firm of Howell & Fisher PLLC in Nashville, TN. Then, District Attorney General Dan Armstrong hired me as one of his Assistant District Attorneys General in November of 2014. I served in his Hamblen County office until May of



2019. Since May of 2019, I have served in his Greene County office.

**Business Experience and Occupations Other than the Practice of Law:**

While in college, I was employed at a Greeneville restaurant, Bellacinos, where I prepared food/ingredients, cooked, and served. I left Bellacinos to work at Link Hills Country Club in the pro-shop.

Upon graduating from College, I was hired as an intern in Sen. Southerland's Nashville office during the 2005 legislative session. I spent some time as a registered lobbyist, first as a paid intern with the firm of Smith, Johnson and Carr in the 2006 legislative session, then as an Associate Lobbyist during the 2007 session with the firm Johnson & Poss. In between, I managed Senator Southerland's first re-election campaign.

I own and previously owned some real estate investment properties. My wife and I owned and rented a home in Nashville, TN from 2015 to 2020. I am a partial owner, along with my father and brothers, of a warehouse in Greeneville, TN.

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.

As a prosecutor, criminal law currently constitutes almost 100% of my total practice, with the exception of the occasional civil matter General Armstrong will ask me to handle in my capacity as Assistant District Attorney General, e.g., nuisance and ouster matters. The Tennessee Supreme Court describes a prosecutor as "a *quasi judicial* officer, representing the people of the State, and presumed to act impartially in the interest only of justice." *Watkins v. State*, 140 Tenn. 1, 10, 203 S.W. 344, 346 (Tenn. 1917). I strive every day to evaluate cases impartially, and to handle them fairly and justly. I will continue to handle cases and decisions in that same manner if appointed.

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 trial court experience includes divorce, child custody, child support defense, personal injury, medical malpractice defense, wrongful death defense, workers compensation defense, municipal liability defense, false arrest and excessive force defense, employer liability defense, contract litigation, neglect and abuse, abuse of vulnerable adults, wills and estates, trust litigation, and criminal defense and prosecution. I have practiced in courts all across Tennessee, and am admitted to the U.S. District Courts for the Eastern and Middle Districts of Tennessee.

In my civil trial court experience, I prepared, and responded to, interrogatories, requests for production and requests for admission. Additionally, I conducted depositions of parties and witnesses, participated in mediation, and utilized and responded to motions, including ex parte motions for temporary injunction, motions for judgment on the pleadings, motions for summary

judgment, pretrial motions, motions for new trial, and motions to suppress. I have tried civil and criminal cases in front of juries and the bench. Moreover, I have responded to requests for pretrial diversion and petitions for post-conviction relief.

My appellate court experience includes preparing briefs for the Court of Appeals and Court of Criminal Appeals, arguing a case before the Tennessee Court of Criminal Appeals, and applying for certiorari with the Tennessee Supreme Court. Additionally, I prepared a brief that my supervising attorney filed with the 6<sup>th</sup> Circuit Court of Appeals.

I have dealt with orders of protection, small claims, garnishments, and criminal cases in General Sessions Court. Furthermore, I have handled dependent and neglect and severe abuse cases in Juvenile Court.

I have drafted and/or prepared contracts, wills, and powers of attorney.

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

I convicted a Morristown City employee via jury trial for a crime the employee committed as a result of information the employee obtained through their employment.

I, along with my supervising attorney, obtained a dismissal via summary judgment of a utilities liability case for a municipal client.

I alone obtained a dismissal via summary judgment of a developer liability case for a private client.

I served as a founding member of the Hamblen County Sexual Assault Response Team, and aided in the drafting of the organizations guidelines.

I serve on the Greene County Child Protective Investigative Team.

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

I clerked for the law firm of Howell & Fisher during the summers while I was in law school. Additionally, I interned for the Hon. J. Ronnie Greer, U.S. District Court Judge for the Eastern District of Tennessee, the summer before my third year of law school. Finally, I practiced through my law school's legal clinic during my third year of law school. Under the guidance of our professor, my classmates and I brought a lawsuit against a used car dealer on behalf of an indigent client.



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

This is my first application for a judicial position.

**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 – Fall of 2000 to December of 2001; transferred closer to home.

Tusculum College/Tusculum University – Fall 2002 to December 2004; Bachelor of Art in Business Administration.

University of Memphis, Cecil C. Humphreys School of Law – Fall of 2007 to Spring of 2010; Doctorate of Jurisprudence. I served as President of the Student Bar Association during my third year of law school. I was awarded the Best Trial Notebook in the 2009 Mock Trial Competition and the Best Motion and Memorandum in the 2010 Mock Trial Competition.

**PERSONAL INFORMATION**

12. State your date of birth.

1982

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

I have lived in the State of Tennessee my entire life.

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

I have lived continuously in Greene County since November 1, 2014, when I returned to my home town of Greeneville, TN.

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

I am registered to vote in Greene 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.

I was charged with Driving Under the Influence when I was 20 years old on April 30, 2003. The presiding judge granted me a judicial diversion on the amended charge of Underage Driving While Impaired. I completed the diversion and all terms of probation, and the case was dismissed and expunged.

I do not believe my response is begged by the question above, but I do believe it is necessary to demonstrate to the commission who I am as a person, a lawyer, and an applicant. I count my blessings everyday that I did not injure or harm someone. I am also very fortunate to have been given a second chance. I was immature and I exercised extremely poor judgment, but the experience molded me. My success is a result, and I am a product, of the justice system. Without the justice system it is likely I would not have achieved my goal of becoming a lawyer, and I most certainly would not be able to seek my goal of becoming a judge. The prosecutor on my case became a mentor to me over the years, and I am thrilled to have him as one of my five recommendations. I am eternally grateful to him, and to all those that mentored and aided me through that tough time. They helped me become the father, husband, son, and neighbor I am today.

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.

No complaints have been filed against me.

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.

See answer to question 17.

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 of the Greeneville Cumberland Presbyterian Church, H.C. Smith Scholarship Committee Member in the Spring of 2021;

Greene County Republican Party;

Greene County Republican Women – Associate Member;

Hamblen County Republican Women – Associate Member;

Farm Bureau of Greene County;

Trout Unlimited.

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.

Greene County Bar Association - 2010 – 2013 & 2019 – present; Vice President of the Greene County Bar Association - 2012 – 2013;

Hamblen County Bar Association – 2014 – 2019;

Tennessee Bar Association – 2018 – 2019;

American Bar Association – 2018.

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.

Not applicable.

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 was a candidate for State Representative for the Fifth State House District of Tennessee in the Republican Primary Election in May of 2012.



**ESSAYS/PERSONAL STATEMENTS**

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

My father is an attorney, and I long desired to follow in his footsteps. At some point after completing judicial diversion and before graduating from college, I decided I wanted to try to become a judge. I desired to impact individuals like I was impacted, to help people in our community, and to try to help people to improve their lives. My wife and I moved to Nashville in early 2013 to broaden my legal experience in pursuit of that goal. We moved home in November of 2014, and I became a prosecutor to further broaden my experience, invest in our community, and take care of our family. Serving as a prosecutor has been the greatest honor of my professional career to this date; however, we are seeking this position because we want to invest even further in our community and pay back the debt I owe our justice system.

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)*

This judgeship is one of three Circuit Court Judgeships, accompanied by one Criminal Court Judge and one Chancellor, in the Third Judicial District. The district is made up of Greene, Hamblen, Hancock and Hawkins Counties, and is located in Northeast Tennessee, between Knoxville, the Tri-Cities, and the Great Smoky Mountains.

The Court hears civil matters, as well as appeals from Juvenile, Municipal, and General Sessions Courts. Additionally, Judge Tom Wright heard criminal cases. My experience as a criminal prosecutor and criminal defense attorney would permit Part II to continue to aid in addressing the district's Criminal Court docket if requested by Judge John F. Dugger, Jr.

After Judge Wright's retirement, no other Circuit level judge will maintain an office in Greene County. If selected, I will keep the Part II office in Greene County, which would permit me to be available for law enforcement and aid in judicial efficiency.

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)*

I greatly appreciate the sacrifices our legislators make. I have had an opportunity to see, up close, their hard work, and the fine jobs they have done for our state. Furthermore, it is not the place of a judge or a prosecutor to ignore the law. In my practice as a prosecutor, I have had to explain to many victims and officers why a violation of a restraining order/order of protection does not constitute a violation of Tenn. Code Ann. 39-13-113, i.e., because the underlying order must have made an explicit finding of fact that the protected party was the victim of domestic abuse, sexual assault or stalking. Recently, an amendment went into effect broadening the law and making it an offense when individuals convicted of certain felonies violate a restraining order/order of protection not containing the specific finding of fact. Regardless, as a prosecutor

and a licensed attorney, I have followed and/or enforced this law and all others, and I will uphold the law even if I disagree with the substance of the law if I am appointed.

**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. Sheriff Brad Brewer, Hancock County Sheriff, [REDACTED]

B. The Honorable Kindall T. Lawson, Retired Circuit Court Judge, Third Judicial District, [REDACTED]

C. Rev. Cecil C. Mills, Jr., Deputy District Attorney General, Third Judicial District and Pastor, Friendship Baptist Church of Greeneville, [REDACTED]

D. Mr. Scott M. Niswonger, Chairman and Founder, The Niswonger Foundation, [REDACTED]

E. Sen. Steve Southerland, State Senator, First Senatorial District, [REDACTED]

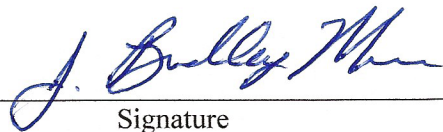
**AFFIRMATION CONCERNING APPLICATION**

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] Circuit Court, Part II for the Third 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: July 26, 2021.

  
Signature

When completed, return this questionnaire to Ceasha Lofton, 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.

James Bradley Mercer  
Type or Print Name

J. Bradley Mercer  
Signature

7/26/21  
Date

029305  
BPR #

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