

Supreme Court of Tennessee

Application for Tennessee Attorney General and Reporter

CONTACT INFORMATION

Name: David Michael Dunavant
Home Address: [REDACTED] Covington, TN 38019
Office Address: Cordell Hull Building, 425 Rep. John Lewis Way N., Nashville, TN 37243
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PERSONAL INFORMATION

1. Please provide the following:

Age:	51	Date of birth:	[REDACTED] 1970	City and state (or country) of birth:	Millington, Tennessee
Social Security No.		[REDACTED]	TN Driver's License No.		[REDACTED]
Tennessee Board of Professional Responsibility No.			017336	Year licensed to practice:	1995

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

1970 – 1992; 1995 - present

3. Are you registered to vote in Tennessee? If so, please give the county.

Yes – Tipton County, TN

4. In what states have you lived since age 21? Indicate length of stay and approximate dates.

State	Length	From	To
Mississippi	Approx. 3 years	August, 1992	May, 1995
Tennessee	27 years	May, 1995	present

5. Family Status:

a) If you are presently married, give the full name and present address of your spouse, the date and place of your marriage, and your spouse's occupation and place of employment.

Spouse's Name	Address	Date of Marriage	Place of Marriage
Marianne Purcell Dunavant	[REDACTED] Covington, TN 38019	[REDACTED] 2011	Williamson County, TN
Occupation		Place of Employment	
Government & Community Relations Manager		Ford Motor Company	

b) If you have been married previously, state the name of your former spouse, the date and place of the marriage, and the date the marriage terminated. If the marriage was terminated by divorce, give the date and place of the divorce, the name and location of the court, and the present or last known address of your former spouse.

Former Spouse's Name	Date of Marriage	Place of Marriage	Date Marriage Terminated	
Jacqueline Kelly Dunavant	[REDACTED]	[REDACTED]	[REDACTED] 2008	
Divorced Spouse	Divorce Date	Place of Divorce	Court Name & Location	Spouse Address

c) If you have children, state the name, age, address, present occupation, and name and address of the employer of each, if applicable.

Name	Age	Address
[REDACTED]	[REDACTED]	[REDACTED]
Occupation	Employer Name	Employer Address
[REDACTED]	[REDACTED]	[REDACTED]

Name	Age	Address
Occupation	Employer Name	Employer Address

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Name	Age	Address
Occupation	Employer Name	Employer Address

Name	Age	Address
Occupation	Employer Name	Employer Address

6. If you have served in the military, please state the branch of service, your service number, the dates of active duty, and your rank/rate at separation. If your discharge was other than honorable, please explain. Please list any decorations, honors, or achievements in connection with your military service.

Branch	Service Number	Dates	Rank/Rate
Not applicable			
Additional Information:			

7. If you are not physically and mentally able to perform the essential duties of Attorney General and Reporter without accommodations, please identify any accommodations you may need to perform the job.

Not applicable

8. If you have ever pleaded guilty to or been convicted of a violation of any law (other than a minor traffic offense), regulation, or ordinance, give the date, court, charge, and disposition. This question includes any convictions that have been expunged and any convictions for which you are on diversion.

Date	Court	Charge	Disposition
Not applicable			

9. If, to your knowledge, you have ever been under federal, state, or local investigation for possible violation of a criminal statute, give details.

Not applicable

10. If a tax lien or other collection procedure has ever been instituted against you by any federal, state, or local authority, or any private party, give details.

Not applicable

11. If you have not complied with all federal and state tax laws, including social security tax laws, please explain.

Not applicable

12. If you have ever been a party in any legal proceedings, give details, including the date, court, docket number, nature of proceedings, and resolution.

Not applicable

13. Do you have a social media presence? If so, list the names of all social media platforms, networking sites, websites, gaming websites or blogs (i.e. Facebook, LinkedIn, Twitter, YouTube, etc.) you are currently a member of, administer, maintain, or post on regularly for personal or professional use. Additionally, next to the platform's name, enter the user/profile names or handles you use for each. Please **DO NOT** provide your passwords. If you do not have a social media presence, please enter N/A in the first space below.

Social Media Platform	User/profile name or handle
Facebook	Mike Dunavant
Twitter	@MikeDunavant1
Twitter (archived)	@USAttyDunavant
LinkedIn	Mike Dunavant

EDUCATION

14. List each college, law school, and other graduate school you have attended, including dates of attendance, degree awarded, and major. If you left before obtaining a degree, please give your reason for leaving.

School	Dates	Degree	Major
University of Tennessee at Knoxville	August, 1988 – May, 1992	Bachelor of Arts	Political Science
University of Mississippi School of Law	August, 1992 – May, 1995	Doctor of Jurisprudence	
Explanation (if needed)			

15. For your law school education only, please give your academic standing (class rank), whether you served on the staff of a legal publication such as the law review, including your position and responsibilities, and whether you were a member of a moot court or mock trial team. List other significant law school activities and any honors, awards, or other forms of recognition you received in law school.

Rank was top 25%; Member of the Moot Court Board; Contract Negotiation Award
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LEGAL BACKGROUND AND EXPERIENCE

16. If you are licensed to practice law in any state other than Tennessee, please give the year and whether your license is currently active. Please also list all courts to which you have been admitted, including administrative bodies that require special admission to practice.

State and Bar No.	Year	License Status
Not applicable		
Court Admissions:		

17. If you have ever been denied admission to, suspended by, or placed on inactive status by the Bar of any state, please give dates, even if the action was temporary, and explain.

Not applicable

18. If you have been disciplined or cited for a breach of ethics or unprofessional conduct by any court, administrative agency, bar association, disciplinary committee, or other professional group, give details.

Not applicable

19. 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 and participation in any committees you consider significant.

Group	Dates	Office	Dates
National Association of Former United States Attorneys (NAFUSA)	2021 - present		
Leo Bearman, Sr. American Inn of Court	2018 - 2021	Master	
Federal Bar Association (FBA), Memphis Mid-South Chapter	2018 - present		
Memphis Bar Association (MBA)	2018 - 2021		
Federalist Society, Memphis & Nashville Lawyers Chapters	2018 - present		
National District Attorneys Association	2009 - 2017		

Tennessee Bar Association (TBA) Board of Governors	2008 - 2011		
Committees: Member, National District Attorneys Association (NDAA) Legislative Committee 2015-2017; District Attorneys Delegate, Tennessee Bar Association (TBA) Board of Governors 2008 - 2011			

20. List honors, prizes, awards, or other forms of recognition that you have received since your graduation from law school that are directly related to legal accomplishments.

- Tennessee Bar Foundation Fellow, 2019
- Shelby County Juvenile Ceasefire Program Volunteer of the Year Award, 2019
- FBI Memphis Citizens Academy Award, 2019
- TN District Attorneys General Conference Patrick H. McCutchen Award, 2017
- TN District Attorneys General Conference Paul Phillips Award, 2017
- Tennessee Highway Safety Office Lifesavers Conference Director’s Award, 2016
- Tennessee Governor’s Highway Safety Office West Tennessee Law Enforcement Network DUI Prosecutor of the Year Award, 2015
- “Champion of Victim Rights Award” by the Trauma, Faith, and Resilience Initiative, Union University, 2014
- Animal Legal Defense Fund “America’s Top Ten Animal Defenders Award,” 2013
- Tennessee Child Advocacy Centers Child Protective Investigative Team (CPIT) Excellence Award, 2009

21. If you have served as a judicial law clerk for a judge or as a staff attorney to a court, give the name of the judge or court and dates of service, and describe your experience.

Not applicable

22. Indicate your present employment, and list any professional partners or other members if applicable.

Current Employment	Date Employed
Chief Investigative Counsel, Tennessee Comptroller of the Treasury	May 17, 2021
Partners or other members:	

23. Other than service as a judicial law clerk for a judge or as a staff attorney to a court, list and briefly describe your prior employment in the legal field since the completion of your legal education, and give the dates of such employment. If you have had any periods of unemployment in excess of six months since completion of your legal education, please describe what you did during those periods.

Since May 17, 2021, I have served as the Chief Investigative Counsel for the Tennessee Comptroller of the Treasury. From September 21, 2017 to February 28, 2021, I served as the Presidentially Appointed, Senate Confirmed United States Attorney for the Western

District of Tennessee. From September 1, 2006 to September 21, 2017, I served as the elected District Attorney General for the 25th Judicial District of Tennessee (Lauderdale, Tipton, Fayette, Hardeman, and McNairy counties). From October 24, 1995 to September 1, 2006, I engaged in the private general practice of law in the firm of Carney, Wilder & Dunavant in Ripley, Tennessee.

24. Describe the nature of your present law practice; list the major areas of law in which you practice and the approximate percentage each constitutes of your total practice.

In my current role as Chief Investigative Counsel for the Tennessee Comptroller of the Treasury, I provide legal counsel, interpretation, and advice directly to the Comptroller, the Director of the Division of Investigations, and a total division staff of 42 investigators and administrative specialists. I provide a full range of legal services in support of the investigative function of the Division of Investigations involving allegations of fraud, waste, and abuse in state and local government agencies and publicly funded entities across Tennessee. I also manage, assign, train, supervise, and evaluate two Investigative Counsel who assist me in delivery of legal services and support to the Division. I review and make recommendations to Deputy Chief Investigators regarding the legal sufficiency of investigative reports and strategic investigative techniques. I assist Deputy Chief Investigators and/or investigators to present investigative findings to the Tennessee Attorney General, District Attorneys General, or United States Attorneys for adoption of investigations in criminal prosecutions or civil actions. I serve by cross-designation as a special prosecutor to assist and supplement prosecutors' offices in the prosecution or other legal proceedings related to Comptroller investigations. I draft and provide prosecution memoranda setting forth proposed criminal charging or civil litigation decisions, relevant and controlling statutory and case law, anticipated defenses and issues, recovery of restitution, sentencing guidelines, and collateral consequences of legal actions. I draft and file complaints to various agencies to initiate administrative, regulatory, licensure, or ethical proceedings related to Comptroller investigative findings. I coordinate with other state and federal law enforcement agencies in joint investigations. I provide legal analysis and interpretation of the effect of proposed legislation on the Division of Investigations, and represent the Comptroller's Office and testify before legislative committees and hearings in the Tennessee General Assembly, as necessary. I provide internal training and presentations to staff regarding legislative and legal updates, and I also present at legal conferences, seminars, meetings, and state and local government official conferences, seminars, and meetings as requested. I review and assess notifications and allegations of fraud, waste, or abuse for Comptroller action or referral. I provide general legal assistance, guidance, and appropriate information to citizens, investigators, public officials, and policy makers, other state departments and agencies, law enforcement and prosecutorial agencies, and other interested parties. As a result, the major areas of law in which I practice and the approximate percentage each constitutes are as follows:

Criminal law – 60%
Civil and administrative law – 30%
Legislative matters – 10%

25. List other areas of law in which you have practiced, and describe any other legal experience that you would like to bring to the attention of the Court.

Earlier this year, Tennessee House Speaker Cameron Sexton appointed me to serve as a Republican member of the Tennessee Bureau of Investigation Nominating Commission to review and recommend final TBI Director candidates to the Governor for consideration, pursuant to T.C.A. § 38-6-101.

Before joining the Comptroller's Office, I served as the **United States Attorney for the Western District of Tennessee** from September 21, 2017 to February 28, 2021. In that capacity, I supervised a total office staff of 85 federal employees, including 45 Assistant U.S. Attorneys; I managed, oversaw, and implemented a total annual operating office budget of over \$10 million; and I oversaw the investigation, prosecution, and litigation of all criminal and civil cases brought on behalf of the United States in West Tennessee.

In that role, I set enforcement priorities for and made final charging decisions in all federal criminal complaints, informations, and indictments filed in the U.S. District Court for the Western District of Tennessee. I reviewed and approved investigative strategies and techniques such as undercover robbery investigations (URI), Title III wiretap (T3) applications, Organized Crime & Drug Enforcement Task Force (OCDETF) operational case submissions, search warrants, subpoenas, and target letters. I reviewed and approved all dispositive pleadings in criminal matters, including plea agreements, dismissals, declinations, cooperation agreements, non-prosecution agreements, proffers, and appeals of adverse rulings. I managed and supervised a Civil Division responsible for representing the interests of the United States in a wide variety of cases, including defensive litigation (torts, employment discrimination, social security appeals), affirmative civil litigation (False Claims Act, Qui Tam actions, Healthcare fraud), Civil Rights enforcement (ADA compliance, Fair Housing Act), Bankruptcy litigation, and Financial Litigation (asset forfeiture, criminal fines, and restitution), with settlement authority of up to \$10 million in affirmative litigation and \$1 million in defensive litigation.

Highlights during my tenure as U.S. Attorney include the following initiatives, priorities, and programs:

- I reinvigorated the Project Safe Neighborhoods (PSN) Task Force in Memphis, recruiting the addition of new agents and resources from partner law enforcement agencies. In my first year in office, we dramatically increased the number of federal firearms cases filed by over 58%, and the number of defendants charged with firearms offenses by over 68%, leading to a two-year total decrease of 13.1% in overall violent crime and reported gun crime rates from 2017-2019.
- I led the DOJ Public Safety Partnership (PSP) Initiative with local team stakeholders in West Tennessee to receive federal resources for law enforcement training and technical assistance in an innovative framework to enhance data-

driven, evidence-based local strategies for violence reduction; and led and hosted the National PSP Symposium on Violent Crime in Memphis in September 2019.

- I served on the Gulf Coast High Intensity Drug Trafficking Area (HIDTA) Executive Board, which continued funding to implement and sustain the Heroin Initiative, a joint coordinated effort between the U.S. Attorney's Office, Shelby County District Attorney's Office, DEA, and the MPD Organized Crime Unit that exclusively targets crimes and overdoses involving the distribution of heroin, fentanyl, and prescription opioids. Also while serving on the HIDTA Executive Board, I coordinated and supported a successful proposal to add and designate Madison County, Tennessee as a new county in the Gulf Coast HIDTA Region, which will significantly expand the law enforcement resource footprint in West Tennessee for drug investigations and interdiction.

- I participated in the DOJ Appalachian Regional Prescription Opioid (ARPO) Strike Force, working closely with other state and federal law enforcement agencies to identify, investigate and prosecute cases involving healthcare fraud and unlawful distribution and diversion of prescription opioids by medical professionals, resulting in the indictments of 16 medical professionals in Memphis and Jackson in 2019.

- I created and sustained a new Carjacking Initiative with ATF and local law enforcement agencies for coordinated, targeted, and increased federal prosecution of armed carjacking offenses in Memphis and Shelby County.

- I served on the Executive Board of the Multi-Agency Gang Unit (MGU), which is comprised of federal, state and local law enforcement officials, with a common goal of combating criminal gang activity in Memphis and Shelby County.

- I initiated and led a combined multi-agency law enforcement operation, "Bluff City Blues" with the U.S. Marshals Service in Memphis and Jackson that resulted in a total of 214 arrests, including 79 identified gang members, 65 individuals for aggravated assault, 34 individuals for homicide, 69 individuals for weapons offenses, and 40 individuals for drug offenses, and the seizure of 28 firearms.

- I initiated and led the "Operation Crime Driver" anti-violence initiative in Tipton County, TN, partnering with multiple state and local law enforcement agencies to target violent offenders with outstanding arrest warrants. The operation resulted in the federal indictments of six individuals from Tipton County, TN for firearms and drug offenses.

- I hosted Attorney General Sessions, Attorney General Barr, and Acting Attorney General Whitaker in Memphis for announcements of major DOJ initiatives, including PSP, ATF Gun Strike Force & Crime Gun Intelligence Center, Project Guardian, and Operation LeGend.

- After the Attorney General designated Memphis as one of a few select cities to receive enhanced federal resources to combat violent crime, I led the law enforcement efforts of both the Operation Relentless Pursuit and Operation LeGend initiatives, coordinating with the ATF, FBI, DEA, U.S. Marshals Service (USMS), and Homeland Security Investigations (HSI) to surge and deploy 40 new temporary and permanent federal agents into Memphis to work with the Memphis Police Department, Shelby County Sheriff's Office, Multi-Agency Gang Unit, and the Shelby County District Attorney General's Office in a sustained and systematic task force model to fight high levels of violent crime.

- I secured the allocation of DOJ federal grant funding for local law enforcement agencies in support of Operation LeGend and related efforts: City of Memphis Police Department – \$9,823,624 (COPS Hiring Program funds, to hire 50 new officers); Shelby County Sheriff's Office - \$1,628,571 (Operation Relentless Pursuit/Operation LeGend); City of Memphis - \$500,000 (Real Time Crime Center); Shelby County District Attorney General's Office - \$398,864 (Project Guardian).

- I led public awareness efforts at the onset and throughout the COVID-19 pandemic to encourage reporting and investigation of hoarding and price-gouging of critical medical supplies, PPP fraud, treatment and vaccine scams, and COVID relief/stimulus fraud.

- I coordinated with federal, state, and local law enforcement to protect critical infrastructure sites and mitigate threat risks to significant events, including election security, federal buildings and property, and the 50th Anniversary of Dr. Martin Luther King, Jr.'s assassination (MLK 50 – April 4, 2018).

- I developed and launched three new video public service announcements (PSAs) providing targeted messaging to educate and inform the public to raise awareness and increase reporting about the Department of Justice priority areas of violent crime, elder fraud, and opioids.

- I joined with ATF and the National Shooting Sports Foundation (NSSF) to launch the "Don't Lie for the Other Guy" public awareness campaign to warn about the seriousness of the crime of purchasing a firearm for someone who cannot legally do so, and to deter potential straw purchases.

Between 2017 and 2021, I supervised a Financial Litigation Unit in the U.S. Attorney's Office that collected more than \$76 million in criminal and civil actions for victims of crime and the United States Treasury.

I served on the Attorney General's Advisory Committee's (AGAC) Violent & Organized Crime Subcommittee, Native American Issues Subcommittee, and the Controlled

Substances Subcommittee, where I provided input and guidance on a Parcel Interdiction Initiative recommendation to the Attorney General.

In coordination with the Attorney General and the DOJ Office of Legislative Affairs, I publicly advocated for and lobbied members of Congress to restore the provisions of the Armed Career Criminal Act struck down by the 2015 Supreme Court ruling in *Johnson v. United States*. In coordination with the Attorney General and the DOJ Office of Legislative Affairs, I publicly advocated for and lobbied members of Congress to take legislative action to extend the DEA emergency scheduling and prohibition of fentanyl analogues under the Controlled Substances Act. In coordination with the Attorney General and the DOJ Office of Legislative Affairs, I publicly advocated for and lobbied members of Congress to support legislation to allow search warrant access to encrypted data and digital evidence, in order to have lawful access to end-to-end encryption technology that is being abused by child predators, terrorists, and drug traffickers.

During my tenure as U.S. Attorney, I had the opportunity to fully staff both the Memphis and Jackson divisions of the U.S. Attorney's Office by hiring nearly half of the Office's current Assistant U.S. Attorneys (AUSAs), along with one-third of the Office's support staff. I created and appointed a dedicated Appellate Division responsible for handling all appeals in both criminal and civil matters in the 6th Circuit Court of Appeals; I restructured the Criminal Division of the Memphis office into three distinct subject matter units for greater efficiency; I increased the appointment and allocation of Special Assistant U.S. Attorneys (SAUSAs) from state prosecutor offices; and I designated an Elder Justice Coordinator to target elder fraud and financial exploitation cases. Together with my management team, we were able to accomplish these milestones while navigating our staff through several unprecedented challenges, including the longest government shutdown in American history (from December 22, 2018, to January 25, 2019), a worldwide pandemic health crisis, nationwide civil unrest, contentious elections, and an unprecedented and unwarranted backlash against law enforcement. In 2018, the U.S. Attorney's Office was recognized by The Commercial Appeal with a Memphis Area Top Workplace Award.

Prior to my appointment and service as U.S. Attorney, I was elected in 2006 and re-elected in 2014 to serve as the **District Attorney General for the 25th Judicial District of Tennessee** (Lauderdale, Tipton, Fayette, Hardeman, and McNairy counties). In that capacity, I supervised a total staff of 51 state employees, including 14 attorneys, and managed, oversaw, and implemented a total annual operating budget of over \$5 million, which included multiple streams of state and federal grant funding and frequent rigorous audit reviews.

I set enforcement priorities for and made final charging decisions in all state felony indictments in the Circuit Courts of the 25th Judicial District of Tennessee. I managed and supervised the collection and enforcement of all medical and financial child support obligations in the Juvenile and Chancery Courts of the 25th Judicial District of Tennessee. I served as appointed District Attorney Pro Tem (special prosecutor) in multiple judicial districts throughout Tennessee, charging and prosecuting many difficult, complex, and

high-profile cases involving recusals due to conflicts of interest.

During my tenure as District Attorney General, I reorganized and established a new Drug Task Force (DTF), including a highway interdiction unit and agent assigned to the DEA Memphis Resident Office; I established a new Child Support Enforcement Division with 2 new office locations, dramatically increasing rates of collection and paternity establishment; I created a new DUI Prosecution Unit, resulting in an increase in DUI conviction rates and a reduction in the percentage of alcohol related traffic fatalities; I created a new Domestic Violence Prosecution Unit with a dedicated prosecutor and victim coordinator; and I designated and appointed an Assistant District Attorney from the 25th Judicial District to serve as a Special Assistant U.S. Attorney (SAUSA) in the U.S. Attorney's Office for the Western District of Tennessee.

Also as District Attorney General, I participated as a founding stakeholder agency in the Drug Court Program for the 25th Judicial District of Tennessee, and assigned prosecutors to the Drug Court Team. In coordination with the Tennessee Joint Task Force on Children's Justice and Child Sexual Abuse and the Carl Perkins Child Advocacy Center, our office increased number of convictions for crimes committed against children as compared with prior years and had more cases accepted for prosecution and secured more overall child abuse convictions from 2006-2008 than any other county or judicial district in West Tennessee. Our office led the state as the first judicial district to implement the TBI Drug Endangered Child Protocol in all counties of the 25th Judicial District of Tennessee.

In 2012, I was appointed by Governor Haslam to the Tennessee Medical Examiner Advisory Council, where I served along with Tennessee Department of Health Commissioner Dryzehner and others to develop best practices and policies regarding the medical examiner system and how forensic pathologists perform and report autopsy findings. I also served with other District Attorneys across the State on a Sovereign Citizen Working Group of the Tennessee Department of Homeland Security, to better identify and respond to criminal activity and threats by sovereign citizen individuals and organizations.

As both U.S. Attorney and District Attorney General, I managed public information and local, regional, and national media coverage of the prosecution of multiple high-profile criminal cases, personally conducting press conferences and media interviews, and drafting press releases. I actively participated in bi-annual DEA National Prescription Drug Take-Back Day to promote prevention and education surrounding prescription drug abuse. I coordinated with federal, state, and local law enforcement to announce monetary rewards for information related to unsolved and cold case homicides in West Tennessee.

As District Attorney General, I served as a member of the Tennessee District Attorneys General Conference (TNDAGC) Executive and Legislative Committees, and engaged in advocacy for various state legislative proposals that enhance public safety, support law enforcement, and protect victims by drafting proposed state legislation and testifying in committee hearings in the Tennessee General Assembly, including:

- Strengthening criminal penalties for violent felonies committed with firearms, under the “Crooks with Guns” and Aggravated Robbery enhanced sentencing laws;
- Enhancing criminal penalties for manufacturing methamphetamine in the presence of a child;
- Eliminating pretrial diversion relief for felony offenses;
- Exclusionary rule reform for law enforcement good faith errors in search warrants;
- Increased range of punishment and sentencing for drive-by shootings, rape of a child, aggravated child neglect, and attempted first degree murder involving serious bodily injury;
- Preserving the right to show a life photo of homicide victims as admissible evidence at trial. (Victim Life Photo bill)

Further, during my tenure as District Attorney General, I served in the following offices and roles within the Tennessee District Attorneys General Conference (TNDAGC):

- Executive Committee President, 2017
- Executive Committee Vice-President, 2016-2017
- Executive Committee Secretary, 2015-2016
- Justice & Professionalism Committee Chairman, 2014-2017
- Public Education Committee member, 2014-2017
- Legislative Committee member, 2009-2017
- Child Support Committee member, 2009-2017
- Attorney General Liaison Committee member, 2009-2017

As District Attorney General, I participated in and promoted the public education and awareness efforts of the TNDAGC regarding the dangers of methamphetamine use and manufacture through the Tennessee “Meth is Death” campaign; the “What’s the Rush?” campaign which advises young people about the legal and financial consequences of becoming a teen parent; and the “Deceptive Danger” campaign which warns young people of the dangers of prescription drug abuse and synthetic drug use.

Prior to my election and service as District Attorney General, I engaged in the **private general practice of law** from October 24, 1995 to September 1, 2006 in the law firm of Carney, Wilder & Dunavant in Ripley, Tennessee, where I owned, operated, and managed a law office with a payroll for 3 administrative employees. During my private practice, I represented criminal defendants by court appointment and private retainer in state trial and appellate courts, and became “Death Qualified” pursuant to Rule 13 of the Tennessee Supreme Court and represented multiple indigent criminal defendants as lead counsel or co-counsel in capital case litigation. I represented and advised clients in civil matters, including divorce and child custody cases, workers compensation claims,

personal injury plaintiffs, contract disputes, loan closings and title work, and wills, estates, and probate matters. I also contracted with the Tennessee Attorney General's Office to represent and defend officers and employees of the Tennessee Department of Correction in federal civil rights claims. Additionally, I served as the appointed City Attorney for the municipalities of Halls, Gates, and Henning in Lauderdale County, Tennessee.

26. If you have practiced in proceedings before administrative boards or commissions, state the agencies and the approximate number of proceedings in which you appeared before each agency. Of that total, indicate in how many you appeared as sole counsel, how many as chief counsel, and how many as associate counsel.

My experience in proceedings before administrative boards or commissions is limited to appearances before the Tennessee Utilities Management Review Board (UMRB) and the Tennessee Board of Accountancy in my current role as Chief Investigative Counsel for the Comptroller of the Treasury. During my service as U.S. Attorney, I appeared along with my other Tennessee U.S. Attorney colleagues before the Tennessee Board of Professional Responsibility to request reconsideration and withdrawal of Formal Ethics Opinion 2017-F-163. During my time in private practice, I made a small number of appearances before a Federal Administrative Law Judge as sole counsel representing claimants in social security disability cases, and also at least one appearance before the Tennessee Claims Commission as sole counsel representing a claimant in a worker's compensation matter. In my capacity as a member of the Legislative Committee of the Tennessee District Attorneys General Conference, I have appeared and given testimony on multiple occasions on a wide range of criminal law, procedure, and sentencing issues related to proposed state legislation in the Senate Judiciary, House Judiciary, and House Criminal and Civil Justice Committees of the Tennessee General Assembly.

Agency	Total	Sole Counsel	Chief Counsel	Assoc. Counsel

27. If you have handled matters that have been arbitrated or mediated, state the approximate number. Of that total, indicate in how many you were involved as sole counsel, how many as chief counsel, and how many as associate counsel.

During my time in private practice, I was involved in a small number of mediations as sole counsel, mostly in divorce or family law cases.

Approx. Number	Sole Counsel	Chief Counsel	Assoc. Counsel

28. Please describe your trial court experience during the past ten years. Approximate the number of trial court matters in which you appeared. Of this total, state the number that was before a

federal court, the number that was before a Tennessee court of record, and the number that was before a Tennessee court that was not of record (general sessions, municipal). State the approximate percentage of these matters that were criminal and the approximate percentage that were civil. Indicate in how many matters you were sole counsel, how many you were chief counsel, and how many you were associate counsel. Please indicate the approximate percentage of your cases that were tried to resolution, how many were dismissed upon pre-trial motion, and how many were settled prior to trial.

During the past 16 years, my actual trial court experience has been somewhat limited, primarily due to the management, supervisory, and oversight role that I exercised over assistant prosecutors as the agency head of federal and state prosecutorial offices, as described above in my answer to Question 25.

During my service as U.S. Attorney, any and all appearances that I made in the U.S. Magistrate Court and U.S. District Court were as agency head and co-counsel with an AUSA or SAUSA in both criminal and civil matters. I also engaged in appearances and practice before federal grand juries sitting in Memphis and Jackson.

During my service as District Attorney General, I engaged in the final charging decision in all felony cases in the state criminal courts in my jurisdiction. As a supervisor of 14 Assistant District Attorneys on my staff, including 1 ADA who was assigned to U.S. Attorney's Office for the Western District of Tennessee as a Special Assistant United States Attorney (SAUSA), I oversaw the litigation of all criminal prosecutions and child support enforcement actions in the 25th Judicial District. However, due to my other administrative, investigative, legal, and political duties as the District Attorney General, I was only able to engage in the personal handling and litigation of criminal cases at trial in a limited number of the cases. During my almost 11 years as the chief state prosecutor, I estimate that I was involved as co-counsel with one of my Assistant District Attorneys in approximately 15 cases to verdict by jury in a state criminal court. I also regularly engaged in appearances and practice before state grand juries sitting in Lauderdale, Tipton, Fayette, Hardeman, and McNairy counties.

While engaged in private practice for almost 11 years, I estimate that I participated as sole counsel in the trial of approximately 20 criminal cases to verdict by jury in a state criminal court, and tried countless cases to a decision by a Judge in non-jury hearings in both state Circuit and General Sessions Courts.

29. Please describe your appellate court experience. Approximate the number of matters in which you appeared as counsel of record in Tennessee appellate courts, the number in federal courts, and the number in other states. Give the approximate percentage that were criminal and the approximate percentage that were civil.

During my service as U.S. Attorney, although I managed and oversaw an Appellate Division in the office, I did not personally appear before the U.S. Court of Appeals for the 6th Circuit on appellate matters. During my service as District Attorney General, all

criminal appeals from the 25th Judicial District were handled exclusively by the State Attorney General's Office. During my time in private practice, I estimate that have argued approximately 10 cases in the state appellate courts of Tennessee, including 9 criminal cases before the Tennessee Court of Criminal Appeals for the Western Section, and 1 civil worker's compensation appeal to the Tennessee Supreme Court.

30. Please describe any other relevant legal experience, including transactional and other non-litigation matters.

No other relevant experience to describe other than what is contained herein.

31. Please describe your negotiation experience.

My entire legal career has mostly focused on matters of criminal law, both as a defense attorney and prosecutor. In those roles, I have personally negotiated and approved countless settlements of criminal cases by dismissal, guilty plea, or agreed upon sentence/disposition. As mentioned herein, during my service as U.S. Attorney, I exercised settlement authority of up to \$10 million in affirmative civil litigation and \$1 million in defensive civil litigation on behalf of the United States, and engaged in the negotiation and approval of offers and counter-offers of settlement in various federal civil claims. When I previously served as the City Attorney for the municipalities of Halls, Gates, and Henning, I had some occasions to negotiate the fair market value of real property with landowners in eminent domain and inverse condemnation cases.

32. List any noteworthy cases you handled as an attorney before mediators, arbitrators, administrative agencies, trial courts, or appellate courts. As to each case, please : (1) give the date or period of the proceedings; (2) identify the court or agency; (3) summarize the substance of the case; and (4) explain why the case is significant.

In 2018, I initiated and joined an action with Deputy Attorney General Rosenstein and my U.S. Attorney colleagues in Tennessee to challenge, oppose, and stay the effectiveness of Formal Ethics Opinion 2017-F-163, which expanded a Tennessee prosecutor's duty of disclosure of information beyond that which is required by well-established substantive Federal law. I contributed to the drafting of and signed a DOJ Amicus Brief filed in the Tennessee Supreme Court in the matter of In Re: Petition to Stay the Effectiveness of Formal Ethics Opinion 2017-F-163, No. M2018-01932-SC-BAR-BP, argued on May 30, 2019 and decided on August 23, 2019, which ultimately resulted in the Supreme Court vacating the formal ethics opinion and clarifying that prosecutors' ethical duties under Rule 3.8(d) are coextensive with their legal obligations under *Brady* and its progeny. This case was important because it preserves and protects prosecutorial discretion by rejecting administrative rulemaking that made a prosecutor's ethical and constitutional obligations inconsistent in both theory and application.

When I became U.S. Attorney in 2017, I committed myself to protecting the nearly 1.6 million citizens that comprise West Tennessee through the vigorous enforcement of federal

laws and prosecution of high-impact cases in all 22 counties of the district. I led and operated a full service U.S. Attorney's Office which faithfully executed all applicable laws of Congress, including the Armed Career Criminal Act, the Controlled Substances Act, the False Claims Act, the First Step Act, and the Migratory Bird Act. I set priorities for the U.S. Attorney's office, with a focus on aggressively prosecuting cases involving violent crime, child exploitation, immigration offenses, health care fraud, embezzlement, identity theft, public corruption, gang conspiracies and racketeering, drug trafficking organizations, and unlawful firearm possession. I initiated investigations and personally oversaw and made final charging and litigation decisions in the successful filing, indictment, prosecution, conviction, sentencing, and disposition of the following notable and representative cases in the U.S. District Court for the Western District of Tennessee:

- On January 29, 2019, WellBound of Memphis agreed to pay a \$3,246,000 settlement of a False Claims Act complaint against the healthcare company for false claims to Medicare, TriCare, and TennCare for services rendered to home dialysis patients that were due to illegal inducements paid in violation of the Anti-Kickback statute.
- On May 3, 2019, Decatur Hospital Authority, d/b/a Wise Health System in Decatur, Texas agreed to pay \$431,182.96 to the United States to resolve allegations of billing false claims to Medicare for genetic testing panels for surgical patients that were not medically reasonable or necessary.
- On February 2, 2018, Memphis Operator, LLC d/b/a Spring Gate Rehabilitation and Healthcare Center agreed to pay \$500,000 to the United States and the State of Tennessee to resolve allegations of false claims to Medicare and TennCare for services rendered to residents of Spring Gate that were materially substandard, worthless and were provided in violation of certain essential requirements that the United States expects skilled nursing facilities to meet.
- On June 10, 2020, SK Engineering & Construction Co. Ltd. (SK), one of the largest engineering firms in the Republic of Korea, pled guilty to wire fraud in connection with a fraudulent scheme to obtain U.S. Army contracts through payments to a U.S. Department of Defense contracting official and the submission of false claims to the U.S. government, resulting in the payment by the defendant of \$60,578,847.08 in criminal fines, the largest fine ever imposed against a criminal defendant in the Western District of Tennessee.
- On June 19, 2019, Memphis Goodwill Industries, Inc. agreed to pay \$150,000 to the United States to resolve allegations that it submitted claims that falsely certified compliance with regulations involving contracts it had entered into for services rendered to the Internal Revenue Service, the Department of Veterans Affairs and the General Services Administration pursuant to the AbilityOne Program.
- On September 19, 2018, Guy Randal Stockard, a/k/a Randy, owner of Southern Meat Market in Memphis, was sentenced to 51 months in federal prison for defrauding the federal Supplemental Nutrition Assistance Program (SNAP),

formerly known as the Food Stamp Program, of more than \$1.2 million over an approximately 28-month period.

- On January 17, 2019, Brian Black, former Crockett County 911 Director, was sentenced to 57 months in federal prison for embezzlement of \$178,000 from the trust account of a decedent's estate.
- On October 23, 2019, Olufolajimi Abegunde, an extradited citizen of Nigeria residing in Atlanta, and Javier Luis Ramos-Alonso, a citizen of Mexico residing in California, were sentenced to federal prison for an international cyber fraud scheme involving online dating and business email compromises.
- On December 12, 2017, Patricia Parsons, of Brighton, Tennessee, was sentenced to sixty months in federal prison for aiding and abetting solicitation to commit the kidnapping of a State Court Judge and County Sheriff.
- On February 23, 2018, Marvin "Pookie" Foster, of Lauderdale County, TN, was sentenced to 300 months in federal prison for distributing heroin resulting in the fatal overdose death of victim Cody Tettleton.
- On April 2, 2018, Quenton Irwin White, former U.S. Attorney for the Middle District of Tennessee as well as the former Commissioner of the Tennessee Department of Correction, was sentenced to federal prison for a mail fraud scheme to defraud black farmer clients.
- On February 7, 2019, Kevin Coleman and Terrion Bryson, both former Memphis Police Officers, were sentenced to federal prison for narcotics, weapons, and extortion offenses committed while on duty.
- On February 12, 2019, Michael and Tawni Boutin, featured marijuana farmers on a television show called "Weed Country" in Oregon, were both sentenced to federal prison for conspiracy to traffic and distribute high-grade marijuana from Oregon to West Tennessee.
- On March 5, 2019, Marcus Danner a/k/a "Poncho", of Memphis, was sentenced to 352 months imprisonment for his leadership role of a four-man armed robbery crew and a member of a drug trafficking organization.
- On July 18, 2019, Willie Somerville, of Tipton County, TN, was sentenced to life in federal prison plus 10 years for his leadership role in the home invasion attempted robbery and murder of Timothy Edwards in Covington. Co-defendants Armoni Hall, Eddie Poindexter, Christian Sherrill, and Darrell Owens were also convicted for their participation in the robbery, and each received significant federal sentences.
- On October 1, 2019, Roland Jackson and Taveyon Turnbo, both from Chicago, Illinois, were sentenced to a total of 109 months in federal prison for transporting and possession of 366 stolen firearms taken from the United Parcel Services ("UPS") facility in Memphis.
- On October 1, 2020, James Jackson, of Memphis, known as the "Father of Identity Theft", was sentenced to 17 years in federal prison for multiple counts of mail fraud, aggravated identity theft, access device fraud and theft of mail resulting in losses to victims of over \$300,000.
- On November 22, 2019, Sequna Copeland a/k/a "Cutthroat", of Ripley, Tennessee,

was sentenced to 120 months in federal prison on two counts of being a convicted felon in possession of a firearm that was used in the murder of a pregnant woman.

- On September 18, 2020, Calvin Cole a/k/a "Fathead," of Jackson, TN, was sentenced to 170 months in federal prison for being a leader in a conspiracy to distribute controlled substances from a residence in Alamo, TN.
- On October 26, 2020, Argel Hernandez-Escobar was sentenced to federal prison for possessing a firearm as an illegal alien which was used in the fatal shooting of his minor child, and illegally re-entering the United States.
- On June 19, 2020, Isaiah Miller, of Memphis, was sentenced to 300 months in federal prison for participating in multiple (4) armed carjackings and brandishing a firearm during crimes of violence.
- On October 30, 2020, Richard Farmer, a psychiatrist in Memphis, was sentenced to 4 years in federal prison for distribution of controlled substances outside the scope of professional practice and without a legitimate medical purpose.
- On November 24, 2020, Former TDOC Correctional Officers Tommy Morris, Nathaniel Griffin, Tanner Penwell, Carl Spurlin, Jr., Cadie McAlister, and Jonathan York, were charged and convicted for their roles in the civil rights violations during the assault of an inmate, and the conspiracy to obstruct the investigation by covering up evidence and providing false information.

All of the above cases are significant, because they achieved justice for victims, consequences for criminals, support for law enforcement, protection of the U.S. Treasury, better public safety results for citizens, and respect for the rule of law.

Other noteworthy cases include:

State of Tennessee v. Alejandro Chevo Guana and Orlando Daniel Garcia

Circuit Court of Tipton County, Tennessee

January 6, 2007 – July 25, 2008

On January 6, 2007, while traveling from Texas to Tennessee to sell illegal narcotics, Alejandro Chevo Guana, age 17 told his codefendant, Orlando Daniel Garcia, that they "might have to do a cop". Guana shot Tennessee Highway Patrol Trooper Calvin Jenks in the head twice at close range, and then fled to Nashville, where he and Garcia were apprehended. Guana, age 17, was transferred from juvenile court, and tried and convicted as an adult of first degree premeditated murder for killing Trooper Calvin Jenks during a routine traffic stop in Tipton County while Guana was trafficking 2.5 pounds of marijuana from Austin, Texas to Nashville, Tennessee. He was sentenced to life in prison with the possibility of parole after 51 years. He was also convicted of possession of marijuana with intent to deliver, for which he was sentenced to serve one year. Orlando Daniel Garcia was tried and convicted of facilitation of first degree premeditated murder and was sentenced to 19 years in prison. I coordinated and led the initial law enforcement investigation by the Tennessee Highway Patrol, Tennessee Bureau of Investigation, and the Tipton County Sheriff's Office. I made the decision to file the petition to transfer Guana to adult court

and participated in the juvenile transfer hearing; I made the ultimate charging decisions in the case; I communicated directly with the victim's family and the news media about the case; and also ultimately oversaw and participated in the prosecution of the case on behalf of the State of Tennessee. After the conviction and sentencing of Garcia in state court, I also made a request to and coordinated with the U.S. Attorney's Office in the Western District of Tennessee in the subsequent federal prosecution of Garcia for firearms and narcotics trafficking offenses resulting in death, for which Garcia received a federal life sentence.

State of Tennessee v. Rickey Alvis Bell, Jr.

Circuit Court of Tipton County, Tennessee

June 1, 2010 – March 30, 2012

A Tipton County jury convicted the defendant, Rickey Alvis Bell, Jr., of felony first degree murder in the perpetration of a kidnapping, felony first degree murder in the perpetration of a rape, aggravated kidnapping, and aggravated sexual battery of the victim, [REDACTED]. During the evening hours of June 1, 2010, the victim's body was discovered by [REDACTED] in a wooded area behind the residence of [REDACTED] and the victim at [REDACTED] in Drummonds, Tipton County, Tennessee. The medical examiner found that the cause of death was strangulation associated with blunt force injuries, some of which were so extensive that they could have caused death in and of themselves. Following the penalty phase, the jury sentenced the defendant to death on the two counts of felony first degree murder. The trial court merged the two felony first degree murder convictions and sentenced the defendant to twenty years each for the aggravated kidnapping and aggravated sexual battery convictions. The trial court ordered the defendant to serve the two twenty-year sentences concurrent to each other but consecutive to the death sentence, for an effective sentence of death plus twenty years. I coordinated the initial law enforcement investigation by the Tennessee Bureau of Investigation and the Tipton County Sheriffs Office. I made the ultimate charging decisions in the case, including the decision to file notice to seek the death penalty based upon applicable statutory aggravating factors; I communicated directly with the victim's family and the news media about the case; and also ultimately oversaw and participated in the prosecution and sentencing of the case on behalf of the State of Tennessee. The death sentence imposed in this case is believed to be the first imposition of the death penalty by a jury in Tipton County, Tennessee, in modern history.

State of Tennessee v. Angela P. Akins, AKA Polly A. Fleetwood

Circuit Court of Tipton County, Tennessee

November, 2009 – April 30, 2010

After allegations of voter fraud and illegal voting in the election cycle in November, 2008, the Tennessee Secretary of State cross referenced voting records with convicted felon records from the Tennessee Department of Correction, to determine if and how many disqualified felons cast illegal votes. As a result of that inquiry, I investigated and indicted

a total of 51 felons in 2009 for the Class D Felony offenses of Illegal Voter Registration and/or Illegal Voting, occurring in 4 counties of the 25th Judicial District. The indictments resulted from a cooperative investigation by and between the State Coordinator of Elections from the Tennessee Secretary of State's Office, the respective County Election Commissions, and the 25th Judicial District Attorney General's Office, and charged offenders with illegally registering to vote and/or illegally voting at various times during the election cycle of 2008, after they were convicted of disqualifying felony offenses. The defendant, Angela P. Akins, AKA Polly A. Fleetwood, was one of those persons charged, and was among the first to be tried for the offense of illegal voting. The Defendant was previously convicted of the offense of felony theft of property in Shelby County, Tennessee, and thereafter intentionally lied about her felon status on a voter registration form in Tipton County, Tennessee. It was because of this deception that she, as a disqualified felon, accomplished the crime of illegal voting in the 2008 federal election. I tried the case as lead counsel for the State of Tennessee to a Tipton County jury, who found Akins guilty as charged, and she was given a sentence of 2 years, a \$500.00 fine, and as a result of the voter fraud conviction, was disqualified from voting or registering to vote for her lifetime. This case, as well as the other illegal voting cases charged and prosecuted across the 25th Judicial District, was very important because it made clear that the rule of law would be enforced; that there would be a consequence for voter fraud behavior; and that the integrity of the ballot box would be protected and restored.

State of Tennessee v. William C. Mullins & Robert Tisdale

Circuit Court of Fayette County, Tennessee

April, 2007 – March, 2010

As a result of state investigative audit findings regarding evidence of fraud, waste, or abuse in the City of Oakland, Tennessee, I requested and coordinated a criminal investigation by the Tennessee Bureau of Investigation into allegations of public corruption and official misconduct by Oakland Mayor William Mullins and Oakland Police Chief Robert Tisdale. I made the ultimate charging decisions in the case; I communicated directly with the news media about the case; and also ultimately oversaw and participated in the prosecution of the case on behalf of the State of Tennessee, including the trial of one defendant and the guilty plea and sentencing of the other. Mullins and Tisdale were jointly indicted for multiple counts of felony official misconduct and tampering with evidence, for their individual and joint participation in a scheme as public servants to obtain personal benefits to which they were not entitled by engaging in and receiving compensation for prohibited municipal contacts for the performance of repair work by Mullins on transmissions of the city police cars. After the misconduct was discovered, and during the pendency of the investigation, Mullins and Tisdale also solicited and requested others within municipal government to alter or fabricate certain city records to cover up the illegal conduct. Tisdale pled no contest to the offenses of official misconduct and tampering with evidence, and received a sentence of 3 years judicial diversion and supervised probation; payment of restitution to the City of Oakland; cooperation to provide testimony against his co-defendant, Mullins; and a condition that he no longer be employed in law enforcement. After a trial, a Fayette County jury found Mullins guilty of 3 counts of official misconduct,

for which he was sentenced to concurrent 1-year sentences to be served on judicial diversion and supervised probation; removal from public office as Mayor; and the defendant was prohibited by operation of law from holding any appointed or elected office for a period of 10 years after conviction. These cases were important to achieve justice by exposing long established municipal public corruption and holding public officials accountable for criminal conduct by removal from office.

State of Tennessee v. Mary Carol Winkler

Circuit Court of McNairy County, Tennessee

September, 2006 – June, 2007

On March 22, 2006, Selmer Church of Christ minister Matthew Winkler was found in the bedroom of his home in Selmer, Tennessee, deceased from a shotgun wound to his back. Upon investigation by the Tennessee Bureau of Investigation, Selmer Police Department, and the Alabama Bureau of Investigation, Matthew Winkler's wife, Mary Carol Winkler, was found in Orange Beach, Alabama, with the couple's 3 small children and the murder weapon. She later admitted to causing the death of her husband, Matthew, by shooting him with the shotgun. Winkler was originally charged and indicted by my predecessor in office for the offense of Premeditated First Degree Murder. When I was elected to the position of District Attorney General in September, 2006, I assumed the case, and ultimately oversaw and participated in the prosecution of the case on behalf of the State of Tennessee with my co-counsel. I also communicated directly with the victim's family and the news media about the case, the trial of which lasted 10 continuous days and was covered live, gavel-to-gavel, by CourtTV and other national television broadcast outlets. Despite what I considered to be overwhelming evidence of guilt by the defendant of the charged offense of premeditated first degree murder, the McNairy County jury ultimately found Mary Winkler guilty of the lesser-included offense of Voluntary Manslaughter, for which the trial court sentenced her to 3 years at 30%, all suspended except for 210 days in the McNairy County Jail, and supervised state probation. The case was important to me and many others because it highlighted in a very public way the problem of domestic abuse and domestic homicide; the inadequacies of state sentencing laws for violent offenses, and the need for legislation to strengthen sentences for violent offenses committed with firearms. It was also my first jury trial as an elected prosecutor.

State of Tennessee v. Robert Goss and Carl Hale

Circuit Court of Lauderdale County, Tennessee

October, 1995 – June, 1996

I was appointed as a criminal defense attorney to represent and defend the defendant, Robert Goss, who was charged with the offenses of premeditated first-degree murder and aggravated assault. The co-defendant, Carl Hale, was also charged with the same offenses, and was represented by an Assistant Public Defender. Goss and Hale were inmates at the West Tennessee State Penitentiary at the time of the offenses, and were accused of killing another inmate, Willis McDonald, by stabbing him multiple times in a housing unit of the prison, and thereafter threatening and assaulting a correctional officer with the same deadly

weapon. After a joint 3-day jury trial, a Lauderdale County jury found both Goss and Hale guilty of the offenses as charged. The trial court sentenced Goss to life in prison for the first-degree murder, consecutive to a sentence of 10 years for the aggravated assault conviction, and consecutive to prior sentences that he was already serving at the time of the murder. I fully investigated and litigated the defense of Mr. Goss as sole legal counsel for him at various stages of the case, including pretrial motions, jury trial, sentencing hearing, and direct appeal. The case is important to me because having been licensed in October, 1995, this was my first indigent defense appointed case, and was the first jury trial of my legal career, which I conducted at the age of 25.

33. If you have served as a mediator, an arbitrator, or a judicial officer, please describe and include the dates, the courts or agencies involved, whether you were elected or appointed, and a description of your duties.

From 2000-2006, I served as the appointed City Judge for the Town of Gates, Tennessee, where I adjudicated alleged violations of the municipal code, including traffic citations, dogs running at large, noise violations, and property code violations.

From 2002-2006, I served as an appointed Administrative Law Judge for the Tennessee Department of Education, hearing special education due process cases and complaints arising under the federal Individuals with Disabilities Education Act and state special education laws, and entering final orders making findings of fact and conclusions of law.

From 2000-2006, I served as an appointed Hearing Committee Member for the Tennessee Board of Professional Responsibility, where I joined with 2 other hearing committee members to sit as a hearing panel in attorney disciplinary actions and make written reports and recommendations to the Board.

34. If you have served as a mediator, an arbitrator, or a judicial officer, please list any noteworthy cases you handled in these capacities. As to each case: (1) give the date or period of the proceedings; (2) identify the court or agency; (3) summarize the substance of the case; and (4) explain why the case is significant.

I do not recall any particularly noteworthy cases that I handled in the above-described judicial officer capacities.

35. Describe the *pro bono* service you have given throughout your legal career, and describe activities in which you have been involved that demonstrate commitment to equal justice and equal access to justice.

Since 2006, my service as an elected and appointed prosecutor and government attorney has by its very nature limited my ability and opportunities to engage in *pro bono* legal representation or service. However, I have always engaged in public speaking and presentation opportunities that allow me to generally promote and advance legal ethics and professionalism, equal justice under the law, due process rights, and the public's

understanding of and respect for the law and the legal system.

While engaged in private practice, I routinely represented indigent persons charged with criminal offenses, often at a reduced cost or no cost to them. Additionally, I represented a community Adult Developmental Center for the intellectually and physically disabled in court proceedings without charging a fee therefor.

36. List any legal articles or books you have published.

During my service as U.S. Attorney and District Attorney General, I wrote and published the following editorials:

- U.S. Attorney: Health crisis doesn't justify wholesale release of prisoners – *Daily Memphian*, April 22, 2020
<https://dailymemphian.com/section/opinion/article/12843/dunavant-decareration-covid-19>
- Here's how the U.S. is protecting public safety and public health in jails - *Commercial Appeal*, April 9, 2020
<https://www.commercialappeal.com/story/opinion/2020/04/09/incarceration-coronavirus-us-attorney-dunavant-west-tennessee-jail/2973647001/>
- Tennessee's Top Prosecutors: Report coronavirus and disaster-relief fraud – *Commercial Appeal*, April 2, 2020
<https://www.commercialappeal.com/story/opinion/2020/04/01/tennessees-top-prosecutors-report-coronavirus-and-disaster-aid-fraud/5107617002/>
- Public Safety Partnership Works to Reduce Violent Crime – *Daily Memphian*, September 9, 2019 <https://dailymemphian.com/article/7308/Public-Safety-Partnership-works-to-reduce-violent-crime>
- Why we must "Back the Blue" - February 7, 2019 <https://www.justice.gov/usao-wdtn/opinion/why-we-must-back-blue-1>
- PSN works, and it shows - November 8, 2018 <https://www.justice.gov/usao-wdtn/opinion/psn-works-and-it-shows>
- How we are reducing gun crimes in Memphis - October 31, 2018
<https://www.justice.gov/usao-wdtn/opinion/how-we-are-reducing-gun-crimes-memphis>
- The Pen is Mightier Than the Sword - March 2, 2018
<https://www.justice.gov/usao-wdtn/opinion/pen-mightier-sword>
- Hard time can make life tougher for criminals - *Commercial Appeal*, May 23, 2007

37. List any law school courses, CLE seminars, or other law-related courses that you have taught within the last five years.

On June 17, 2022, I made a 1.0 hour CLE presentation, "Comptroller Investigations: The State's Money Cop" to the State Government Attorneys Cooperative Program.

On April 13, 2022, I delivered an internal training presentation to the Comptroller's Division of Investigations staff regarding Grand Jury practice, *Garrity* issues, and promoting good relationships with District Attorneys.

On March 30, 2022, I made a 1.0 hour CLE presentation, "The Role of the Prosecutor in Fraud Cases" to the Tennessee Attorney General's office.

On December 1, 2021, I delivered an internal training presentation to the Comptroller's Division of Investigations staff regarding Restitution, Sentencing, Statutes of Limitation, the Federal Computer Fraud and Abuse Act (CFAA), the Tennessee Personal and Commercial Computer Act of 2003, and Volunteer Fire Departments.

On November 18, 2021, I made a presentation to the City of Covington Labor and Finance Training meeting regarding the role and function of the Comptroller's Division of Investigations, the mandatory statutory duty of public officials to report fraud, waste, or abuse, and what to expect during an investigation.

On September 16, 2021, I made a 1.0 hour CPE presentation, "The Role of the Prosecutor in Fraud Cases" to the Middle Tennessee Chapter of the Association of Certified Fraud Examiners (ACFE).

On May 20, 2021, I delivered an internal training presentation to the Comptroller's Division of Investigations staff regarding Courtroom Trial Testimony.

On October 29, 2019, I made a presentation to the FBI Memphis Field Office Citizens Academy regarding the role, function, and priorities of the U.S. Attorney's Office for the Western District of Tennessee, and also delivered a speech, "Constitutional Patriotism" at the FBI Citizens Academy Graduation.

On October 23, 2018, I made a presentation to the Memphis Shelby Crime Commission regarding the Department of Justice Project Safe Neighborhoods (PSN) initiative and the coordinated efforts of law enforcement to target and reduce gun crime.

In October, 2019, I made a joint presentation along with Assistant U.S. Attorney Neal Oldham regarding Federal Firearms Violations under 18 U.S.C. § 922 & 924 to the Tennessee District Attorneys General Conference Annual prosecutor training seminar in Murfreesboro.

On March 10, 2020, I made a presentation regarding effective use of social media by U.S. Attorneys' offices to the Executive Office of United States Attorneys (EOUSA) Public Information Officer Training at the National Advocacy Center in Columbia, South Carolina.

During my service as U.S. Attorney, I made numerous presentations to local, state, and

federal law enforcement agencies regarding the role, function, and priorities of the U.S. Attorney's Office for the Western District of Tennessee.

During my service as the Chairman of the Justice & Professionalism Committee of the Tennessee District Attorneys General Conference (TNDAGC) since 2014, I have participated with other state prosecutors and contributed to the committee work in developing various best practices, protocols, and training materials for prosecutors. I have given various presentations and remarks during law enforcement and prosecutor training sessions, on a regular and recurring basis in my judicial district; on the ethical role of the prosecutor during annual prosecutor training provided by the Tennessee District Attorneys General Conference; and in my capacity as the Chairman of the TNDAGC Justice & Professionalism Committee at the National Prosecutor Best Practices meetings hosted by the National District Attorneys Association (NDAA) and the Prosecutor's Center for Excellence (PCE).

In October, 2013 and again in October, 2015, I made a presentation regarding new state legislation affecting crime victims and witnesses at the TNDAG Victim Witness Coordinators Training Conference.

In May, 2014, May, 2015, and May, 2017, I made a 1.25 hour CLE presentation regarding the Ethical Role of the Prosecutor to the TNDAGC New Prosecutors Training Academy.

In October, 2016, I made a 1.0 hour CLE presentation regarding new state legislation to the TNDAGC Annual Training Conference.

In October, 2015, I moderated and participated as a panelist in a 1.5 hour CLE presentation to the TNDAGC Annual Training Conference regarding working with victims and victims' rights and considerations during a criminal prosecution.

In June, 2016, I led and participated in a panel discussion of law enforcement and prosecutors about the legal, ethical, and prosecutorial considerations regarding the use of body-worn cameras and evidence, and the investigation of officer-involved shooting incidents, at the First Annual Symposium of Emerging Issues, hosted by the Justice & Professionalism Committee of the Tennessee District Attorneys General Conference.

During my service as District Attorney General, on an annual basis, I provided a legislative update presentation to law enforcement across West Tennessee at the meeting of the West Tennessee Criminal Investigators Association (WTCIA), which includes a review of all new public chapters that have been enacted by the Tennessee General Assembly in the past year dealing with law enforcement, criminal law, procedure, or sentencing. I made the same presentation on a regular and annual basis to the Tennessee Bureau of Investigation Medicaid Fraud Control Unit, the Child Protective Investigative Teams (CPIT) in the 25th Judicial District, the Tennessee Joint Task Force on Children's Justice and Child Sexual Abuse, annual statewide prosecutor and victim-witness coordinator training conducted by the Tennessee District Attorneys General Conference, and multiple Sheriffs Offices and

Police Departments within the 25th Judicial District.

38. List any presentations you have made to civic groups on legal topics within the past five years.

During my service as U.S. Attorney, I made presentations regarding the role, function, and priorities of the U.S. Attorney's Office for the Western District of Tennessee to the Memphis Rotary Club, the Collierville Chamber of Commerce, and the Jackson Rotary Club.

On May 13, 2018, I delivered a speech at the Federal Correctional Institution in Memphis during the Annual Correctional Officers Memorial Ceremony.

On May 14, 2018, I delivered a speech at the Madison County Sheriff's Office in Jackson during the Annual Law Enforcement Memorial Ceremony.

On December 17, 2019, I delivered remarks, "Why we must Back the Blue" to the Milan Police Department community dinner.

On September 5, 2020, I delivered remarks, "Why we must Back the Blue" at the Law Enforcement Appreciation program at the Lauderdale County Fair.

On December 16, 2019, I delivered remarks, "Constitutional Patriotism" at the Northeast Shelby Republican Christmas Dinner.

On February 11, 2020, I delivered remarks, "Constitutional Patriotism" at the Shelby County Republican Women's Club Luncheon.

On April 16, 2018, I delivered remarks at the Annual Garden of Lights Memorial Celebration event for homicide victims in Memphis.

On September 16, 2019, I delivered remarks regarding enforcement of the rule of law and the broken windows criminological theory to the Keep Tennessee Beautiful luncheon in Union City.

On February 14, 2020, I delivered remarks, "Broken Windows, Shopping Carts, Littering, and the Rule of Law – How small things are really big things" at the 2020 Keep America Beautiful National Conference, Memphis.

On April 12, 2019, I delivered remarks regarding Federal Criminal Prosecution of Election Offenses at the U.S. Election Assistance Commission National Conference in Memphis.

On January 12, 2019, I delivered remarks regarding support of law enforcement at the Madison County Crime Stoppers Law Enforcement Ball in Jackson.

On August 6, 2019, I delivered remarks regarding support of law enforcement at the

Madison County Reserve Deputy Graduation Ceremony at the Madison County Sheriff's Training Center in Jackson.

On October 12, 2020, I delivered remarks at the Memphis Peace, Justice, & Unity Rally sponsored by the Memphis Police Department, the MovementForward OneCOP initiative, First Net Built with AT&T, and the DOJ Community Oriented Policing Services (COPS) Office.

On April 15, 2019, I delivered remarks regarding support of law enforcement at the Shelby County Sheriff's Office First Responders Luncheon in Memphis.

On March 7, 2018, I delivered remarks regarding the Tennessee Community Corrections Act at the Community Corrections Officers training in Nashville.

On December 4, 2017, I delivered remarks at the Victims to Victory Candlelight Memorial service to honor homicide victims in Memphis.

On March 7, 2019, I delivered remarks to the Tennessee Bar Association Leadership Law (TBALL) class in Memphis.

During my service as District Attorney General, on a regular and recurring basis, I participated in and promoted public education of the dangers of methamphetamine use and manufacture, through the Tennessee "**Meth is Death**" campaign, and have also promoted a public education initiative, entitled "**What's the Rush?**", which advises young people about the legal and financial consequences of becoming a teen parent. I also actively present an educational video, entitled "**Deceptive Danger**", which warns young people of the dangers of prescription drug abuse and synthetic drug use. I make these presentations, which include handout materials and a DVD video, to middle school and high school students at various schools in the 25th Judicial District as requested and allowed by school administrators and teachers. I also made these same presentations to various community, charitable, civic, and religious organizations, such as Rotary clubs, Exchange clubs, Lions clubs, church youth groups, and prisoner re-entry programs, upon request.

On an annual basis, I delivered remarks regarding child abuse prevention, awareness, and prosecution at the Carl Perkins Child Advocacy Center Annual Dinner and Auction events in Lauderdale, Tipton, Fayette, Hardeman, and McNairy counties during National Child Abuse Awareness month in April.

I have delivered remarks at the Annual Tennessee Season to Remember memorial service to honor homicide victims, both in Nashville, Tennessee, and in Sevierville, Tennessee, and at a similar homicide victims' memorial service sponsored by the Trauma, Faith, and Resilience Initiative at Union University in Jackson, Tennessee.

I have delivered remarks in multiple years at Law Enforcement Memorial services in Lauderdale, Tipton, and Fayette counties, during National Police Week in May.

In September, 2016, I made an overview presentation of Tennessee Prescription Drug Abuse statistics and recent legislation at the Pharmaceutical Diversion and Opioid Abuse training hosted by the Tipton County Anti-Drug Coalition and the Tennessee Pharmaceutical and Dangerous Drug Task Force.

In December, 2016, I made remarks regarding victim issues in DUI cases during a vehicular homicide training sponsored by the Tennessee District Attorneys General Conference and Mothers Against Drunk Driving (MADD).

I have participated jointly with Assistant United States Attorney Deb Ireland from the Western District of Tennessee to make presentations to students and parents at schools and juvenile courts regarding internet safety and the dangers and consequences of sexting, child pornography, and internet online predators.

I have given countless "State of the District" speeches over the last 11 years to various Rotary Clubs, Lions Clubs, Exchange Clubs, FOP banquets, and other community organizations, regarding the nature, extent, and status of criminal trends, investigations, and prosecutions in the 25th Judicial District.

39. State any other information about your legal experience that may reflect positively or adversely on you or that you believe should be disclosed in connection with your application for Attorney General and Reporter.

NON-LEGAL/CIVIC INFORMATION

40. Describe any occupation, business, or profession other than the practice of law in which you have ever been engaged. Please give details, including approximate dates.

Not applicable.

41. If your current income is derived from sources other than the practice of law, specify the other income sources and the approximate percentage of your total income each source represents.

Not applicable.

42. If you are now an officer, director, or major stockholder (5% or more) of any for-profit organization or you are otherwise engaged in the management of any for-profit enterprise, please give details, including the name and nature of the organization, your position, the nature of your duties, and your term of service. If you are selected as Attorney General and Reporter and you would consider continuation of your involvement, please address whether such continuation would be a conflict of interest.

Not applicable.

43. List all non-profit organizations other than legal professional associations to which you have belonged within the last ten years, including civic, charitable, religious, educational, social, and fraternal organizations. If you have held an office in any of these non-profit organizations, please give titles and approximate dates. If you have received any honors, prizes, awards, or other forms of recognition in connection with your participation in such non-profit organizations, please list.

- Graduate of Tennessee Government Executive Institute (TGEI), 2022
- Graduate of Leadership Tennessee Signature Program, Class VI, 2018-2019
- Northeast Shelby County Republican Club Leadership Award, 2019
- Lauderdale Chamber of Commerce Hometown Hero Award, 2018
- 100 Club of Memphis, Annual Member 2018-2021
- Tipton County Anti-Drug Coalition, 2014-2017
- Covington First Baptist Church, Finance Committee Member, 2014-2015
- Covington Rotary Club, Member, 2012-2017
- Lauderdale Co. Carl Perkins Child Advocacy Center, Advisory Board, 2006-2014
- Tina Turner Family Center, Board of Directors 1999-2002
- Leadership Lauderdale Graduate, 1998
- Lauderdale County Exchange Club, Board of Directors, 1997-2004
- Ripley Rotary Club, Member, 1995-2012; President, 2009-2010

44. If you are selected for this position, how much of your current level of civic and community involvement do you feel that you could continue?

If selected to serve as Tennessee Attorney General & Reporter, I would expect to generally be engaged in civic and community activities and organizations in a way that reflects positively upon the office and the state, and to an extent that would not interfere with my ability to focus on and perform all the duties of the office. However, I would be careful to screen and examine any such involvement or participation to ensure full transparency and avoidance of any conflicts of interest or appearance of impropriety.

45. If you have ever belonged to an organization, association, club, or society which limits its membership to those of any particular race, religion, national origin, or gender, please list the organization and describe the basis of the membership limitation. Do not include organizations formed for a religious purpose, such as a church or synagogue. Please address whether you would withdraw from any such organization if you are selected as Attorney General and Reporter.

Not applicable.

46. If you have served in a fiduciary capacity other than as a lawyer representing clients, please describe.

Not applicable.

47. Please list any non-legal articles or books you have published.

Not applicable.

MANAGEMENT AND GOVERNMENT EXPERIENCE

48. Describe your management philosophy and your views on delegation to subordinates.

It has been said that “leadership is action, not position.” I agree with that, and in order to successfully lead people and manage an office, one must not only focus on results, but also on relationships. The ultimate management goal in any organization is to produce high performers who are devoted to a meaningful mission. I believe that one of the best ways for a manager to increase outputs (productivity) is to clearly communicate, share, and celebrate the desired outcomes with the team in a way that connects with and motivates people. Outputs are the “what”; outcomes are the “why.”

I believe that I am a hands-on leader skilled at identifying and analyzing issues and designing and implementing solutions to problems with energy, urgency, action, and decisiveness. By clearly communicating priorities and then actively working with passion to achieve them, my management style and philosophy is to motivate and inspire my staff by example, never asking them to perform a task that I am not willing to do myself. However, I am also sensitive to the dangers of micromanagement that cause inefficiency and decrease morale. Therefore, I am also a strong believer in trusting and delegating important tasks to capable subordinates.

President Theodore Roosevelt once said that “[t]he best executive is the one who has sense enough to pick good men (and women) to do what he wants done, and self-restraint enough to keep from meddling with them while they do it.” Of all the things that I have done in my career as a prosecutor and public servant, I am most proud of those moments when we have identified a specific problem, and I have had the opportunity to assign and support a special person from my staff to target, take ownership of, and successfully solve that issue, problem, or case. I believe that I am skilled at identifying and developing good legal talent, and managing and directing them with purpose and vision.

Finally, I believe that good managers must always remember that we are really in “the people business” in government service. We lead people, we work together with people, and we serve the rights and needs of people in Tennessee. My management style has always been to remain sensitive, flexible, and humble with the people I lead. Sensitivity requires identifying employees’ talents and skills, and assigning them to tasks that maximize those strengths. Flexibility requires having the ability to deal with different styles, personalities, and motivations of people, either as taskmaster in private or cheerleader in public. And humility requires the personal touch of a focused presence with each employee, always celebrating and praising their victories, and commiserating with them in their disappointments – both professional and personal.

This management philosophy and style has served me well as I have led two prior prosecutors’ offices, sometimes through times of difficulty and crisis. Management by action, delegation, and connecting with people creates a workplace culture of loyalty, high

job satisfaction and low employee turnover, mission-driven productivity, and successful outcomes.

49. Describe any management experience you have had in the legal profession, such as managing attorneys, paralegals, and legal support staff. Approximate the number of persons over whom you had management responsibilities and indicate whether your experience included preparing and managing a budget.

While engaged in the private general practice of law, I owned, operated, and managed a private law office business with a payroll for 3 administrative employees which included an office manager and 2 legal secretaries. I maintained and properly reconciled multiple law office bank accounts, including an operating account and an Attorney's IOLTA Trust Account according to the BPR Trust Accounting Rules and Rules 8 and 43 of the Tennessee Supreme Court.

50. Describe any management experience you have had in federal, state, or local government. Approximate the number of persons over whom you had management responsibilities, and indicate whether your experience included preparing and managing a budget.

In my current role as Chief Investigative Counsel for the Tennessee Comptroller of the Treasury, I directly manage, assign, train, supervise, and evaluate two Investigative Counsel who assist me in the delivery of legal services and strategic support to the Division of Investigations. I do not prepare or manage the budget for the Division or the Comptroller.

During my service as the United States Attorney for the Western District of Tennessee, I managed and supervised a total office staff of 85 federal employees, including 45 Assistant U.S. Attorneys, and 40 other administrative support staff, such as paralegals, legal assistants, secretaries, victim-witness coordinators, human resource officers, budget analysts, information technology staff, litigation support staff, investigators, public information officer, and receptionists. I managed, oversaw, and implemented a total annual operating U.S. Attorney's office budget of over \$10 million. During my tenure as U.S. Attorney, I had the opportunity to fully staff both the Memphis and Jackson divisions of the U.S. Attorney's Office by hiring nearly half of the Office's current Assistant U.S. Attorneys (AUSAs), along with one-third of the Office's support staff. I created and appointed a dedicated Appellate Division responsible for handling all appeals in both criminal and civil matters in the 6th Circuit Court of Appeals; I restructured the Criminal Division of the Memphis office into three distinct subject matter units for greater efficiency; I increased the appointment and allocation of Special Assistant U.S. Attorneys (SAUSAs) from state prosecutor offices; and I designated an Elder Justice Coordinator to target elder fraud and financial exploitation cases.

During my service as the District Attorney General for the 25th Judicial District of Tennessee, I managed and supervised a total staff of 51 state employees in multiple divisions, including a criminal division, child support enforcement division, drug task force, DUI prosecution unit, and domestic violence prosecution unit. I managed a total of

14 Assistant District Attorneys General, and 39 other administrative support staff, such as administrative assistants, criminal and child support secretaries, victim-witness coordinators, child support case managers, customer service representatives, drug task force agents, and criminal and child support investigators. I managed, oversaw, and implemented a total annual operating District Attorney's office budget of over \$5 million, which included multiple streams of state and federal grant funding and frequent rigorous audit reviews.

51. Describe any other management experience you have had. Approximate the number of persons over whom you had management responsibilities, and indicate whether your experience included preparing and managing a budget.

Not applicable.

52. List any judicial or non-judicial government offices you have held, and describe your experience. Include the date, the position, whether the position was elected or appointed, and whether your responsibilities included legal matters or policy matters. If you have been a candidate for government office but were not selected, please list this as well, including date, position, and whether the position was elected or appointed.

See answer to Question 33 above. In 2005, I submitted an application to the Tennessee Judicial Nominating Committee for gubernatorial appointment to fill the judicial position vacancy on the Circuit Court of the 25th Judicial District of Tennessee created by the retirement of Circuit Judge Jon Kerry Blackwood. Although I was included in the 3 final names submitted to the Governor for consideration, I was not selected for the position.

53. Other than as an elected or appointed official, please describe any experience you have had with the legislative or executive branches of government, federal, state, or local. Indicate whether your experience related to legal matters or policy matters.

See answer to Question 25 above.

54. Describe any other government experience you have had. Please indicate whether any such experience involved legal matters or policy matters.

See answer to Question 25 above.

55. State any other information about your management or government experience that may reflect positively or adversely on you or which you believe should be disclosed in connection with your application for Attorney General and Reporter.

PERSONAL PERSPECTIVE

56. What are your reasons for seeking this position?

All I ever wanted to be was a prosecutor. I had to become a politician to do it. When I was first elected as District Attorney General on September 1, 2006, I knew that I had found my professional calling and purpose in life. And in the process, in addition to being a prosecutor and politician, I came to understand what it truly means to be a public servant – to use my skills and talents to consistently and effectively pursue justice for the people of Tennessee. My heart’s desire is now forever in public service, and I have the drive and desire to do what is right; collaborate with others about what works; and tirelessly lean in to achieve that noble ideal of justice for our fellow citizens.

As required by the Tennessee Constitution and code, every count of each indictment that I signed as a state prosecutor ended with these important words: that the defendant committed an offense “against the peace and dignity of the State of Tennessee.” **Peace and dignity.** Those words are not just ministerial or pro forma – they have real and profound meaning to me. I have spent many years protecting and preserving the peace and dignity of our great state, and I believe that mission can now best be accomplished by my service as the Attorney General and Reporter.

Over my legal career in public service, I have developed strong and meaningful working relationships with other dedicated public servants and citizens across Tennessee who have encouraged me to seek this position, and I will bring that mutual support and those partnerships to the office as assets to advance and protect the interests of Tennessee.

The strength of our state requires our very best efforts, and we must act with an energetic spirit and positive attitude that engenders trust and confidence in the stability and readiness of the Attorney General and Reporter. My prior proven performance as Chief Investigative Counsel, United States Attorney, and District Attorney General gives me the tested experience and credibility to lead the Attorney General and Reporter’s office into the future for the next 8 years.

This is a time when principled, well-seasoned leadership is required for Tennessee, and I am ready to rise to the challenge.

57. Describe your perception of the primary duties, responsibilities, characteristics, and qualifications for the position of Attorney General and Reporter. Describe which of these may be delegated in whole or in part to subordinates and which may not.

The primary duty of the Attorney General and Reporter is to be the chief lawyer for the State of Tennessee, in all aspects and facets of legal representation, to seek the best interests and outcomes for Tennessee as a free and independent sovereign state, and all of her

citizens. Because the responsibilities of the office are so wide and varied, the Attorney General and Reporter must be sensitive to all of the legal needs of the state, and provide full service legal advice, counsel, representation, and advocacy – both geographically and legally. Geographical full service requires the Attorney General and Reporter to consider and make decisions which will benefit the entire state population of almost 7 million citizens, in all 95 counties and 346 municipalities. Legal full service requires faithful, diligent, and consistent enforcement of all applicable laws of the state in a sound, strategic, and fulsome way that carries out the true legislative intent of the General Assembly.

The Attorney General and Reporter must lead with energy and action, and be proactive in anticipating emerging issues that demand immediate affirmative litigation to protect and advance the interests of Tennessee. The Attorney General and Reporter must assume a forward-leaning posture and provide executive leadership to assess and take smart and calculated risks that will result in positive outcomes for our state. Delay and inaction caused by passivity, uncertainty, indecisiveness, and a reactive posture in leadership of the office can threaten and harm the interests of Tennessee, and should be avoided. This leadership and proactivity require the political courage and will to initiate legal actions against the United States to protect against federal government encroachment of states' rights reserved to Tennessee by the 10th Amendment. Sound judgment and discretion are characteristics necessary for the Attorney General and Reporter to possess in carrying out the duties of the office, and includes the fortitude and decisiveness to make difficult calls in the face of public criticism. The Attorney General and Reporter must be solution-focused, and embrace and execute proven policies that actually work to provide measurable positive results. Conversely, it is important for the Attorney General and Reporter to understand and have intuitive insight informed by experience about when to defer action, compromise cases, and avoid adverse court decisions that make bad law.

In addition to providing legal services strategic policy advice for state government branches, departments, and employees, the Attorney General and Reporter has special responsibilities to provide constituent services to the public at large. These responsibilities are most visible and impactful to public safety and protection in the following areas: defending state criminal convictions and sentences in appellate and federal habeas corpus litigation; enforcement of civil environmental protection laws; protection and certification of state election results; investigation, prosecution, and removal of certain public officials; consumer protection enforcement and antitrust violations; and enforcement of Medicaid fraud and other false claims.

The Attorney General and Reporter's role in issuing and publishing formal written legal opinions is a high and crucial responsibility that must be performed with an accurate and well-reasoned analysis of legal principles and interpretation. Although the opinions issued by the Attorney General and Reporter are nonbinding, they are entitled to considerable deference as persuasive authority by the courts, and are relied upon by state government officials and the general public.

One of the most important divisions of the Attorney General and Reporter's office is the

Office of the Solicitor General, which provides for all appellate litigation practice in state and federal courts. To provide bold leadership and effective representation, the Attorney General and Reporter must recruit, retain, and train the best and brightest litigators possible. And in order to strengthen the credibility, authority, persuasiveness, and gravitas of the office, those litigators must consistently demonstrate the ability to be right and prevail in contested litigation.

Finally, a key qualification to serve as the Attorney General and Reporter is the ability and experience to effectively manage a state governmental office with a total budget of over \$40 million, and lead and inspire a team of approximately 340 talented and dedicated state employees, including attorneys and support staff. Obviously, with such a large staff and multiple responsibilities, many of the duties will necessarily be entrusted and delegated to qualified members of the office. However, the Attorney General and Reporter must set the tone for leadership and a positive workplace culture that motivates the entire staff to work collaboratively, unselfishly, and productively in a mission and endeavor that is bigger than any one person. As we have seen, the need for this commitment is even more pronounced during times of crisis and uncertainty, when Tennesseans look to institutions of government to provide calm reassurance of safety and consistency.

In my prior experience as District Attorney General and United States Attorney, I believe that I have demonstrated and performed all of the above-described duties and responsibilities, and possess the necessary attributes and characteristics to serve as the next Attorney General and Reporter.

58. What is your view of the role of Attorney General and Reporter with respect to the executive branch, the legislative branch, and the judicial branch of state government?

I have now taken a public oath of office three times in my professional career to support and defend the Tennessee Constitution and the Constitution of the United States. As a public servant, I take very seriously my obligation to faithfully execute, enforce, and uphold the rule of law without fear or favor. In my service as both an elected official and political appointee, I have respected and worked within the framework of the separation of powers established by discrete articles in both the Tennessee and U.S. Constitutions. Dispersed and diffused power between and among the three co-equal branches of government is exactly what makes it strong and enduring, because when this framework and design is respected, liberty is protected and the rule of law is advanced. If selected to serve as Attorney General and Reporter, I will continue to have respect for and be responsive to the executive, legislative, and judicial branches of state government with professionalism, independence, and effectiveness.

The Attorney General and Reporter is the chief legal representative of a sovereign state government. The State of Tennessee is the only client, and the best interests of the state should be the top priority and concern. As with any attorney-client relationship, there will be occasions when the Attorney General and Reporter will need to provide the client branch or agency with a realistic and sober assessment of the litigation risks, anticipated costs and

collateral consequences, and likelihood of success on the merits, and advise against a certain course of action. Each branch of state government will have different and sometimes competing legal needs, and it is the obligation of the Attorney General and Reporter to balance and fulfill those needs consistent with his or her constitutional and statutory duties and available resources.

With regard to the legislative branch, the role of the Attorney General and Reporter is to actively engage with members of the General Assembly to provide prompt legal advice, ongoing counsel, and timely written opinions concerning pending legislation and any other matters touching their official duties and authority under Article II of the Tennessee Constitution. Another important role of the Attorney General and reporter with respect to the legislative branch is representing and providing responsive legal services to the Constitutional Officers of Secretary of State, Comptroller of the Treasury, and State Treasurer. Defending the constitutionality and validity of legislation enacted by the General Assembly, both by defensive and affirmative litigation when necessary, is also a crucial function of the Attorney General and Reporter's interaction with and service to the legislative branch. Protection of the State Treasury and taxpayer resources is also a top priority for the Attorney General and Reporter, and therefore anticipation and consideration of legal decisions on policy issues which might result in a significant increase in state expenditures would define the role and relationship with the legislative branch. Ultimately, the citizens of Tennessee speak through their elected legislative representatives, and it is therefore an important role for the Attorney General and Reporter to work closely with the members of the General Assembly as they consider and codify public policy that impacts and promotes the rights, peace, safety, and best interests of all Tennesseans.

With regard to the executive branch, the role of the Attorney General and Reporter is to actively support and advise the Governor in the faithful execution and implementation of the laws of Tennessee, and in the exercise of executive power and authority under Article III of the Tennessee Constitution. The executive branch is literally where enacted legislation meets the people. Therefore, robust and successful representation and defense of executive branch departments, boards, and commissions as they carry out their enforcement functions is at the heart of the Attorney General and Reporter's role and engagement with the executive branch. Seeking and settling lawsuits on behalf of the executive branch, enforcing capital sentences, and coordinating with executive branch departments' general counsel and state law enforcement agencies are also key roles for the Attorney General and Reporter in serving the executive branch.

With regard to the judicial branch, the Attorney General and Reporter is an officer of the court, and as the chief executive officer of the legal department of state government, assigns, supervises, and directs all attorneys of the office in their appearances before the state and federal trial and appellate courts. Having previously served as an elected District Attorney General, I understand the duties, obligations, and responsibilities placed upon an attorney for the state as a part of the judicial department under Article VI of the Tennessee Constitution. The role of the Attorney General and Reporter is to staff all courts with counsel for the state who have high ethical and moral standards, are professional and

respectful in demeanor, well-prepared, zealous and reasoned in their advocacy, effective in arguments of the facts and law, and who have a heart for justice. Although ultimately appointed by the Supreme Court, the Attorney General and Reporter must at all times exercise an independence from the high court that preserves the integrity of the representation of the state, avoids any conflicts of interest or appearances thereof, and promotes respect of and trust in the judiciary by citizens.

59. If selected as Attorney General and Reporter, what is your estimate of the amount of time you will actually appear in court or oral arguments in appellate matters?

In most matters, the assigned Assistant or Deputy Attorney General or Solicitor General will be the best qualified and most knowledgeable counsel of record to appear before the Court on behalf of the State of Tennessee. However, from time to time, there may be special matters which require the personal appearance and involvement of the Attorney General, and if selected, I will be willing, able, and well prepared to present evidence and make arguments before the trial and appellate courts in those circumstances.

60. Describe life experiences, personal involvements, or talents that you have that you feel will be of assistance to the Tennessee Supreme Court in evaluating and understanding your candidacy for this position.

During most of my years of private law practice and public service, I have had the privilege to work and serve primarily in West Tennessee. However, my more recent public service has allowed me opportunities to engage in consequential public service in both state and federal government that has broadened my knowledge, exposure, and experience in Middle and East Tennessee as well. Likewise, I have now served in public roles of increasing responsibility in local municipal government, state government, and federal government, including a Top Secret security clearance. These experiences and familiarity make me a well rounded and suitable candidate to serve as the chief executive officer of the legal department of Tennessee state government.

I have practiced both civil and criminal law, and worked as a defense attorney, prosecutor, and a judicial officer. However, I have occupied a 4th seat in a courtroom – that of a crime victim – with no control over the proceedings. That heartbreaking experience in my life has given me a special understanding of victims of crime that most people are fortunate not to have. And also now being married to a crime victim and parenting a crime victim has taught me much about resourcefulness, resilience, courage, strength, and determination to go on living, to go on surviving, in the face of indescribable pain, suffering, and loss. That perseverance has produced a depth of my character and has strengthened my resolve and commitment to the highest ideals of justice and fairness, and heightened my sensitivity to the respect, protection, and support of victims.

During my freshman year at the University of Tennessee at Knoxville, I was a member of the Pride of the Southland Marching Band under the direction of Dr. W.J. Julian, where I played on the trumpet line and performed at the home and away games for the U.T.

Volunteers football team; performed “God Bless the U.S.A.” with country music singer Lee Greenwood; and travelled to Washington D.C. to represent the State of Tennessee and perform “Rocky Top” in the Inauguration Parade for President George H.W. Bush. These wonderful experiences made an impression on me at a young age, and taught me about the value of teamwork, discipline, performance, and Tennessee pride.

Finally, I am a man of faith, and the teachings, tenets, and practice of my faith have shaped and continue to guide and shape me as a person, husband, father, son, and friend. My faith grounds me and gives me a proper perspective, right attitude, and mature spirit as I engage with other people in public service.

AGREEMENT

61. 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 appointment for the office of Tennessee Attorney General and Reporter, and, if appointed, I agree to serve in that office. If, between the time this application is filed and the time the Court makes its final selection, there are any changes that occur in the accuracy of the information provided here, I agree to file a written notification advising the Court of the specific changes and the reasons therefore.

I understand that the information provided in this application shall be open to inspection upon filing with the Administrative Office of the Courts and that the Administrative Office of the Courts may publicize the names of persons who apply for the position of Attorney General and Reporter.

I knowingly, willingly, and without reservation waive any right or privilege of confidentiality relative to any background checks that may be performed, including, but not limited to, the Tennessee Bureau of Investigation criminal and civil background investigation, including any check of financial or credit information, conducted for the purpose of review by the Tennessee Supreme Court. I also specifically waive any rights or privileges of confidentiality otherwise conferred in relation to checks of the Board of Professional Responsibility, Board of Judicial Conduct, Board of Law Examiners, or similar entity.

Dated: July 28, 2022.


Signature

Return your completed application to:
Ceesha Lofton
Administrative Office of the Courts, Suite 600
511 Union Street
Nashville, Tennessee 37219