

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name**: State full name (include any former names used).

Anna Marie Manasco
Anna Manasco Dionne

2. **Position**: State the position for which you have been nominated.

United States District Judge for the Northern District of Alabama

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Bradley Arant Boult Cummings LLP
1819 Fifth Avenue North
Birmingham, Alabama 35203

Residence: Mountain Brook, Alabama

4. **Birthplace**: State year and place of birth.

1980; Montgomery, Alabama

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

2005 – 2008, Yale Law School; J.D., 2008

2002 – 2005, University of Oxford; M.Sc., 2003, D. Phil., 2008

1998 – 2002, Emory University; B.A. (*summa cum laude*), 2002

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2009 – present; Summer 2007; Summer 2006
Bradley Arant Boult Cummings LLP
1819 Fifth Avenue North
Birmingham, Alabama 35203
Partner (2019 – present)
Associate (2009 – 2018)
Summer Associate (Summer 2007; Summer 2006)

2008 – 2009
United States Court of Appeals for the Eleventh Circuit
Hugo Black United States Courthouse
1729 Fifth Avenue North
Birmingham, Alabama 35203
Law Clerk to Hon. William H. Pryor Jr.

2005 – 2008
Yale Law School
127 Wall Street
New Haven, Connecticut 06511
Dean's teaching assistant (September 2007 – December 2007)
Research assistant (2005 – 2008)
Women's Campaign School assistant (exact dates unknown)
Law Library assistant (exact dates unknown)

2006 – 2007
Yale University Department of Political Science
P.O. Box 208301
New Haven, Connecticut 06511
Teaching assistant (Bass Teaching Fellow)

Summer 2007
Covington & Burling LLP
850 Tenth Street, Northwest
Washington, District of Columbia 20001-4956
Summer Associate

Summer 2006, Spring and Summer 2003
Attorney General's Office, State of Alabama
501 Washington Avenue
Montgomery, Alabama 36014
Summer law clerk to Solicitor General Kevin C. Newsom (Summer 2006)
Student intern for Attorney General William H. Pryor Jr. (Spring and Summer 2003)

2004 – 2005
St Edmund Hall
Queen's Lane

Oxford OX1 4AR United Kingdom
Lecturer

2003 – 2005
University of Oxford
Department of Politics and International Relations
Manor Road
Oxford OX1 3UQ United Kingdom
Lecturer

Summer 2003
National Summer Institute in Forensics
117 Communications Center
Iowa City, Iowa 52242
Lab Leader

Spring 2003
Centre for Socio-Legal Studies
Manor Road
Oxford OX1 3UQ United Kingdom
Research assistant

August 2002 – October 2002
Saint James School
6010 Vaughn Road
Montgomery, Alabama 36117
Substitute teacher

Other affiliations (uncompensated)

2019 – present
Children's of Alabama
1600 Seventh Avenue South
Birmingham, Alabama 35233
Trustee, Board of Trustees

2019 – present
Alabama Children's Hospital Foundation
1600 Seventh Avenue South
Birmingham, Alabama 35233
Director, Board of Directors

7. **Military Service and Draft Status**: Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the military. I was not required to register for selective service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Birmingham Business Journal, Rising Stars of Law (2019)

Mid-South Super Lawyers, Rising Stars, Appellate (2016 – 2019)

Alabama Super Lawyers, Rising Stars, Appellate (2014 – 2015)

Yale Law School, Potter Stewart Prize, Best Moot Court Argument (2008) (shared with co-counsel)

Yale Law School, Thurman Arnold Prize, Best Moot Court Oral Argument (2008) (shared with co-counsel)

Yale University Department of Political Science, Bass Teaching Fellow (2006 – 2007)

University of Oxford, Clarendon Scholarship (2003 – 2005)

St Edmund Hall Graduate Scholarship (2003 – 2005)

Mary Maxwell Gates-Kappa Kappa Gamma Foundation Graduate Scholarship (2003 – 2004)

Pi Sigma Alpha Howard Penniman Graduate Scholarship (2003 – 2004)

Omicron Delta Kappa Foundation National Scholarship (2002 – 2003)

Graduated *summa cum laude* from Emory University (2002)

Emory College Hall of Fame (2002)

Emory University, Lucius L. McMullan Award (2002)

Emory University, Student Government Association President (2001 – 2002)

Emory University, Pollard Turman Leadership Scholarship (1998 – 2002)

Emory University, Student Government Vice President (2000 – 2001)

Emory University, Student Government Secretary (1999 – 2000)

Emory University, President's Commission on the Status of Women (2000 – 2001)

Emory University, Omicron Delta Kappa National Leadership Honor Society (2001 – 2002)

Emory University, Pi Sigma Alpha National Political Science Honor Society (1999 – 2002)

Emory University, Omicron Delta Epsilon National Economics Honor Society (1999 – 2002)

National Forensic League All-American Forensics Team (1998)

Girls Nation President, Alabama Girls State Governor (1997)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

Alabama Defense Lawyers Association (2010 – 2012)

Alabama State Bar (2008 – present)

American Bar Association (2009 – present)

 Council of Appellate Lawyers (2010 – present)

 Executive Board (2018 – present)

 Appellate Judges Education Institute Summit Planning Committee
(intermittently 2014 – present)

 E-briefing subcommittee of Rules Committee (2014 – 2016)

Birmingham Bar Association (2009 – present)

Defense Research Institute (2009 – present)

National Association of Women Lawyers (2018 – 2019)

 Amicus Committee (2018 – 2019)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Alabama (2008)

There have been no lapses in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

United States Supreme Court, 2018
United States Court of Appeals for the District of Columbia Circuit, 2016
United States Court of Appeals for the Third Circuit, 2019
United States Court of Appeals for the Sixth Circuit, 2010
United States Court of Appeals for the Ninth Circuit, 2018
United States Court of Appeals for the Tenth Circuit, 2011
United States Court of Appeals for the Eleventh Circuit, 2009
United States District Court for the Middle District of Alabama, 2010
United States District Court for the Northern District of Alabama, 2009
Supreme Court of Alabama, 2008

There have been no lapses in membership.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

The Club (2019 – present)

Kappa Kappa Gamma Fraternity, Epsilon Epsilon Chapter, Emory University,
Inactive Member (2002 – present)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

As of 2002, I am an inactive member of Kappa Kappa Gamma Fraternity, a social sorority that, to my knowledge, restricts its membership to women. I have not taken any action to change this policy or practice. To my knowledge, this sorority does not currently discriminate and did not formerly discriminate on the basis of race, religion, or national origin.

It is my understanding that The Club, which is a social organization, does not currently discriminate and did not formerly discriminate on the basis of sex, race, religion, or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

New Frontiers for the Appellate Lawyer at Trial, Appellate Issues, Summer 2019. Copy supplied.

Top Tips for Top-Notch Motions in Limine, American Bar Association Commercial & Business Litigation, Summer 2019. Copy supplied.

Client Alert: With John E. Goodman, *Alabama Rewrites Its Noncompete Statute*, July 2, 2015. Copy supplied.

Client Alert: With Marc Ayers, *Supreme Court Remands Alabama Voting Rights Case*, Apr. 8, 2015. Copy supplied.

With Tiffany J. DeGruy, *Marketing Tips for Young Women Attorneys: Your Partners and Colleagues Are Clients, Too*, American Bar Association Woman Advocate Committee, Aug. 29, 2014. Copy supplied.

Client Alert: With Edmund Sauer, *U.S. Supreme Court Standardizes Standing Analysis for False-Advertising Claims Under the Lanham Act*, May 27, 2014. Copy supplied.

Women, Men, and the Representation of Women in the British Parliaments: Magic Numbers? (2010). Copy supplied.

With Jonathan R. Macey, *Offshore Finance and Onshore Markets: Racing to the Bottom, or Moving Toward Efficient?*, in *Offshore Financial Centers and Regulatory Competition* (Andrew P. Morriss ed., 2010). Copy supplied.

With Kevin C. Newsom, *Commentary: Practice Trumps Theory in McDonald v. City of Chicago*, Nat'l L. J., July 21, 2010. Copy supplied.

With J. Thomas Richie, *Twombly and Iqbal: The Effect of the "Plausibility" Pleading Standard on Alabama Litigators*, Ala. Law., January 2010. Copy supplied.

“In Time of Whenever the Secretary Says”: *The Constitutional Case Against Court-Martial Jurisdiction over Accompanying Civilians During Contingency Operations*, 27 Yale L. & Pol. Rev. 205 (2008). Copy supplied.

Living on the Edge: Fiduciary Duties, Business Judgment and Expensive Uncertainty in the Zone of Insolvency, 13 Stan. J. L., Bus. & Fin. 188 (2007). Copy supplied.

The Secret to Success: Always Remain Ordinary, Emory Wheel, May 10, 2002. Copy supplied.

Weighing and Impacting in Lincoln-Douglas Debate, Rostrum, Feb. 2002. Copy supplied.

Letter to the Editor, Emory Wheel, Feb. 22, 2002. Copy supplied.

Freshmen: Carpe Diem, Get Involved at Emory, Emory Wheel, Aug. 24, 2001. Copy supplied.

With Moses Kim, Letter to the Editor, Emory Wheel, Sept. 22, 2000. Copy supplied.

Letter to the Editor, Emory Wheel, Apr. 14, 2000. Copy supplied.

Letter to the Editor, Emory Wheel, Feb. 22, 2000. Copy supplied.

Letter to the Editor, Emory Wheel, Mar. 5, 1999. Copy supplied.

And What Is Girls Nation Like?, Nat’l News, Sept. – Oct. 1997. Copy supplied.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

American Bar Association Council of Appellate Lawyers, *The Leap from E-filing to E-briefing: Recommendations and Options for Appellate Courts to Improve the Functionality and Readability of E-briefs* (2017). Copy supplied.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

None.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

August 9, 2019: Moderator, "New Media Brings New Challenges: Emerging Issues in Free-Speech Litigation," American Bar Association Annual Meeting, San Francisco, California. Notes supplied.

November 9, 2018: Panelist, "Judicial Courage, Judicial Heroes, and the Civil Rights Movement," Appellate Judges Education Institute 2018 Summit, Atlanta, Georgia. Notes supplied.

May 21, 2018: Commencement Speaker, Saint James School, Montgomery, Alabama. Video supplied.

November 5, 2013: Panelist, "Honing the Knife: Editing Effectively To Improve Legal Writing," Appellate Judges Education Institute 2013 Summit, San Diego, California. Notes supplied.

September 24, 2001: Speaker, The State of the University Address, Emory University, Atlanta, Georgia. Notes supplied.

September 19, 2001: Introduction of Panelists, "Understanding: From Intolerance to Respect," Emory University, Atlanta, Georgia. I have no notes, transcript, or recording. I made introductory remarks for a panel on promoting understanding and respect. The address for Emory University is 201 Dowman Drive, Atlanta, Georgia 30322.

September 13, 2001: Welcome Remarks, 20th Annual Carter Town Hall Meeting, Emory University, Atlanta, Georgia. Notes supplied.

September 11, 2001: Speaker, Candlelight Vigil, Emory University, Atlanta, Georgia. Notes supplied.

August 28, 2001: Convocation Address, Emory University, Atlanta, Georgia. I have no notes, transcript, or recording. The address for Emory University is 201 Dowman Drive, Atlanta, Georgia 30322.

April 1, 2000: Panelist, "Creative Thinking/Effective Decision Making," Emory University, Atlanta, Georgia. I have no notes, transcript, or recording. I helped lead a session on creative thinking and effective decision making for organizations. The address for Emory University is 201 Dowman Drive, Atlanta, Georgia 30322.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

Bradley Partners Anna Manasco and Whitt Steineker Named to BBJ's Rising Stars of Law for 2019, Bradley Arant Boulton Cummings LLP, Oct. 11, 2019. Copy supplied.

Rising Stars of Law, Birmingham Bus. J., Oct. 11, 2019. Copy supplied.

Children's Hospital Patients Paint Talladega Race Car, WBRC Central Alabama, July 26, 2019. Copy and video supplied.

Anna Manasco Appointed to Children's of Alabama Board, Bradley Arant Boulton Cummings LLP, Feb. 20, 2019. Copy supplied.

Bradley Elevates 16 Attorneys to Partner or Counsel, Bradley Arant Boulton Cummings LLP, Jan. 8, 2019. Copy supplied.

Bradley Attorneys Named 2018 Mid-South Super Lawyers or Rising Stars, Bradley Arant Boulton Cummings LLP, Nov. 12, 2018. Copy supplied.

Bradley Attorneys Named 2017 Mid-South Super Lawyers or Rising Stars, Bradley Arant Boulton Cummings LLP, Nov. 8, 2017. Copy supplied.

2016 Mid-South Super Lawyers or Rising Stars Names 149 Bradley Attorneys, Bradley Arant Boulton Cummings LLP, Nov. 10, 2016. Copy supplied.

Bradley Named a 2016 Best Law Firm for Women, Bradley Arant Boulton Cummings LLP, July 26, 2016. Copy supplied.

Bradley Arant Boulton Cummings Named a Best Law Firm for Women, Bradley Arant Boulton Cummings LLP, July 29, 2015. Copy supplied.

More Than 100 Bradley Attorneys Selected to the 2014 Alabama Super Lawyers or Rising Stars List, Bradley Arant Boulton Cummings LLP, Apr. 29, 2014. Copy supplied.

Paige Townley, *Five Moms, One Mission*, Birmingham Parent, Feb. 2014. Copy

supplied.

Little Patients with Big Challenges, Our Children, approximately 2012. Copy supplied.

Three BABC Attorneys Author Amicus Brief, Bradley Arant Boult Cummings LLP, Feb. 22, 2011. Copy supplied.

BABC Wins Multi-Million Dollar Securities Appeal in Eleventh Circuit, Bradley Arant Boult Cummings LLP, Aug. 2, 2010. Copy supplied.

Bradley Arant Boult Cummings Announces Addition of 13 Associates, Bradley Arant Boult Cummings LLP, Oct. 29, 2009. Copy supplied.

Alumna Profile: Anna Manasco Dionne, Pol. Sci. News, Winter 2008. Copy supplied.

Richard Weizel, *New Year's Day Brings Tales of Life and Death*, Conn. Post, Jan. 1, 2008. Copy supplied.

Homma Rafi, *Seven Students Selected to Rhodes State Finals*, Emory Wheel, Dec. 6, 2002. Copy supplied.

Anand Natarajan, *Emory Celebrates McDonough Re-opening*, Emory Wheel, Sept. 24, 2002. Copy supplied.

Christine Verges Gacharna, *Student Body President Reflects on Challenges and Triumphs*, Key, Fall 2002. Copy supplied.

Paige P. Parvin, *A Standout Student Leader*, Emory Magazine, Summer 2002. Copy supplied.

Eric Rangus, *Leadership Natural for Manasco*, Emory Report, May 28, 2002. Copy supplied.

Arielle Kass & Raul Gonzalez, *Few Students Run in Elections Today*, Emory Wheel, Feb. 19, 2002. Copy supplied.

Ben Volin, *Plans for Overhaul of McDonough Set After Winter Storm Takes Its Toll*, Emory Wheel, Feb. 15, 2002. Copy supplied.

Raul Gonzalez, *Women Complete Rush Saturday; ISC Refuses to Release Bid Statistics*, Emory Wheel, Jan. 29, 2002. Copy supplied.

Leigh Friedman, *Student Government Budget Surplus Leaves \$27K in Unused Student Funds*, Emory Wheel, Jan. 25, 2002. Copy supplied.

Adam Sklar, *SGA Vetoes Smoking Ban, Calls Proposal 'Unacceptable,'* Emory Wheel, Dec. 7, 2001. Copy supplied.

Adam Sklar, *Emory Produces Eight Rhodes Semi-finalists*, Emory Wheel, Dec. 4, 2001. Copy supplied.

Rachel Goetz, *Second Black President Promises to Unify ISC*, Emory Wheel, Nov. 30, 2001. Copy supplied.

Adam Sklar, *Senate Debating Suggestion to Make Emory 'Smoke Free,'* Emory Wheel, Nov. 20, 2001. Copy supplied.

Leigh Friedman, *Many Students Leaving Emory Early to Allow for Thanksgiving Travel Rush*, Emory Wheel, Nov. 20, 2001. Copy supplied.

Adam Sklar, *Relocation Proposed for Counseling Center*, Emory Wheel, Oct. 12, 2001. Copy supplied.

Scott Golden, *Long-demanded Safety Precaution Approved for Peavine Creek Drive*, Emory Wheel, Oct. 9, 2001. Copy supplied.

Kelly Chicos, *Anna, Anna, Where Are You?*, Emory Wheel, Oct. 5, 2001. Copy supplied.

Adam Sklar, *Baker Resigns from SGA After Missing Meetings*, Emory Wheel, Oct. 5, 2001. Copy supplied.

Adam Sklar, *Manasco Advocates Mandatory Housing for All Sophomores*, Emory Wheel, Sept. 28, 2001. Copy supplied.

Ben Volin, *Women's Soccer Game Saturday First in School History Under Lights*, Emory Wheel, Sept. 21, 2001. Copy supplied.

Anita Valliani, *Freshman Elections Moved to Last Week of September*, Emory Wheel, Sept. 18, 2001. Copy supplied.

Elizabeth Barchas, *A First Step*, Emory Wheel, Sept. 14, 2001. Copy supplied.

Adam Sklar, *Legislature Sets Agenda for New Year; Plans to Work on Academic Calendar*, Emory Wheel, Sept. 14, 2001. Copy supplied.

Marc Sternberg, *Students Escape Studies, Stress in New DUC Recreation Room*, Emory Wheel, Sept. 7, 2001. Copy supplied.

Eric Rangus, *Convocation Greets New Freshman Class*, Emory Report, Sept. 4,

2001. Copy supplied.

Ben Volin, *Lights Finally a Reality at the WoodPEC*, Emory Wheel, Aug. 24, 2001. Copy supplied.

Matthew Carey, *Environmental Statement Approved by SGA Legislature*, Emory Wheel, Apr. 27, 2001. Copy supplied.

Matthew Carey, *Lights for Varsity Soccer Field Recommended by SGA Bill*, Emory Wheel, Apr. 27, 2001. Copy supplied.

Matthew Carey, *SGA Amends Funding for All Outdoor Groups*, Emory Wheel, Mar. 30, 2001. Copy supplied.

David Beckman, *Student Forum Discusses Changes to Ball*, Emory Wheel, Mar. 30, 2001. Copy supplied.

Matthew Carey, *Hamad Elected President Pro Temp by One Vote at Legislative Meeting*, Emory Wheel, Mar. 23, 2001. Copy supplied.

Matthew Carey, *Executive Officers Appointed at New Legislature's Meeting*, Emory Wheel, Mar. 9, 2001. Copy supplied.

Matthew Carey, *New Veep Office Created to Help with Academics*, Emory Wheel, Mar. 2, 2001. Copy supplied.

Lindsay Jones, *With Clear Majority, Manasco New Prez*, Emory Wheel, Feb. 23, 2001. Copy supplied.

Rachel Loftspring, *Election Campaign Begins with SGA Candidate Debates*, Emory Wheel, Feb. 20, 2001. Copy supplied.

Candidate Statement, Emory Wheel, Feb. 20, 2001. Copy supplied.

Jeffrey VanDam, *Emory Political Groups Begin to Fight Student-voter Apathy*, Emory Wheel, Sept. 19, 2000. Copy supplied.

Aileen Humphreys, *It's Good to Be King*, Emory Wheel, Sept. 1, 2000. Copy supplied.

Stephanie Jenkins, *SGA Constitution Lacks Tough Language for Judicial Enforcement, Protection*, Emory Wheel, Apr. 7, 2000. Copy supplied.

Michael de la Merced, *SGA Runoff Null and Void*, Emory Wheel, Apr. 4, 2000. Copy supplied.

Barney W. Gimbel, *Con Council Invalidates Next Week's SGA Runoff*, Emory Wheel, Mar. 31, 2000. Copy supplied.

Crystal Edwards, *Challenges to Elections Not Heard by Council*, Emory Wheel, Mar. 10, 2000. Copy supplied.

Michael dela Merced, *Constitutional Crisis Erupts After Election*, Emory Wheel, Mar. 7, 2000. Copy supplied.

Michael dela Merced, *Triple Nullification: SGA to Hold Another Runoff*, Emory Wheel, Mar. 3, 2000. Copy supplied.

Ashante M. Dobbs, *Manasco Elected Veep by 70 Percent Margin*, Emory Wheel, Feb. 18, 2000. Copy supplied.

Alastair Gamble, *Massey Criticizes SGA 'Club' in Recent Debate*, Emory Wheel, Feb. 11, 2000. Copy supplied.

Michael Woodruff, *Awards Honor Faculty Excellence*, Emory Wheel, Mar. 26, 1999. Copy supplied.

Editorial Board, *Freshman Rep. Manasco Better Choice Than Pasley*, Emory Wheel, Feb. 16, 1999. Copy supplied.

Candidate Statement, Emory Wheel, Feb. 16, 1999. Copy supplied.

Jonathan C.S. Robinson, *SGA Votes for \$71 Activity Fee; Student Referendum Scheduled*, Emory Wheel, Feb. 12, 1999. Copy supplied.

William Nothacker, *Meal Plan to Offer Options for Saturday Meal Service*, Emory Wheel, Oct. 30, 1998. Copy supplied.

Bill Askew, *SGA Approves Village Policy in Monday Legislature Meeting*, Emory Wheel, Sept. 18, 1998. Copy supplied.

Jonathan C.S. Robinson, *Frosh Elected to SGA, College Council*, Emory Wheel, Sept. 11, 1998. Copy supplied.

Chris Collins, *Local Teen's Political Savvy Earns Honors in Washington*, Montgomery Advertiser (Ala.), July 19, 1997. Copy supplied.

Chris Collins, *Politically Correct Reply Earns Montgomery Student Girls Nation's Top Post*, USA Today, July 18, 1997. Copy supplied.

City Girl to Lead Girls Nation, Montgomery Advertiser (Ala.), July 18, 1997. Copy supplied.

I recall participating in interviews with local news media in Montgomery, Alabama, in connection with Alabama Girls State and Girls Nation in 1997 and 1998. I have been unable to locate a copy of any news article or video clip that resulted from those interviews.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have not held judicial office.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? _____

- i. Of these, approximately what percent were:

jury trials: _____%
bench trials: _____% [total 100%]

civil proceedings: _____%
criminal proceedings: _____% [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished

opinions are filed and/or stored.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held judicial office.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

15. **Public Office, Political Activities and Affiliations:**

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have not held public office. I have had no unsuccessful candidacies for public office or unsuccessful nominations for appointed office.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and

responsibilities.

None, except that in 2014, I allowed my name to be used as a member of a host committee for a campaign event for Wyndall Ivey, a candidate for an Alabama state court judgeship.

16. **Legal Career:** Answer each part separately.

a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

From 2008 to 2009, I served as a law clerk to Hon. William H. Pryor Jr., Circuit Judge, United States Court of Appeals for the Eleventh Circuit.

- ii. whether you practiced alone, and if so, the addresses and dates;

I have not practiced law alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

2009 – present
Bradley Arant Boult Cummings LLP
1819 Fifth Avenue North
Birmingham, Alabama 35203
Partner (2019 – present)
Associate (2009 – 2018)

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or an arbitrator.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

I have always concentrated my private practice on trial strategy, legal issues, and appeals in complex and high-stakes commercial litigation. I have represented clients in federal and state courts and in arbitration. I

have worked on a wide variety of cases, including construction cases, product-liability cases, professional liability cases, infrastructure cases, toxic-exposure cases, regulatory litigation, and contract disputes.

I am regularly engaged during the pretrial phase of litigation to evaluate factual and legal allegations, develop areas of discovery inquiry, address discovery disputes, assist with the development of expert opinions, prepare dispositive and other pretrial motions, and seek interlocutory appellate relief relating to pretrial orders. In this aspect of my practice I devote a substantial amount of time to strategic analysis, motion practice and briefing, and the associated hearings.

As cases near trial, I provide legal and strategic advice concerning evidentiary issues, witness examinations, witness preparation, trial practice, jury charges, and the proper development of a legally sufficient factual record. During trial or arbitration, I provide legal and strategic analysis of questions that arise during the proceedings and draft and/or edit motions and briefs. After trial or arbitration, I provide appellate counsel, including drafting and/or editing appellate motions and briefs.

In other matters, I am engaged only after a verdict or final decision as appellate counsel, in which case my role is to provide legal research and analysis and draft and/or edit appellate motions and briefs.

Before entering private practice, I spent a year serving as a law clerk to Judge William H. Pryor Jr. of the United States Court of Appeals for the Eleventh Circuit. In that capacity, I drafted bench memoranda, helped to prepare Judge Pryor for oral argument, and assisted in the preparation of draft opinions.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

I primarily represent business organizations, although I have occasionally represented government entities and individuals. I have deliberately avoided specializing in a particular subject area. Instead, my specialty is a particular role on a litigation team (described above), regardless of subject matter.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

My law practice is exclusively devoted to litigation and I have regularly appeared in court. Over the years, my appearances in court have varied based on whether my highest-priority cases at any given time were in a trial court or an appellate

court.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|------|
| 1. federal courts: | 45 % |
| 2. state courts of record: | 55 % |
| 3. other courts: | 0 % |
| 4. administrative agencies: | 0 % |

This answer excludes matters that have been or currently are in arbitration.

ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-------|
| 1. civil proceedings: | 100 % |
| 2. criminal proceedings: | 0 % |

d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

All of the cases that I have worked on during the pretrial and trial phase of litigation in state or federal courts have either resolved on dispositive motions or settled before or during trial. Additionally, a substantial portion of my practice is in appellate courts, rather than trial courts (this includes appellate proceedings that are commenced during the pretrial phase of litigation, rather than at the end of a trial). Accordingly, I have not tried any cases in state or federal court to verdict, judgment or final decision.

I have worked on more than fifty cases in state or federal courts during the pretrial and/or trial phase of litigation. I was associate counsel in all of those cases. 79% of those cases were, would have been, or may yet be tried to a jury, and 21% were, would have been, or may yet be tried without a jury.

I also have been associate counsel in three matters that were tried to an arbitral tribunal. One of those cases was decided by the tribunal after a full hearing and another was resolved after more than 100 days of hearings on a mid-arbitration dispositive motion. The third arbitration recently was tried for two weeks and remains pending.

The balance of my work has been on cases in the appellate phase of litigation.

i. What percentage of these trials were:

- | | |
|--------------|------|
| 1. jury: | ___% |
| 2. non-jury: | ___% |

e. Describe your practice, if any, before the Supreme Court of the United States.

Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

E.R.G. v. E.H.G., No. 11-311 (Sept. 7, 2011, and Jan. 16, 2012). Briefs available at 2011 WL 4048829 and 2012 WL 151750.

Philip Morris USA Inc. v. Jackson, No. 10-735 (Jan. 3, 2011). Amicus brief available at 2011 WL 42793.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

(1) *Abernathy v. Occidental Chem. Corp.*, No. CV-2011-900266 (Ala. Circ. Ct., Colbert Cnty.); *Ex parte Occidental Chem. Corp.*, No. 1170862 (Ala. Aug. 22, 2018); *Ex parte Occidental Chem. Corp.* No. 1150978 (Ala. Sept. 30, 2016).

In this case, several dozen plaintiffs sought damages in connection with their alleged exposure to mercury from a chlor-alkali plant in Muscle Shoals, Alabama. The plaintiffs either worked at the plant or were related to persons who worked at the plant. The plaintiffs asserted various claims sounding in tort and breach of contract.

I represent defendants Occidental Chemical Corporation (the owner of the plant), its corporate affiliate, Glenn Springs Holdings, Inc., and two of their employees (collectively, "OxyChem"). The plaintiffs sued numerous other defendants in addition to OxyChem, including the plaintiffs' employer (a contractor responsible for operations at the plant), several corporate affiliates of the employer, and other organizations with responsibilities at the plant.

During the pretrial phase of the litigation, OxyChem twice sought mandamus relief from the Alabama Supreme Court. One mandamus petition related to a discovery issue, and the other was about a venue issue. On the eve of the bellwether trial, the case was stayed in connection with appellate proceedings involving some of OxyChem's co-defendants. After the stay was lifted, OxyChem and the plaintiffs reached a confidential pro tanto

settlement agreement.

My participation in this litigation included research and strategic discussions relating to pretrial, trial, and appellate issues; preparation for numerous depositions; drafting and/or editing pleadings and motions in the trial court (including an answer, discovery motions, dispositive motions, motions in limine, pretrial briefing, and proposed jury instructions); preparation for voir dire; drafting and/or editing briefs and motions in the Alabama Supreme Court; participation in the drafting of the confidential pro tanto settlement agreement; and numerous appearances in court.

Date of representation: 2014 – present

Judge Jacqueline Hatcher presided in the Circuit Court of Colbert County. Justices Stuart, Bolin, Parker, Shaw, Main, Wise, Bryan, and Sellers participated in the more recent of the Alabama Supreme Court proceedings. Justices Stuart, Bolin, Murdock, Shaw, Maine, Wise, and Bryan participated in the earlier Alabama Supreme Court proceedings. The Special Master is Edgar C. Gentle III.

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(2) *Project Owner [Name Covered by Confidentiality Agreement] v. Contractor [Name Covered by Confidentiality Agreement]*, International Chamber of Commerce Arbitration No. 22867/JPA (C-22923/JPA) (C-23845/JPA).

I represent the owner of the construction project at issue in this ongoing case, which is

governed by confidentiality obligations and involves a construction dispute regarding a hydropower complex built in the Andes Mountains in Chile. My client is an entity owned in part by a Chilean company, which in turn is owned in part by a U.S. energy company. After a contractor on the project abandoned a critical portion of its work, my client terminated for default the contractor's right to proceed under the contract, drew on the contractor's letter of credit, and commenced arbitration. In turn, the contractor asserted counterclaims that it did not abandon the project and was wrongfully terminated. The amounts at issue exceed \$100 million.

Additionally, the contractor commenced arbitration against two corporate affiliates of the owner, which affiliates are represented by separate counsel. Because the contractor's claims against those entities are derivative of its counterclaims against the owner, that arbitration was consolidated with the owner arbitration.

After extensive pretrial briefing, the owner arbitration was tried to a panel of three arbitrators for two weeks in Santiago, Chile in May 2019. The parties have submitted post-hearing briefs and the case remains pending.

My participation in this litigation has included research and strategic discussions concerning various evidentiary, procedural, liability, and damages issues; preparation for witness examinations; drafting and/or editing motions, arguments, and briefs; and numerous appearances before the arbitral tribunal.

Date of representation: 2017 – present

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(3) *Cobbs, Allen & Hall, Inc. v. EPIC Holdings, Inc.*, No. CV-2014-904935 (Ala. Circ. Ct., Jefferson Cnty.); *Cobbs, Allen & Hall, Inc. v. EPIC Holdings, Inc.*, No. 1140909 (Ala. Dec. 18, 2015); *Ex parte Brian Tanner*, No. 1161177 (Ala. Nov. 9, 2017).

I represented Cobbs, Allen & Hall, Inc. and CAH Holdings, Inc. (collectively, “CAH”) in this action CAH brought against four former employees for breach of anti-piracy and confidentiality covenants. CAH also asserted claims against the former employees’ new employer for intentional interference with contractual relations.

CAH sought and was denied preliminary injunctive relief, and I began working on the case when CAH appealed that denial, which was affirmed by the Alabama Supreme Court in a 6-3 decision without a written opinion. On remand to the trial court, a spoliation issue arose during discovery when our team discovered that the individual defendants were concealing documents from production by placing spaces between letters of words in emails so the documents would not be found using electronic word searches. After a five-day hearing on CAH’s motion for sanctions, the trial court entered a \$1 million sanctions award in favor of CAH as a result of the defendants’ discovery abuses. The defendants unsuccessfully sought mandamus relief from the Alabama Supreme Court. After nearly three years of contentious litigation (which included millions of pages of paper discovery and more than forty depositions), dispositive motions, and motions in limine, the case settled the day that the tortious-interference trial was to begin. The sanctions order was later vacated.

Judge Javan Patton presided in the Circuit Court of Jefferson County. Justices Main, Moore, Stuart, Bolin, Parker, Wise, Murdock, Shaw, and Bryan participated in the Alabama Supreme Court’s decision to affirm the trial court’s denial of preliminary injunctive relief. Justices Stuart, Bolin, Parker, Shaw, Main, Wise, and Bryan participated in the Alabama Supreme Court’s decision to deny mandamus relief as to the sanctions order.

My participation in these cases included research and strategic discussions relating to pretrial, trial, and appellate issues; reviewing discovery requests, responses, and documents produced in discovery; preparation for numerous depositions and witness examinations; drafting and/or editing pleadings in the trial court (including discovery motions, sanctions motions, a fee petition, dispositive motions, motions in limine, pretrial briefing, and proposed jury instructions); preparation for voir dire; research, drafting, and editing work on appellate motions and briefs; and numerous appearances in court.

Date of representation: 2015 – 2018

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(4) *Sierra Club v. FERC*, 867 F.3d 1357 (D.C. Cir. 2017); *Gulf Restoration Network, Inc. v. U.S. Army Corps of Engineers*, No. 16-15545 (11th Cir. 2016).

I represented Transcontinental Gas Pipe Line Company, LLC (“Transco”) in these appeals, which were administrative-law challenges to federal authorizations that Transco and two other pipeline companies obtained from the Federal Energy Regulatory Commission for a major interstate natural gas pipeline project spanning Florida, Georgia, and Alabama. The pipeline companies intervened in these appeals, as did energy companies that operate gas-fired power plants reliant upon the interstate natural gas pipeline project at issue.

A panel of the United States Court of Appeals for the District of Columbia Circuit that included Judges Rogers, Brown, and Griffith granted the Sierra Club’s petition in part, vacated the authorizations issued by the Commission, and remanded to the Commission

for further proceedings. The intervenors petitioned for panel rehearing or rehearing en banc, and that petition was denied (by Judges Rogers and Griffith for the panel, and by Judges Garland, Henderson, Rogers, Tatel, Griffith, Kavanaugh, Srinivasan, Millett, Pillard, and Wilkins for the court en banc). The intervenors and Commission then separately moved the court to stay the issuance of its mandate so as to avoid the loss of federal authorizations for the pipelines, which were by then constructed and operating. The panel (Judges Rogers and Griffith) denied the intervenors' motion but granted the Commission's motion. While the issuance of the mandate was stayed, the Commission completed the necessary proceedings.

In the Eleventh Circuit appeal, which preceded the appeals in the D.C. Circuit, the petitioners sought preliminary relief that would have amounted to a stay of the construction of the pipeline. After the Eleventh Circuit denied that request, the petitioners voluntarily dismissed their appeal.

My participation in these cases included research, drafting, and editing appellate motions and editing appellate briefs.

Date of representation: 2016 – 2018

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(5) *New Hampshire v. Priceline.com, Inc.*, No. 217-2013-CV-00613 (N.H. Super. Ct., Merrimack), *aff'd*, 2016 A.3d 333 (N.H. 2019).

I represented Priceline.com in this litigation. For more than a decade, state and local governments have pursued claims against online travel companies (OTCs) like Priceline, Orbitz, Travelocity and Expedia for nonpayment of occupancy, rental and other taxes the plaintiffs claim they are owed. Despite having tax codes often written long before the

internet existed, the plaintiff municipalities, Departments of Revenue and state attorneys general seek to impose their lodging taxes on online travel companies for the additional amounts the OTCs charge and retain as compensation for their online services. Many of the actions across the country involve common law and Consumer Protection Act claims with multimillion-dollar statutory penalties. This action in New Hampshire was one such case.

The New Hampshire Department of Revenue commenced this case in 2013. After nearly four years of discovery, dispositive motions, and other pretrial motions, the case was tried in a two-week bench trial in May 2017. The trial court found for the OTCs on all claims, the State appealed, and the New Hampshire Supreme Court issued an opinion that affirmed the trial court's decision in its entirety. Because this case was only the second case to be tried to judgment in the extensive history of state and local government litigation against the OTCs, it was a particularly valuable win for the OTCs in their efforts to defend against such litigation.

Judge Richard B. McNamara presided in the New Hampshire Superior Court, and Justices Hicks, Lynn, Bassett, Hantz Marconi, and Donovan presided in the New Hampshire Supreme Court.

My participation in this litigation included research and strategic discussions relating to pretrial, trial, and appellate issues; drafting and/or editing pleadings in the trial court (including dispositive motions, pretrial briefing, and post-trial briefing); and research, drafting, and editing work on appellate motions and briefs.

Date of Representation: 2013 – 2019

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(6) *In re Yasmin & YAZ (Drospirenone Marketing, Sales Practices, and Products Liability Litigation)*, MDL No. 2100, Case No. 3:09-md-02100-DRH-PMF (S.D. Ill.); *Thomas Coburn v. Bayer HealthCare Pharmaceuticals, Inc.*, No. 02596 (Penn. Ct. Common Pleas, Philadelphia Cnty.); *In re Yaz/Yasmin/Ocella Litig.*, No. 1307 (Penn. Ct. of Common Pleas, Philadelphia Cnty.).

I was a member of a team of attorneys representing Bayer HealthCare Pharmaceuticals, Inc. and related Bayer entities in connection with multidistrict product-liability litigation in which plaintiffs alleged under various states' laws that they suffered personal injuries caused by certain oral contraceptives manufactured by Bayer. The plaintiffs' claims included claims of strict liability, negligent misrepresentation, failure to warn, negligence, breach of warranty, and fraud. Bayer's position was that the medication's warning label specifically advised of a risk of the kind of injuries that the plaintiffs allegedly suffered; that the plaintiffs could not establish a manufacturing defect or causation; and that the plaintiffs' design-defect allegations were preempted by federal law. Additionally, these cases involved choice-of-law issues and issues relating to recoverable damages. All the cases on which I worked either resolved on dispositive motions or were settled before trial.

United States District Judge David R. Herndon of the Southern District of Illinois presided over the federal Multidistrict Litigation, and Judge Arnold L. New of the Court of Common Pleas of Philadelphia County presided over the cases in Pennsylvania.

My participation in this litigation included research and strategic discussions relating to pretrial issues and issues for trial, as well as drafting and/or editing pleadings in the trial court (including dispositive motions, motions in limine, other pretrial motions, and pretrial briefing).

Date of representation: 2015

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(7) *Carl E. Fallin, Sr. v. City of Huntsville, Ala.*, Nos. 114155, 1141279, 1150244
(Ala. 2016).

I represented the City of Huntsville in these cases, which involved challenges under the Alabama Constitution to land purchases made by the City in connection with economic development efforts; claims under Alabama's Open Records Act relating to the City's real estate transactions; and issues of taxpayer standing. The plaintiff attacked the price

the City paid in the transactions as too high and asserted that the City had failed to provide him access to various public records. The City asserted that the plaintiff's open records claim was moot and that the constitutional attacks failed because controlling precedent established that the transactions were for a public purpose rather than private gain, and that Alabama courts therefore could not inquire into the adequacy of the consideration that the City exchanged in the transactions.

The City filed and the trial court granted a motion to dismiss the plaintiff's claims, and I became involved in the case when the plaintiff appealed to the Alabama Supreme Court. The plaintiff prosecuted three separate appeals. In the first two, which were consolidated, the Alabama Supreme Court affirmed the dismissal. The Alabama Supreme Court dismissed the third appeal for lack of jurisdiction.

Justices Stuart, Bolin, Parker, Shaw, Main, Bryan, and Murdock participated in the Alabama Supreme Court's decision in the consolidated appeals; Justices Moore, Stuart, Parker, Shaw, and Wise participated in the decision to dismiss the third appeal.

My participation in these appeals included research, drafting, and editing work on the briefs.

Date of representation: 2015 – 2016

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(8) *General Medicine, P.C. v. HealthSouth Corporation*, No. CV-05-1483 (Ala. Circ. Ct., Jefferson Cnty.); *Ex parte HealthSouth Corporation*, No. 1131475 (Ala. Dec. 23, 2014); *General Medicine, P.C. v. Horizon/CMS HealthCare Corporation*, 475 F. App'x 65 (6th Cir. 2012).

I was a member of a team of attorneys representing HealthSouth in this case, which involved proceedings in an Alabama trial court, the Alabama Supreme Court, and the United States Court of Appeals for the Sixth Circuit. The underlying dispute was a contract dispute about the provision of medical-director services in nursing homes between General Medicine, P.C., and Horizon/CMS HealthCare Corporation, which General Medicine brought in a federal district court in Michigan. While that case was pending, HealthSouth acquired Horizon and then sold it. General Medicine and Horizon, under new ownership, later settled the Michigan case. The terms of that settlement agreement called for the entry of a consent judgment in the amount of \$376 million; the agreement further provided that Horizon's liability would be capped at \$300,000 and that General Medicine could seek to collect the \$375,700,000 balance from HealthSouth.

Shortly after entry of the consent judgment, General Medicine commenced a fraudulent-

transfer action against HealthSouth in the Circuit Court of Jefferson County. When HealthSouth discovered the settlement agreement, and further discovered that the federal district judge who entered the consent judgment had not been told that Horizon would pay only \$300,000, HealthSouth successfully urged the federal district court to vacate the consent judgment as a fraud on the court. I became involved in the case when General Medicine appealed that decision to the Sixth Circuit. The Sixth Circuit reversed the district court's decision and reinstated the consent judgment.

The fraudulent-transfer action in Alabama proceeded to trial in September 2014, but the trial court declared a mistrial following the parties' opening statements. The case was reset for trial in March 2015. In the interim, HealthSouth sought but was denied mandamus relief in the Alabama Supreme Court on a legal issue relating to the validity of the consent judgment. The case proceeded to trial in March 2015 and settled after the second week of the trial.

Judges Batchelder, Cole, and Cook ruled for the Sixth Circuit. Judge Joseph L. Boohaker presided in the Circuit Court of Jefferson County. Justices Moore, Stuart, Bolin, Parker, Murdock, Shaw, Main, Wise and Bryan participated in the Alabama Supreme Court's decision to deny mandamus relief.

My participation in this litigation included research and strategic discussions relating to pretrial, trial, and appellate issues; preparation for witness examinations; drafting and/or editing pleadings in the trial court (including dispositive motions, motions in limine, pretrial briefing, and proposed jury instructions); preparation for voir dire; research, drafting, and editing work on appellate motions and briefs; and appearances in court.

Date of representation: 2010 – 2015

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(9) *HealthSouth Corp. v. Ernst & Young LLP*, No. 30-107-Y-567-06s (AAA Dec. 12, 2012); *Wade Tucker and Wendell Cook Testamentary Trust v. Ernst & Young LLP*, No. CV-2002-5212 (Ala. Circ. Ct. Jefferson Cnty.); *Wade Tucker and Wendell Cook Testamentary Trust v. Ernst & Young LLP*, No. 1121048 (Ala. 2014).

I represented HealthSouth in this derivative action arising out of a \$2.6 billion accounting fraud perpetrated on HealthSouth and its shareholders by some of the company's former executives. After the FBI uncovered the wrongdoing, the company (under new management) sued Ernst & Young LLP (E&Y), which had been its independent auditor throughout the duration of the fraud. The suit proceeded to arbitration. After more than 100 days of arbitration hearings, at the close of HealthSouth's case in chief, E&Y moved for judgment as a matter of law on the ground that the fraudsters' wrongdoing should be imputed to HealthSouth, thereby rendering the company in *pari delicto* and barring its claim for recovery.

HealthSouth contended that (1) E&Y's contractual promise to test for management fraud should preclude its effort to impute that same fraud to the company itself, (2) that applicable agency-law principles foreclosed E&Y's imputation argument, and (3) that E&Y's imputation-based defenses rendered its audit contract illusory and effectively immunized auditors from malpractice liability.

An arbitration panel that included Arbitrators Sternberg, Bassler, and Farber disagreed with HealthSouth's position and granted a judgment in favor of E&Y. HealthSouth then unsuccessfully sought to vacate the award in Alabama state court, and that denial was affirmed by the Alabama Supreme Court. Judge Scott Vowell presided in the Circuit Court of Jefferson County, and Justices Main, Stuart, Bolin, Wise, Bryan, Moore, Parker, Murdock and Shaw participated in the Alabama Supreme Court.

My participation in this litigation included research and strategic discussions relating to pretrial, trial, and appellate issues; drafting and/or editing pleadings and motions in the arbitration and in the Alabama trial court (including an answer, pretrial briefing and briefing during trial); drafting and/or editing briefs in the Alabama Supreme Court; and

numerous appearances in the arbitration.

Date of Representation: 2009 – 2014

Co-counsel for HealthSouth

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(10) *Badger v. S. Farm Bureau Life Ins. Co.*, 612 F.3d 1334 (11th Cir. 2010).

This case, on appeal from a \$31.7 million verdict, presented the question whether in the context of an arm's-length securities transaction, SEC Rule 10b-5 requires the buying party to make disclosures directly to the selling party's shareholders.

I represented Southern Farm Bureau Life Insurance company and contended (1) that Southern Farm's negotiator's statement that he believed that an independent professional's \$3.3 million valuation of the debenture at issue represented a "fair price" was not a statement of fact that could give rise to "half-truth" liability under Rule 10b-5, and (2) that even if it could, the trial court had erroneously instructed the jury that Southern Farm had a duty to disclose directly to the selling party's shareholders that it would be willing to pay more.

In a unanimous opinion authored by Judge Anderson and joined by Judges Edmondson and Ed Carnes, the Eleventh Circuit agreed with my client's position and reversed the verdict and resulting judgment.

My participation in this appeal included research, drafting, and editing work on the briefs, working with counsel for amici curiae, preparing lead counsel for oral argument, and attending oral argument.

Date of Representation: 2009 – 2010

Co-Counsel

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18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

The majority of my legal activities concern civil litigation which usually is settled,

resolved in the trial phase on a dispositive motion, and/or resolved on appeal. I occasionally advise clients on pre-litigation matters or as amici curiae in litigation. Additionally, I devote a considerable amount of time to the Council of Appellate Lawyers, which is an organization within the Judicial Division of the American Bar Association. I believe that the Council's educational programming and opportunities for collaboration between the bench and bar have significant benefit to the legal community.

I have never acted or registered as a lobbyist.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I have not independently taught a course or designed a syllabus.

During law school, I served as a teaching assistant for a first-year Civil Procedure class. Also during law school, I served as a teaching assistant in the Yale University Department of Political Science for two undergraduate courses.

During graduate school, I served as a tutor and lecturer in the Department of Politics and International Relations at the University of Oxford. This role was similar to that of a teaching assistant in that I led small-group discussions and graded written work for undergraduate courses, but did not design those courses or provide large-group lectures for them. Also during graduate school, I served as a tutor and lecturer for my residential college, St Edmund Hall. In addition to typical tutor and lecturer duties, this role involved some administrative duties because the Hall's Politics Fellow was on sabbatical.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

None.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

If confirmed, I hope that I will be able to teach a law school course on an adjunct basis. I have no commitments or agreements to do so. I also hope to remain on the Board of Trustees for Children's of Alabama and the Board of Directors for Alabama Children's Hospital Foundation, although I have no commitments or agreements to do so. I have no other plans for outside activities.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

When my nomination is formally submitted to the Senate, I will file my Financial Disclosure Report and will supplement this Questionnaire with a copy of that Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

Please see attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

If confirmed, I will recuse in any litigation where I have ever played a role. For a period of time, I anticipate recusing from any case where my current firm, Bradley Arant Boult Cummings LLP, represents a party. For the duration of my service on the Board of Trustees of Children's of Alabama and a period of time thereafter, I also will recuse myself from cases in which Children's of Alabama is a party. I will evaluate any real or potential conflict or relationship that could give rise to an appearance of conflict, on a case-by-case basis and determine appropriate action with the advice of parties and their counsel including recusal where necessary.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If confirmed, I will carefully review and address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws, rules, and practices, governing such circumstances.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

Most notably, since 2015, I have been a member of a team representing an Alabama death-row inmate in the federal habeas stage of his effort to secure postconviction relief. I have appeared in court; consulted with the team on strategy; drafted, reviewed, and edited briefs; and prepared for and participated in an evidentiary hearing. I have performed more than 150 hours of legal work in connection with this pro bono representation.

Prior to that pro bono matter, I devoted considerable time to a pro bono matter in the Supreme Court of the United States that was about the extent to which the Due Process Clause of the United States Constitution restricts States' efforts to resolve disputes about grandparents' visitation rights. Additionally, I have assisted colleagues at my firm to prepare for oral argument in five pro bono appeals since 2009.

Finally, I have provided extensive non-legal volunteer service to Children's of Alabama. Since January 2013, I have served on Children's Quality Improvement Council as a parent representative. Since November 2017, I have served on the Quality & Safety Committee of the Board of Trustees as a parent representative. Since January 1, 2019, I have served as a Trustee on the Board of Trustees and a Director on the Board of Directors of the Alabama Children's Hospital Foundation.

26. Selection Process:

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

On Wednesday, January 2, 2019, I sent a letter of interest to the office of Senator Richard Shelby for the Senator's consideration in the event of a judicial vacancy in the Northern District of Alabama. After an upcoming vacancy was announced, I interviewed in person in July 2019 in Washington, District of Columbia, with Senator Shelby and several members of his staff. Later that month, Senator Shelby called me to tell me that he would recommend me to the White House for the vacancy. Since August 1, 2019, I have been in touch with personnel from the White House Counsel's Office. On August 15, 2019, I interviewed in Washington, District of Columbia, with attorneys from the White House Counsel's Office and the Department of Justice's Office of Legal Policy, and I have been in communication with individuals at the Office of Legal Policy since then. On Wednesday, December 4, 2019, I interviewed in person in Washington, District of Columbia, with Senator Doug Jones and members of his staff.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.