

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

George Carol Hanks, Jr.

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

United States District Judge for the Southern District of Texas

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.

United States District Court, Southern District of Texas
515 Rusk Avenue, Room 7727
Houston, Texas 77002

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

1964; Breaux Bridge, Louisiana

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.

2012 – 2014, Duke University Law School; LL.M. (Judicial Studies), 2014

1986 – 1989, Harvard Law School; J.D., 1989

1982 – 1986, Louisiana State University; B.A. (*summa cum laude*), 1986

1985 – 1986, University of Wales, College of Swansea; no degree

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.

2010 – Present
United States District Court, Southern District of Texas
515 Rusk Avenue, Room 7727
Houston, Texas 77002
United States Magistrate Judge

2002 – Present
University of Houston Law Center
100 Law Center
Houston, Texas 77204
Adjunct Professor

2002 – 2010
Court of Appeals for the First District of Texas
301 Fannin Street, Room 208
Houston, Texas 77002
Justice

2001 – 2002
157th Civil District Court
Harris County Civil Courthouse
201 Caroline, 11th Floor
Houston, Texas 77002
Judge

1996 – 2000
Wickliff & Hall, P.C. (now Cozen O'Connor LLP)
1221 McKinney Street, Suite 2900
Houston, Texas 77010
Associate (1996 – 1999)
Shareholder (2000)

1991 – 1996, Summer 1988
Fulbright & Jaworksi, L.L.P. (now Norton Rose Fulbright LLP)
Fulbright Tower
1301 McKinney Suite 1500
Houston, Texas 77010
Summer Associate (Summer 1988)
Associate (1991– 1994)
Participating Associate (1995 – 1996)

1989 – 1991
United States District Court, Southern District of Texas (Houston Division)
515 Rusk Avenue
Houston, Texas 77002
Law Clerk to the Honorable Sim Lake

Summer 1988
Andrews Kurth LLP
600 Travis Street, Suite 4200
Houston, Texas 77002
Summer Associate

Summer 1987
Robinson Cox, Barrister and Solicitors (now Clayton Utz)
QV.1 Building, Level 27
250 St. Georges Terrace
Perth, Western Australia
Summer Associate

Other Affiliations (uncompensated):

2013 – Present, 1999 – 2000
Lakes of Fondren Homeowners Association
8107 Lake Edge Circle
Houston, Texas 77071
Board Member (1999 – 2000)
Vice President of the Board (2013 – Present)

2011 – Present
George Mason University Law and Economics Center
3301 Fairfax Drive
Arlington, Virginia 22201
Judicial Education Program Advisory Board Member

2004 – 2005
Texas Center for the Judiciary
1210 San Antonio, Suite 800
Austin, Texas 78701
Board of Directors

2001 – Present
Greater Houston Chapter of the American Red Cross
2700 Southwest Freeway
Houston, Texas 77098
Board of Directors, Executive Committee, 2001 – Present
Chairman-Elect, Board of Directors (2006 – 2008)
Chairman, Board of Directors (2009 – 2011)

1995 – 1998
Big Brothers and Big Sisters of Houston
6437 High Star Drive

Houston, Texas 77074
Board of Directors

1997 – 1998
Ensemble Theatre
3535 Main Street
Houston, Texas 77002
Board of Directors

1997
Sheltering Arms Senior Services
3838 Aberdeen Way
Houston, Texas 77025
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 have registered 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.

5 Year Faculty Award, National Judicial College (2009)
Volunteer of the Year, Flower Garden Banks National Marine Sanctuary (2009)
Texas Bar Foundation Life Fellow (2003)
Outstanding Service Award, Houston Lawyers Association (2001)
Houston Bar Foundation Life Fellow (1995)
Editor, *Harvard Blackletter Law Journal* (1988)
NAACP Legal Defense Fund/Earl Warren Scholarship (1986)
Graduated First in Class, Louisiana State University (1986)
University Medal for Highest Academic Achievement, Louisiana State University (1986)
Selected by Phi Kappa Phi Honor Society as the “Most Outstanding Junior at Louisiana State University” (1985)
Phi Kappa Phi Honor Society (1984)
Selected by Mortar Board Senior Honor Society as one of the “Ten Most Outstanding Freshman at Louisiana State University” (1983)
Mu Sigma Rho Honor Society (1983)
Phi Eta Sigma Honor Society (1983)
Mortar Board Senior Honor Society (1983)
NAACP/Herbert Lehman Educational Scholarship (1982)
Alpha Phi Alpha/Ulric Pryce Memorial Scholarship (1982)

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.

American Bar Association (2004 – Present)

Chairman, Appellate Judges Conference Judicial Clerkship Subcommittee (2009 – 2010)

Co-Chair, Judicial Clerkship Program (2006 – 2007)

American Judges Association (2003 – 2010)

American Law Institute (2003 – Present)

Members Consultative Group, Restatement of the Law Third, The U.S. Law of International Commercial Arbitration (2013 – Present)

Bar Association of the Fifth Circuit (2005 – 2010)

College of the State Bar of Texas (2000 – Present)

Customs and International Trade Bar Association (2003 – 2010)

Federal Bar Association (2012 – Present)

Federal Magistrate Judges Association (2010 – Present)

George Mason University Law and Economics Center (2011 – Present)

Judicial Education Program Advisory Board

Houston Bar Association (1991 – Present)

Eikenburg Fun Run Committee (2012 – 2013)

Editorial Board (1996 – 2003)

Houston Lawyers Association (1991 – Present)

Houston Young Lawyers Association (1996 – 2002)

Institute of Judicial Administration (2003 – 2010)

National Bar Association (2001 – 2010)

National Bar Institute (2008 – 2009)

State Bar of Texas

Houston Course Director, 37th Annual Advanced Civil Trial Course (2013 – 2014)

Committee on Pattern Jury Charges (2008 – 2010)

Board of Directors, Judicial Section of the State Bar of Texas (2007 – 2009)

District 4F State Bar Grievance Committee (1994 – 1998), Chairman (1998 – 1999)

Special Disciplinary Counsel, Commission for Lawyer Discipline (1994 – 1996)

South Texas College of Law Advanced Civil Trial Law Conference (2005)

Planning Committee

Texas Association of Defense Counsel (1994 – 2001)

Texas Center for the Judiciary

Appellate Judges Education Committee (2008 – 2009)

Scholarship Committee (2007 – 2008)

Board of Directors (2004 – 2005)

Texas Court of Criminal Appeals Education Committee (2009 – 2010)

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.

Texas, 1989
District of Columbia, 2003

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 District Court for the Southern District of Texas, 1992
United States Court of Appeals for the Fifth Circuit, 1993
United States District Court for the District of Arizona, 1994
United States Court of International Trade, 2003
Supreme Court of the United States, 2003

After becoming a judge, I did not renew several of my admissions. My membership in the District of Arizona lapsed in September 1999, my membership in the United States Court of Appeals for the Fifth Circuit lapsed in February 2003, and my membership in the Court of International Trade lapsed in June 2014.

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.

American Leadership Forum Class XXIV (2006 – Present)

American Red Cross (2005 – 2006)
National Nominations Committee

Bronze Eagles Flying Club (1998 – 2001)

Downtown Houston Pachyderm Club (2003 – 2006)

Federalist Society (2007 – 2010)

Garland Walker Inns of Court (2003)

Greater Houston Chapter of the American Red Cross (2001 – Present)
Board of Directors, Executive Committee (2001 – Present)
Chairman, Military Services Committee (2001 – 2009)
Chairman-Elect, Board of Directors (2006 – 2008)
Chairman, Board of Directors (2009 – 2011)

Greater Houston Pachyderm Club (2003)

Houston Fit Running Club (2009 – Present)
Assistant Marathon Coach

Houston Realty Breakfast Club (now known as the Houston Realty Business Coalition) (2005)

Houston Underwater Photography Society (2008 – 2010)

Knights of Columbus, Council #5678 (2010 – Present)

Lakes of Fondren Homeowners Association (1999 – 2000, 2013 – Present)
Board Member (1999 – 2000)
Vice President of the Board (2013 – Present)

National Association of Black Scuba Divers/Nubian Dive Club (1999 – 2010)

National Federation of Pachyderm Clubs (2005)

Phi Delta Phi International Legal Honors Society, South Texas College of Law – Wood Inn (2003– Present)

San Jacinto Club (now known as the Harris County Republican Leadership Council) (2003 – 2006)

St. Albert of Trapani Catholic Church (1996 – Present)
Liturgical Minister

- 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.

The Knights of Columbus is a Catholic organization focused on educational, charitable, religious and social welfare works that limits its membership to men, although there is a corresponding organization—Catholic Daughters of America—that limits its membership to women. To the best of my knowledge, none of the other organizations listed above invidiously discriminates or previously discriminated on the basis of race, sex, 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.

Midway: A Place of Healing, Papahanaumokuakea ` Ahahui Alaka`i (PAA) Blog (June 21, 2010). Copy supplied.

Introduction: George Hanks, Papahanaumokuakea ` Ahahui Alaka`i (PAA) Blog (June 10, 2010). Copy supplied.

Profile in Professionalism, 45 HOUSTON LAWYER 32 (2007). Copy supplied.

A View from the Bench: Using Motions in Limine Effectively, The College of the State Bar of Texas Bulletin (2007). Copy supplied.

With William J. Carpathe, *Judicial Clerkship Program 2007*, American Bar Association Judicial Division Record (2007). Copy supplied.

Public Service and the Law, 43 HOUSTON LAWYER 11 (2006). Copy supplied.

Contribution and Indemnity after H.B. 4, 67 TEX. B.J. 288 (2004). Copy supplied.

With R. Polinger-Hyman, *Redefining the Battlefield—Expert Reports in Medical Malpractice Litigation after HB4*, 67 TEX. B.J. 936 (2004). Copy supplied.

Gazing into the Murky Crystal Ball: The Rise of Design Professional Liability for the Criminal Acts of Third Parties, 4 HOUS. BUSN. & TAX L.J. 339 (2004). Copy supplied.

Children and the Law in Texas: What Parents Should Know, 38 HOUSTON LAWYER 49 (1999) (book review). Copy supplied.

When Sovereign Immunity Is not Enough: The Rise of Premise Liability Claims Against Governmental Entities, 36 HOUSTON LAWYER 27 (1998). Copy supplied.

When Sticks & Stones May Break Your Bones: An Overview of Texas Premise Liability Law for Business Owners, 60 TEX. B.J. 1010 (1997). Copy supplied.

From 1996 to 2003, I served on the Editorial Board of the Houston Bar Association's publication, THE HOUSTON LAWYER. The magazine publishes six bi-monthly issues per year. As a member of the Editorial Board, I assisted in selecting the topics for each issue, although I did not write or edit any articles except my own articles listed above.

- 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.

With Steve Vetrano. "Message from the Chairman and CEO," Greater Houston Chapter of the American Red Cross (July 2011). Copy supplied.

With Steve Vetrano. "Message from Our Leadership," Greater Houston Chapter of the American Red Cross (June 2010). Copy supplied.

With Steve Vetrano. "Message from Our Leadership," Greater Houston Chapter of the American Red Cross (June 2009). 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.

On February 17, 2003, I appeared before the Texas Senate Committee on Nominations. I gave an opening statement regarding my desire to serve as a justice on the Texas Court of Appeals. Video recording available at: http://tlcsenate.granicus.com/MediaPlayer.php?clip_id=5243.

- 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.

May 6, 2014: Panelist, "Ethics and Professionalism from a Judge's Perspective," Kessler-Eidson Trial Techniques Program, Emory University School of Law, Atlanta, Georgia. Video recording available at: https://www.youtube.com/watch?v=tnjr__4r-LQ.

April 27, 2014: Speaker, "Papahānaumokuākea National Marine Monument," Florida Marine Science Educators Association Annual Conference, Panama City, Florida. My presentation addressed the topics of the national marine sanctuary system and ocean conservation. PowerPoint supplied.

February 23, 2014: Speaker, "Keynote Address," National Black Law Students Association-Rocky Mountain Region Annual Conference, Austin, Texas. Draft remarks supplied.

February 2014, February 2013: Speaker, "*Grovey v. Townsend*, 295 U.S. 45 (1935) and *Smith v. Allwright* 321 U.S. 649 (1944)," Harris County Black History Month Program, Houston, Texas. PowerPoint supplied.

October 23, 2013, December 12, 2012, April 27, 2011: Speaker, United States Naturalization Ceremony, Houston, Texas. I gave the same remarks on each of these occasions. Draft remarks supplied.

October 11, 2013: Panelist, "Perspectives from the Bench: Everything You Wanted to Know But Were Too Afraid to Ask," State Bar of Texas Labor & Employment Law Section, Montgomery, Texas. The panel addressed the topic of best practices in handling labor and employment cases in federal court. I have no notes, transcript, or recording. The address for the State Bar of Texas is 1414 Colorado Street, Austin, Texas 78701.

October 2013, June 2011, October 2007: Instructor, Borden Ladner & Gervais LLP Litigation Training Program, Montreal and Toronto, Canada. I taught courses in trial advocacy skills. I have no notes, transcript, or recording. The address for Borden Ladner & Gervais LLP is Scotia Plaza, 40 King Street West, Toronto, Canada M5H 3Y4.

June 22, 2013: Speaker, "Papahānaumokuākea National Marine Monument," National Association of Black Scuba Divers Youth Education Summit, Texas A&M, Galveston, Texas. My presentation addressed the topics of the national marine sanctuary system and ocean conservation. PowerPoint previously supplied for the April 27, 2014 event.

April 9, 2013: Speaker, "Federal Magistrate Mediation," Houston Bar Association, Houston, Texas. My presentation addressed recommendations on

how to use magistrate judge mediations to manage cases. I have no notes, transcript, or recording. The address for the Houston Bar Association is 1111 Bagby Street FLB 200, Houston, Texas 77002.

December 4, 2012: Speaker, "Federal Practice Section: Motions Practice," Houston Bar Association, Houston, Texas. My presentation addressed the topic of best practices in handling motions in federal court. I have no notes, transcript, or recording. The address for the Houston Bar Association is 1111 Bagby Street FLB 200, Houston, Texas 77002.

April 27, 2012: Panelist, "Judges Panel," Texas Minority Attorney Program, Houston, Texas. My presentation addressed best practices in handling motions in federal court. I have no notes, transcript, or recording. The address for the Houston Bar Association is 1111 Bagby Street FLB 200, Houston, Texas 77002.

March 24, 2012: Speaker, "Papahānaumokuākea National Marine Monument," Oppe Elementary School Coastal Studies Campus' Coastal Carnival, Galveston, Texas. PowerPoint previously supplied for the April 27, 2014 event.

February 2012: Speaker, "*Sweatt v. Painter*," Harris County Black History Month Program, Houston, Texas. PowerPoint supplied.

December 13, 2011: Speaker, "Perspectives of a New Magistrate Judge," Houston Metropolitan Paralegal Association, Houston, Texas. My presentation addressed recommendations on how to use magistrate judge mediations to manage cases. I have no notes, transcript, or recording. The address for the Houston Metropolitan Paralegal Association is 440 Louisiana Street, Houston, Texas 77002.

October 12, 2011: Speaker, "Papahānaumokuākea National Marine Monument," Galveston Aggie Club, Galveston, Texas. PowerPoint previously supplied for the April 27, 2014 event.

September 30, 2011: Speaker, "Flower Garden Banks National Marine Sanctuary," Sallie Curtis Elementary School, Beaumont, Texas. My presentation addressed the topic of marine life in the Gulf of Mexico. I have no notes, transcript, or recording. The school address is 6225 North Circuit Drive, Beaumont, Texas 77706.

September 23, 2011: Speaker, "You Are What You Tweet: Emerging Ethical Issues for Lawyers Using Social Media," Defense Research Institute Construction Law Seminar, Phoenix, Arizona. PowerPoint supplied.

July 27, 2011: Panelist, "Tips from the Bench: What Not To Do in the Courtroom," Houston Chapter of the Asian American Bar Association, Houston, Texas. The panel provided CLE credit and discussed the topics of courtroom etiquette and professionalism. I have no notes, transcript, or recording. The

address for the Asian American Bar Association is P.O. Box 1554, Houston, Texas 77251.

June 2011: Instructor, National Institute of Trial Advocacy (“NITA”), Dallas, Texas. I taught courses in trial advocacy skills. I have no notes, transcript, or recording, but syllabus supplied.

May 14, 2011: Speaker, “Papahanaumokuakea National Marine Monument,” Houston Zoo, Houston, Texas. PowerPoint previously supplied for the April 27, 2014 event.

April 11, 2011: Speaker, “Papahanaumokuakea National Marine Monument,” Seaside Chat at the Flower Garden Banks National Marine Sanctuary, Galveston, Texas. PowerPoint previously supplied for the April 27, 2014 event.

February 2011: Speaker, “*Margaret Gess v. Francis Lubbock*,” Harris County Black History Month Program, Houston, Texas. I gave a presentation on an 1848 case that addressed the constitutionality of slavery in the Republic of Texas. I have no notes, transcript, or recording. The address of the Harris County Courthouse is 301 Fannin Street, Houston, Texas 77002.

2011: Speaker, “The Blueprint,” The Effective Advocate Training Program: Arbitration Advocacy for Arbitrations and Trials, National Institute for Trial Advocacy, Boulder, Colorado. Transcript supplied and video is available at <http://blog.nita.org/2013/02/the-blueprint/>.

October 20, 2010: Speaker, United States Magistrate Judge Investiture Ceremony for George C. Hanks, Jr., Houston, Texas. Video recording supplied.

July 2010: Instructor, National Institute of Trial Advocacy (“NITA”), Boulder, Colorado. I taught courses in trial advocacy skills. I have no notes, transcript, or recording, but syllabus supplied.

June 2010, January 2010: Speaker, “Effective Handling of Electronic Discovery Disputes,” Texas Center for the Judiciary, Austin, Texas and Fort Worth, Texas. PowerPoint supplied.

2010: Speaker, “Mentoring Moments,” Garland R. Walker American Inn of Court Professionalism Program, Houston, Texas. Video supplied.

July 2009: Instructor, National Institute of Trial Advocacy (“NITA”), Boulder, Colorado. I taught courses in trial advocacy skills. I have no notes, transcript, or recording. The address for NITA is 1685 38th Street, Suite 200, Boulder, Colorado 80301-2735.

June 21-25, 2009: Instructor, “Current Issues in the Law” Program, National

Judicial College, West Yellowstone, Montana. PowerPoints supplied.

April 29, 2009: Speaker, Remarks at the Harris County Bench Bar Pro Bono Awards, Harris County Bar and Harris County Judiciary, Houston, Texas. Transcript supplied.

March 2009, March 2007: Lecturer, "Sidebar at Sea," Annual Houston Young Lawyers Association Continuing Legal Education Program, Carnival Ecstasy and Royal Caribbean Splendor of the Seas. My lectures covered the topics of effective appellate advocacy, courtroom etiquette and professionalism. I have no notes, transcript, or recording. The address for the Houston Young Lawyers Association is P.O. Box 61208, Houston, Texas 77208.

February 2, 2009: Speaker, "Flower Garden Banks National Marine Sanctuary," JASON Learning Alliance of Southeast Texas Marine Education Program, Beaumont, Texas. My presentation addressed the topic of the Flower Garden Banks National Marine Sanctuary. I have no notes, transcript, or recording. The address for the JASON Learning Alliance is P.O. Box 1609, Nederland, Texas 77627.

October 2008: Panelist, "Risk Allocation in Litigation," State Bar of Texas Minority Attorney Program, Austin, Texas. The panel discussed effective litigation strategies at the State Bar of Texas' CLE program. I have no notes, transcript, or recording. The address for the State Bar of Texas is 1414 Colorado Street, Austin, Texas 78701.

July 2008: Instructor, National Institute of Trial Advocacy ("NITA"), Boulder, Colorado. I taught courses in trial advocacy skills. I have no notes, transcript, or recording. The address for NITA is 1685 38th Street, Suite 200, Boulder, Colorado 80301-2735.

June 4, 2008: Speaker, "The Discovery of Evidence in the Electronic Age," and "The Admissibility of Electronic Evidence," Washington State Judges' Annual Educational Conference, Lake Chelan, Washington. PowerPoints supplied.

February 2008: Speaker, "Bullet-Proofing Motions for Summary Judgments," Galveston County Bar Association, Galveston, Texas. I gave a presentation about how to successfully prepare and argue motions for summary judgment. I have no notes, transcript, or recording. The address for the Galveston County Bar Association is P.O. Box 36, Galveston, Texas 77553.

August 26-30, 2007: Instructor, "Current Issues in the Law" Program, National Judicial College, Bar Harbor, Maine. PowerPoints supplied.

February 2007: Panelist, "What Do Judicial Clerks Do?," American Bar Association Annual Judicial Clerkship Program, Miami, Florida. The panel

discussed differences and similarities in clerking for state and federal trial and appellate courts. I have no notes, transcript, or recording. The address for the American Bar Association is 1050 Connecticut Ave, N.W., Suite 400, Washington, D.C. 20036.

November 2006: Instructor, National Institute of Trial Advocacy (“NITA”), Boulder, Colorado. I taught courses in trial advocacy skills. I have no notes, transcript, or recording. The address for NITA is 1685 38th Street, Suite 200, Boulder, Colorado 80301-2735.

October 21, 2006: Speaker, “Closing Remarks,” Houston Bar Association Professionalism Day, Houston, Texas. Remarks supplied.

April 18, 2006: Speaker, “The USA Patriot Act: An Overview of the Debate,” Mississippi Trial and Appellate Judges’ Annual Conference, Tunica, Mississippi. PowerPoint supplied.

March 29, 2006: Speaker, “The Importance of Jury Service,” Houston Bar Association, Houston, Texas. I addressed the topic of jury service in Texas courts. I have no notes, transcript, or recording. The address for the Houston Bar Association is 1111 Bagby Street FLB 200, Houston, Texas 77002.

March 18-23, 2006: Instructor, “Current Issues in the Law” Program, National Judicial College, Key West, Florida. PowerPoints supplied.

March 2006: Panelist, Harvard Black Law Students Association Annual Conference, Cambridge, Massachusetts. I was a panelist on the topic of how to pursue a career as a judicial officer. I have no notes, transcript, or recording. The address for the Black Law Students Association is 1563 Massachusetts Avenue, Cambridge, Massachusetts 02138.

February 2006: Panelist, “The Students Question the Judges,” ABA Judicial Clerkship Program, Chicago, Illinois. I was a panelist in a question-and-answer session where judges addressed topics such as jurisprudence and life experiences. I have no notes, transcript, or recording. The address for the American Bar Association is 1050 Connecticut Ave, N.W., Suite 400, Washington, D.C. 20036.

February 2006 and March 2005: Lecturer, “Cruisin’ Through Trial,” Annual Houston Young Lawyers Association Continuing Legal Education Program, Carnival Celebration. My lectures covered the topic of effective appellate advocacy, courtroom etiquette and professionalism. I have no notes, transcript, or recording. The address for the Houston Young Lawyers Association is P.O. Box 61208, Houston, Texas 77208.

October 20, 2005: Panelist, “Judicial Campaign Rhetoric after *Republican Party of Minnesota v. White*,” National Association of Women Judges, Houston, Texas. PowerPoint supplied.

September – December 2005: While running for re-election as a Justice on the First Court of Appeals, I attended various Republican club meetings and events where I was introduced as an incumbent state justice. Although I cannot recall every club or meeting that I may have attended, they likely included the Greater Houston Pachyderm Club and the Austin County Pachyderm Club. After reviewing my files and public records, I could not determine the specific dates or locations of these meetings. At these events, if given the opportunity, I generally spoke about my qualifications, experience and community involvement. I did not speak from a prepared text. I have no notes, transcripts or recordings from these meetings. The address for the Greater Houston Pachyderm Club is P.O. Box 22531, Houston, Texas 77227. The Austin County Pachyderm Club is located in Bellville, Texas and does not have an office or mailing address.

June 11 – 16, 2005: Instructor, “Current Issues in the Law” Program, National Judicial College, San Francisco, California. PowerPoint supplied.

March 2005: Speaker, “The Jury Charge: Navigating the Charge Conference after the Demise of Broad-Form Submission,” Civil District/Appellate Bench Bar Conference, Houston Bar Association, Houston, Texas. PowerPoint supplied.

February 17, 2005: Panelist, “Trying a Case for a Successful Appeal,” South Texas College of Law Advanced Civil Trial Law Conference, Houston, Texas. The panel addressed the topic of successful appellate strategies. I have no notes, transcript, or recording. The address for South Texas College of Law is 1303 San Jacinto Street, Houston, Texas 77002.

January 2005: Instructor, National Institute of Trial Advocacy (“NITA”), New Orleans, Louisiana. I taught courses in trial advocacy skills. I have no notes, transcript, or recording. The address for NITA is 1685 38th Street, Suite 200, Boulder, Colorado 80301-2735.

November 2004: Speaker, “Responsible Third Parties, Contribution and Indemnity: An Overview,” State Bar of Texas, 27th Annual Advanced Civil Trial Program, Houston, Texas. Paper on which presentation was based previously supplied in response to 12a.

June 26-July 1, 2004: Instructor, “Current Issues in the Law” Program, National Judicial College, Newport, Rhode Island. PowerPoints supplied.

March 2004: Speaker, “The Next Evolution: Contribution and Indemnity after HB4,” Houston Bar Association, Appellate Practice Section, Houston, Texas. Paper on which presentation was based previously supplied in response to 12a.

February 2004: Speaker, American Bar Association Judicial Clerkship Program, San Antonio, Texas. I spoke to minority law students about the benefits of clerking. I have no notes, transcript, or recording. The address for the American Bar Association is 1050 Connecticut Avenue, N.W., Suite 400, Washington, D.C. 20036.

December 2003: Speaker, Civil Court Ad Litem Institute, Houston Bar Association, Houston, Texas. I spoke on the topic of the ethical requirements for guardian ad litem appointed in Texas. I have no notes, transcript, or recording. The address for the Houston Bar Association is 1111 Bagby Street FLB 200, Houston, Texas 77002.

December 2003, December 2002, July 1995: Speaker, "Litigation and Trial Tactics," University of Houston Law Foundation, Houston, Texas. I gave substantially similar presentations on excluding inadmissible evidence at trial at University of Houston Law Foundation seminars. Unpublished paper on which presentation was based supplied.

October 24, 2003: Speaker, "House Bill 4," Jefferson County Bar Association, Beaumont, Texas. I provided a summary analysis of the then recently-enacted Texas House Bill 4. Paper on which presentation was based previously supplied in response to 12a.

August 2003: Speaker, "Contribution and Indemnity in Texas," Harris County Judicial Education Seminar, Houston, Texas. Paper on which presentation was based previously supplied in response to 12a.

March 30, 2003: Speaker, "American Red Cross Youth Recognition Day," American Red Cross, Houston, Texas. Draft remarks supplied.

March 13, 2003: Speaker, Court of Appeals for the First District of Texas Investiture Ceremony for George C. Hanks, Jr., Houston, Texas. Draft remarks supplied.

January – December 2003: While running for election as a Justice on the First Court of Appeals, I attended various Republican club meetings and events where I was introduced as an incumbent state justice. Although I cannot recall every club or meeting that I may have attended, I recall that they included the Greater Houston Pachyderm Club and the Austin County Pachyderm Club. After reviewing my files and public records, I have listed two specific events below, but I do not recall the specific dates or locations of all such meetings. At these events, if given the opportunity, I generally spoke about my qualifications, experience and community involvement. I did not speak from a prepared text. I have no notes, transcripts or recordings from these meetings.

March 2003: Speaker, Greater Houston Pachyderm Club, Houston, Texas. I spoke about my qualifications to continue serving as a Justice on the First Court of Appeals. The address for the Greater Houston Pachyderm Club is P.O. Box 22531, Houston, Texas 77227.

January 2003: Speaker, Austin County Pachyderm Club, Bellville, Texas. I spoke about my qualifications to continue serving as a Justice on the First Court of Appeals. This organization does not have an office or mailing address.

January 2003, October 2002, January 2002: Speaker, Texas Insurance Law Symposium, South Texas College of Law Legal Education Department, Houston, Texas. I gave substantially similar presentations on the topic of summary jury trials. PowerPoint supplied.

June 12, 2002: Panelist, "Securities Litigation Judicial Panel," State Bar of Texas, Houston, Texas. I was a panelist at the State Bar of Texas' Annual Meeting and spoke on judicial management of securities law cases in Texas. I have no notes, transcript, or recording. The address for the State Bar of Texas is 1414 Colorado Street, Austin, Texas 78701.

March 2002, February 2001, March 1999, August 1998, March 1998, December 1997, August 1997, September 1996, August 1996, March 1996, March 1995: Speaker, University of Houston Law Foundation, Houston, Texas. My presentations were based on two unpublished papers for the University of Houston Law Foundation, one of which is supplied here and one of which was previously supplied in response to the "Litigation and Trial Tactics" events.

September – December 2001: While running for election as a district court judge, I attended various Republican club meetings and events where I was introduced as an incumbent state judge. Although I cannot recall every club or meeting I may have attended, they likely included the Greater Houston Pachyderm Club. After reviewing my files and public records, I could not determine the specific dates or locations of these meetings. At these events, if given the opportunity, I generally spoke about my qualifications, experience and community involvement. I did not speak from a prepared text. I have no notes, transcripts or recordings from these meetings. The address for the Greater Houston Pachyderm Club is P.O. Box 22531, Houston, Texas 77227.

May 2001: Speaker, "Civil Trial Tactics: Tips from the Experts," Houston Young Lawyers Association, Houston, Texas. I gave a presentation about successful litigation strategies that I had seen from the bench thus far. I have no notes, transcript, or recording. The address for the Houston Young Lawyers Association is P.O. Box 61208, Houston, Texas 77208.

February 20, 2001: Speaker, 157th District Court Investiture Ceremony for

George C. Hanks, Jr., Houston, Texas. I gave remarks at my investiture thanking the Governor of Texas, my family, my staff and the public for the honor of serving the citizens of the State of Texas. I have no notes, transcript, or recording. The address of the Harris County Courthouse is 201 Caroline Street, Houston, Texas 77002.

April 2000: Speaker, "Advanced Civil Litigation Under the New Rules," University of Houston Law Foundation, Houston, Texas. I provided a summary analysis of the then recently-enacted House Bill 4 for a University of Houston Law Foundation seminar. I have no notes, transcript, or recording. The address for the University of Houston Law Center is 100 Law Center, Houston, Texas 77204.

- 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.

John K. Rabiej, *Duke Law Holds Post-Graduate Degree Program for Judges*, 50 HOUSTON LAWYER 43 (May/June 2013). Copy supplied.

Neil Offen, *The Judges Take a Seat*, DURHAM HERALD SUN (June 11, 2012). Copy supplied (comments reprinted on the Duke Law Center for Judicial Studies website at <http://law.duke.edu/judicialstudies/>).

Perspectives and Commentaries: The Judges, AMERICAN BAR ASSOCIATION JUDICIAL CLERKSHIP PROGRAM (2010). Copy supplied.

George C. Hanks, Jr., *George Hanks*, HOUSTON FIT, FALL PROGRAM – FULL MARATHON COACHES (2009). Copy supplied.

Mary Alice Robbins, *A Diversity Dilemma: Justices, Lawmakers Work to Increase Number of Minority Law Clerks, Staff Attorneys*, TEXAS LAWYER (July 24, 2006). Copy supplied.

Fulbright & Jaworski LLP, *Fine Points of the Law and Human Nature: Judge George Hanks*, 2 AFTERWORDS 9 (July 2005). Copy supplied.

Mary Alice Robbins, *Lawyers Feel TRAPped When 1st Court Strikes Motions Based on Technicalities*, TEXAS LAWYER (February 28, 2005). Copy supplied.

Robert W. Higgason, *Diversity Strengthens the Texas Judiciary*, 40 HOUSTON LAWYER 30 (May/June 2003). Copy supplied.

Harvey G. Brown, *The Summary Jury Trial Perspectives of the Bench and Bar (Part II)*, 38 HOUSTON LAWYER 16 (May/June 2001). Copy supplied.

Harvey G. Brown, *The Summary Jury Trial Perspectives of the Bench and Bar (Part I)*, 38 HOUSTON LAWYER 32 (March/April 2001). Copy supplied.

Carol Christian, *New Judge Gets Help Dressing*, HOUSTON CHRONICLE (January 13, 2001).

Carol Christian, *Houston Lawyer is Perry's First Judicial Appointment*, HOUSTON CHRONICLE (January 11, 2001). Copy supplied.

Clifford Pugh, *A Big Brother Relationship Can Last a Lifetime*, HOUSTON CHRONICLE (October 12, 1995). Copy supplied.

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 served as a United States Magistrate Judge for the United States District Court for the Southern District of Texas, Houston Division after being appointed by Ricardo Hinojosa, Chief Judge of the Southern District of Texas, in September 2010. My jurisdiction is set by federal statute and orders issued by the Chief Judge of the District. According to General Order 2002-13, my jurisdiction includes "any duty allowed by 28 U.S.C. § 636 or any other law," such as trial and pretrial matters for civil and criminal cases, with the exception of felony criminal trials.

In 2003, I was appointed as a Justice for the Court of Appeals for the First District of Texas by Governor Rick Perry. I was subsequently elected to the position in 2004 and 2006. The First Court of Appeals has intermediate appellate jurisdiction of civil and criminal cases appealed from district or county courts in ten Texas counties, with the exception of criminal cases in which the death penalty has been assessed. The First Court of Appeals also has original jurisdiction of certain matters, including writs of mandamus and writs of habeas corpus.

In 2001, I was appointed as a Judge, 157th Civil District Court, Harris County, Texas by Governor Rick Perry. I was subsequently elected to the position 2002. The 157th Civil District Court in Harris County, Texas hears civil cases in which the amount in controversy is \$200 or more, as well as suits involving title to land and requests for declaratory or injunctive relief. The 157th Civil District Court has the power to issue writs, including writs of habeas corpus, mandamus, sequestration, attachment and garnishment.

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

I have presided over 91 trials ending in a verdict or judgment.

i. Of these, approximately what percent were:

jury trials:	32%
bench trials:	68%
civil proceedings:	99%
criminal proceedings:	1%

b. Provide citations for all opinions you have written, including concurrences and dissents.

See attached lists for opinions issued as a Justice on the First Court of Appeals, as a member of the Texas Judicial Panel on Multidistrict Litigation, and as a United States Magistrate Judge. Not every opinion that I have written is reported via services such as Westlaw and Lexis. These opinions are available to the public and the parties through the federal or state court websites.

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).

I presided over the following cases as a judge in Texas' 157th District Court.

1. *Chee et al. v. Pinkmonkey.com, Inc. et al.*, Case No. 2000-38766.

In this complex securities case, the plaintiffs brought Texas Blue Sky, common law fraud, and negligent misrepresentation claims against the defendants, alleging that the defendants had unlawfully sold securities for a company providing education software without any intention of registering those securities to the plaintiffs. In this case, an officer of defendant Pinkmonkey.com sold the same securities to two different sets of investors – one, a group of sophisticated investors in New York City and the other, a group of relatively unsophisticated investors in Houston. The officer then resigned from the company and took the securities sales proceeds from both sets of investors but only registered the securities in the names of the sophisticated investors. I denied a motion for summary judgment filed by one of Pinkmonkey.com's employees shortly before trial. The basis for the ruling was that there were fact issues regarding the elements of all of the claims brought against this defendant. No written opinion was issued regarding this ruling. After a six-day trial, the jury returned a verdict for the plaintiffs, awarding over \$900,000 in actual damages, \$250,000 in exemplary damages, \$400,000 in attorney's fees, \$5,561 in costs, and \$11,587 in expert witness fees.

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713-785-1700

Counsel for all Defendants:
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Wharton, TX 77488
979-531-0322

2. *French American Banking Corp. vs. Deloitte & Touche L.L.P.*, Case No. 1996-44542.

The plaintiff, French American Banking, had hired the defendant, Deloitte, to issue an audit and report regarding a warehouse inventory of plastic resins that was being held as collateral for a loan made by plaintiff. The plaintiff had hired the defendant to make sure that the total inventory in the warehouse did not fall below a certain amount. The plaintiff discovered that its actual inventory was much lower than the amounts the defendant had reported in the previous years. The defendant responded that pursuant to the letter of engagement, the audit was designed only to test whether certain portions of the warehouse contained the requisite amount of resins and that defendant never agreed to make a manual count of 100% of the inventory in the entire warehouse. Subsequently, the plaintiff brought various negligence and breach of fiduciary duty claims against the defendant. I denied defendant's motion for summary judgment on the grounds that there were fact issues regarding the elements of all of the claims brought against the defendant. No written opinion was issued regarding this ruling. After a 12-day trial, the jury returned a verdict for the defendant.

Counsel for Plaintiff:
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281-893-4284

Counsel for Defendant:
James Kennedy Taylor
Beck Redden LLP
1221 McKinney Street, Suite 4500
Houston, TX 77010
713-951-3700

3. *Juanopulos v. ARC Insurance et al.*, Case No. 1997-56593.

This lawsuit arose out of an insurance coverage dispute. The plaintiffs alleged that the defendants, an insurance company and an individual agent, sold them a commercial liability policy and specifically represented that any injuries occurring on the premises of the plaintiffs' automobile repair business would be covered under the policy that they were to receive. After an injury occurred on their business premises, plaintiffs' insurance claim was refused payment, because their policy did not in fact cover their type of business. The plaintiffs brought fraud and Texas Deceptive Trade Practices Act claims against the defendants for the damages they suffered from relying on the insurance company and agent's representations. I denied defendants' motion for partial summary judgment on the grounds that there were fact issues regarding the elements of the breach of contract claims against the defendants. No written opinion was issued regarding this ruling. After a five-day trial, the jury returned a verdict awarding the plaintiffs \$246,218 in actual damages, \$20,000 in Deceptive Trade Practices Act damages, and \$60,000 in attorneys' fees.

Counsel for Plaintiffs:

Frank W. Mitchell (Solo Practitioner)
2930 South Tioga Way
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702-443-6166

Counsel for Defendants:

Michael A. Maness
Deceased

4. *Mejia v. Farmers New World Life Insurance Co. et al.*, Case No. 1996-26163.

In this insurance case, the surviving spouse of the policyholder alleged the defendant insurer breached the insurance policy by refusing to pay mortgage protection insurance after the policyholder died. Defendants asserted that the plaintiff's husband generally requested insurance "to take care of his family" in the event of his death but did not specifically request mortgage insurance in addition to a life policy for \$100,000. The policy that was sold to him did not include mortgage protection nor did the insurance company receive any premiums for additional mortgage protection. Plaintiff responded that her husband specifically requested mortgage protection insurance and defendants made specific representations to her that the policy would pay not only \$100,000 but also \$45,000 for the mortgage. The plaintiff, who could not read English, alleged that she and her husband relied on representations to purchase a

policy with defendants. After a five-day trial, the jury returned a verdict for the plaintiff and awarded \$195,327 in damages and attorney's fees.

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713-222-7666

Counsel for Defendants:
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713-291-9673
(Farmers New World Life Insurance Company)

Ileana M. Blanco
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713-425-8435
(Gonzalo Jimenez Insurance Agency)

5. *Ramakrishna v. Sisters of Charity et al.*, Case No. 1998-06597.

This was an employment discrimination suit brought by the plaintiff against his employer, St. Joseph's Hospital. The plaintiff, a doctor of Indian descent, alleged that the defendants discriminated against him on the basis of race, color, and national origin when they wrongfully suspended him from having privileges at the hospital. Defendants asserted that the plaintiff was not suspended because of his color, race, or national origin, but because of persistent complaints about the quality of his medical care. Defendants also asserted that the individual who initiated plaintiff's suspension was an ethnic minority. Plaintiff responded that he had received excellent evaluations in the past and only starting receiving negative reviews after he had complained about racial epithets, which defendants conceded were made by another doctor during a staff meeting. I denied defendants' motion for summary judgment on the grounds that there were fact issues regarding the reason for plaintiff's suspension. No written opinion was issued regarding this ruling. After a 13-day trial, the jury found for the defendants on all of plaintiff's claims.

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Counsel for Defendants:
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Houston, Texas 77010
713-651-5690

Christy Schweikhardt
Current business contact information unavailable

6. *Yucca Supply Company v. Continental Operating Co.*, Case No. 1998-32894.

This dispute arose out of a complex oral agreement for drilling-mud supplies and services. Plaintiff, an oil field services provider, entered into an oral contract with the defendant for the drilling of an oil well on defendant's property. The well blew out during drilling, damaging the property. The plaintiff then sued the defendant for amounts due for supplies and services it provided under the contract and also brought a claim for quantum meruit. The defendant responded with a claim for damages allegedly caused by plaintiff's negligent drilling activities. After a seven-day trial, the jury found that an express contract existed between the parties and ruled in favor of the defendant on all of its claims. The jury awarded the defendants \$59,813 in actual damages, plus all court costs. The jury found against the plaintiff on its breach of contract claim and awarded damages to the plaintiff on its quantum meruit claim. After the verdict, I denied plaintiff's motion for judgment notwithstanding the verdict on its contract claim. I also granted defendant's motion for the court to disregard the jury's quantum meruit finding for plaintiff because the jury found the existence of an express contract. There is no written opinion regarding these rulings. My rulings were affirmed by the 14th Court of Appeals in *Yucca Supply Co. v. Cont'l Operating Co.*, 14-02-00085-CV, 2003 WL 297557 (Tex. App.—Houston [14th Dist.] Feb. 13, 2003, no pet.).

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Counsel for Defendant:
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Houston, TX 77002
713-751-3259

7. *New Millennium Business Systems, Inc. v. Jackson et al.*, Case No. 2000-52550.

The plaintiff, an office machine sales company, brought this action seeking declaratory relief against the defendants, one of which was Southern Office Solutions. The defendants operated a competing office machine sales company and, in a concurrent action, had sued the plaintiffs for tortiously interfering with defendants' business by hiring one of defendant Southern Office Solutions' former employees and thereby obtaining its trade secrets. The plaintiff sought declarations that the concurrent action could not be prosecuted because the plaintiff owed no obligations to defendants and because there was no enforceable agreement with which the plaintiff could have interfered. After a six-day trial, I accepted the jury's findings of fact in favor of plaintiff and held as a matter of law that the defendants had no valid claims against plaintiff or its employees.

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713-522-9444

Counsel for Defendants:
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Richmond, TX 77469
832-496-5000
(All defendants)

Allan Cease (Solo Practitioner)
56 Sugar Creek Center Boulevard, Suite 300
Sugar Land, TX 77478
281-980-0909
(All defendants as cross-plaintiffs)

8. *Anderson v. Landmark Chevrolet et al.*, Case No. 2000-47849.

In this personal injury case, the plaintiff brought suit alleging that a car salesman sexually assaulted her during a test drive. Defendants denied that the assault had occurred and asserted that the lawsuit was in retaliation for the salesman not giving plaintiff the sales price that she had requested. Plaintiff sued the individual salesman, as well as the car dealership, one of the largest in the Houston area, and the salesman's supervisor under a vicarious liability theory. At the close of evidence in this jury trial, which lasted ten days, I granted the supervisor's motion for a directed verdict because the plaintiff had not put forth any evidence to support her claims against him. There is no written opinion regarding this ruling. With respect to the alleged assailant and the car dealership, the jury found for the defendants.

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(no longer practicing law)

Counsel for Defendants:
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Tribble & Ross
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713-622-0444
(Landmark Chevrolet Corporation and Edward Heard)

Jill McCarthy Arntz (Solo Practitioner)
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Sugarland, TX 77479
713-806-2794
(Mr. Aguilar)

9. *Dayton v. Lord*, Case No. 1997-47756.

The plaintiff brought breach of warranty and Texas Deceptive Trade Practices claims against the defendant. The plaintiff alleged that the defendant had advertised the sale of two very expensive Cummins V8-555 vessel engines, but in fact sold the plaintiff defective engines of a different model. The defendant responded that he agreed to sell the engines to plaintiff and the plaintiff agreed to accept the responsibility of transporting the engines from Jacksonville, Florida to Puerto Rico. Plaintiff, in turn, delegated this responsibility to a third party. This party delivered engines to plaintiff that were not the same engines that defendant had delivered to him in Florida for shipment. After a two-day trial, the jury returned a verdict for the defendant.

Counsel for Plaintiff:
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Counsel for Defendant:
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Tekell, Book, Allen & Morris, LLP
1221 McKinney Street, Suite 4300
Houston, TX 77010-2015
713-222-9542

10. *McKenzie v. A.P. Green Refractories Co., et al.*, Case No. 1999-42808.

In this products liability case, the plaintiff alleged that he was exposed to materials containing asbestos during his employment at Union Carbide. The plaintiff brought claims against the defendants – the plaintiff’s employer and the manufacturers of various products containing asbestos – alleging that the defendants’ negligence and inadequate warnings were the producing causes of his asbestos-related injuries. The defendants argued, among other things, that the plaintiff could not establish that either their conduct or products caused his illness. I denied a motion for summary judgment filed by defendants shortly before trial on the basis that there were fact issues regarding the elements of causation on all of the claims brought against the defendants. No written opinion was issued regarding this ruling. After a 13-day trial, the jury returned a verdict for the defendants on all of the plaintiff’s claims.

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Counsel for Defendants:
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George Jerome Kacal, Jr. (Solo Practitioner)
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Kyle Steele (Solo Practitioner)
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(Ferodo America, Inc.)

Sharla Frost
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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.

1. *The Burlington Insurance Company v. Ranger Specialized Glass, Inc. et al.*, 4:12-CV-1759 (S.D. Tex. February 10, 2014).

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(Ranger Specialized Glass, Inc.)

James Gregory Waller
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(Adam Development Properties, L.P.)
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Joseph L Oliva and Micah C. Yang
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John L Grayson
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(Lyda Swinerton Builders, Inc.)

Anthony Edward Spaeth
Newton Jones and Spaeth
3405 Marquart Street
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713-493-7624
(Chamberlin Roofing & Waterproofing, LTD)

2. *Kroger Co. v. Persley*, 261 S.W.3d 316 (Tex. App.—Houston [1st Dist.] 2008, no pet.).

Counsel for Appellant:
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Olson and Olson

2727 Allen Parkway, Suite 600
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713-533-3924
(Kroger Co.)

Counsel for Appellee:
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Matt Freeman & Associates
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713-255-7400
(Ms. Persley)

David J. Coates
Johnson Trent West & Taylor
919 Milam, Suite 1700
Houston, TX 77002
713-860-0532
(Ms. Persley)

3. *Texas S. Univ. v. State St. Bank & Trust Co.*, 212 S.W.3d 893 (Tex. App.—Houston [1st Dist.] 2007, pet. denied).

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Ronald D. Cohen
Cohen & Small
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John D. Hanify
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617-449-6906
(State Street Bank & Trust)

4. *Jones v. Republic Waste Serv. of Texas, Ltd.*, 236 S.W.3d 390 (Tex. App.—Houston [1st Dist.] 2007, pet. denied).

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Counsel for Appellee:
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(Republic Waste Services of Texas, Ltd.)

5. *Excel Auto and Truck Leasing, L.L.P. v. Alief Indep. Sch. Dist.*, 249 S.W.3d 46 (Tex. App.—Houston [1st Dist.] 2007, pet. denied).

Counsel for Appellant:
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713-862-1860
(Alief Independent School District et al.)

Josh Kahn
Sanford Kuhl Hagan Kugle Parker Kahn
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Houston, TX 77056
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(Charterwood Municipal Utility District)

6. *Sterling Chems, Inc. v. Texaco Inc.*, 259 S.W.3d 793 (Tex. App.—Houston [1st Dist.] 2007, pet. denied).

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248-549-3900
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713-751-3200
(Texaco)

Reagan W. Simpson
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909 Fannin, Suite 3600
Houston, TX 77010
713-632-8075
(Texaco)

7. *Reiland v. Patrick Thomas Properties, Inc.*, 213 S.W.3d 431 (Tex. App.—Houston [1st Dist.] 2006, pet. denied).

Counsel for Appellant:
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Houston, TX 77002

713-226-1314
(Mr. Reiland)

Rachel Hope Stinson
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515 Rusk Avenue
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713-250-5528
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Counsel for Appellee:
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11 Greenway Plaza, Summit Tower 2820
Houston, TX 77046
713-961-1200
(Patrick Thomas Properties, Inc.)

8. *Trigeant Holdings, Ltd. v. Jones*, 183 S.W.3d 717 (Tex. App.—Houston [1st Dist.] 2005, pet. denied).

Counsel for Appellant:
Jan Woodward Fox (Solo Practitioner)
440 Louisiana, Suite 900
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713-623-8600
(Trigeant Holdings)

Mary A. Van Kerrebroek
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Jennifer R. Tillison and Kevin Dubose
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713-751-0025
(Mr. Jones)

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9. *Daniels v. Lyondell-Citgo Ref. Co., Ltd.*, 99 S.W.3d 722 (Tex. App.—Houston [1st Dist.] 2003, no pet.).

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1350 I Street, NW
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(Lyondell-Citgo Refining Company)

10. *IP Petroleum Co., Inc. v. Wevanco Energy, L.L.C.*, 116 S.W.3d 888 (Tex. App.—Houston [1st Dist.] 2003, pet. denied).

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- e. Provide a list of all cases in which certiorari was requested or granted.

Aspenwood Apartment Corp. v. Link, No. 01-05-00555-CV, 2007 WL 2832985 (Tex. App.—Houston [1st Dist.] April 19, 2007) (*cert. denied* in 129 S. Ct. 997).

Payan v. State, 199 S.W.3d 380 (Tex. App.—Houston [1st Dist.] 2006) (*cert. denied* in 127 S. Ct. 1129).

Lazo v. State, Nos. No. 01-04-00875-CR, 2005 WL 3071955 (Tex. App.—Houston [1st Dist.] November 17, 2005) (*cert. denied* in 127 S. Ct. 439).

Brockman v. Tyson, No. 01-03-01335-CV, 2005 WL 2850128 (Tex. App.—Houston [1st Dist.] Oct. 27, 2005) (*cert. denied* in 127 S. Ct. 191).

Mapp v. State, No. 01-03-00195-CR, 2004 WL 638393 (Tex. App.—Houston [1st Dist.] April 01, 2004) (*cert. denied* in 125 S. Ct. 2258).

Leachman v. State, No. 01-98-01255-CR, 2004 WL 744820 (Tex. App.—Houston [1st Dist.] April 8, 2004) (*cert. denied* in 128 S. Ct. 2295).

- 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.

Serna v. Law Office of Joseph Onwuteaka, P.C., 2012 WL 2360805 (S.D.Tex. June 19, 2012), *rev'd*, 732 F.3d 440, 443–46 (5th Cir. 2013). In a split decision on an issue of first impression, the Fifth Circuit reversed the grant of summary judgment for the defendant, holding that, in light of Congress's purpose in enacting the Fair Debt Collection Practices Act, a violation of the Act's venue requirement did not occur until the debtor received notice of the debt collection suit and the limitations clock was therefore not triggered until the debtor received such notice.

Mitchell v. Methodist Hosp., 2009 WL 5174186 (Tex. App.—Houston [1st Dist.] 2009) (No. 01-08-00898-CV), *rev'd*, 335 S.W.3d 610 (Tex. 2011). In this case regarding the sufficiency of an expert report in a medical malpractice case, the Texas Supreme Court reversed and remanded on the issue of the sufficiency of

the expert report to allow the trial court to reconsider the issue in light of intervening standards that the Texas Supreme Court had issued.

Walters v. Cleveland Regional Medical Center, 264 S.W.3d 154 (Tex. App.—Houston [1st Dist.] 2007) (No. 01–06–01068–CV), *rev'd*, 307 S.W.3d 292, 294 (Tex. 2010). This was a medical malpractice case in which the Texas Supreme Court found that summary judgment was improper because there was a genuine issue of material fact as to whether the patient discovered the surgical sponge left by a prior procedure within a reasonable time. The Texas Supreme Court disposed of another medical malpractice limitations case on the same day, clarifying Texas law on that issue.

Conte v. Ditta, 287 S.W.3d 28 (Tex. App.—Houston [1st Dist.] 2007) (No. 01-05-00603-CV), *rev'd*, 298 S.W.3d 187 (Tex. 2009). In a matter of first impression, the Texas Supreme Court reversed and held that no statute of limitations applied to a trustee removal action brought by a guardian.

Lin v. Metro Allied Ins. Agency, Inc., 305 S.W.3d 1 (Tex. App.—Houston [1st Dist.] 2007) (No. 01-05-00196-CV), *rev'd*, 304 S.W.3d 830 (Tex. 2009). This case addressed the standard of causation when bringing a claim for failure to provide insurance under a negligence theory and the Texas Deceptive Trade Practices Act. The Texas Supreme Court clarified its previous holdings and reversed, holding that the contractor was required to prove the availability of an insurance policy that would have provided coverage for plaintiff's damages in order to prevail under these theories of recovery.

Danos v. Rittger, 253 S.W.3d 294 (Tex. App.—Houston [1st Dist.] 2007) (No. 01-06-00350-CV), *rev'd*, 253 S.W.3d 215 (Tex. 2008). In light of its opinion in *Lewis v. Funderburk*, released the same day, the Texas Supreme Court reversed the decision as to the admissibility of an expert report and held that deficiencies in an expert medical report served by a medical malpractice plaintiff can be cured, during a 30-day cure period, by serving a report from a separate expert.

Chau v. Riddle, 212 S.W.3d 699 (Tex. App.—Houston [1st Dist.] 2006) (No. 01-04-00551-CV), *rev'd*, 254 S.W.3d 453 (Tex. 2008). The parents of a newborn infant who suffered permanent brain damage from lack of oxygen during delivery brought a medical malpractice action against the anesthesiologist and anesthesiologist's professional association. The Texas Supreme Court held that genuine issues of material fact as to whether the anesthesiologist was associated with the admitting or attending physician, thus precluding him from Good Samaritan statute's protection, prevented summary judgment from being granted.

Allen v. State, 263 S.W.3d 168 (Tex. App.—Houston [1st Dist.] 2007) (No. 01-04-00235-CR), *vacated by* 253 S.W.3d 260 (Tex. Crim. App. 2008). Although the Texas Court of Criminal Appeals noted that there should have been an instruction given to the jury that it was required to acquit the defendant on a charge of simple

assault if it had reasonable doubt as to whether victim consented to assault, the Court of Criminal Appeals ultimately held that the lack of such an instruction did not rise to level of egregious harm.

Leachman v. State, 2004 WL 744820 (Tex. App.—Houston [1st Dist.] 2004) (No. 01-98-01255-CR), *vacated by* 2005 WL 2990698 (Tex. Crim. App. Nov. 9, 2005). The Texas Court of Criminal Appeals granted the petition for review and vacated the opinion, ordering a reconsideration solely as to whether the defendant, who was charged with aggravated sexual assault, should have been allowed to cross-examine the nine-year complainant regarding complainant’s prior sexual encounters—a point that the original opinion had not reached. On remand, my panel found that the defendant had failed to preserve his objection at trial. On subsequent appeal, the Court of Criminal Appeals denied the petition for review and the United States Supreme Court denied appellant’s petition for writ of certiorari.

Ford v. State, 2003 WL 22310499 (Tex. App.—Houston [1st Dist.] 2003) (No. 01-02-00643-CR), *rev’d*, 158 S.W.3d 488 (Tex. Crim. App. 2005). In a split decision, the Texas Court of Criminal Appeals held that in a suppression hearing, a trooper’s testimony that he saw the driver following another car “too closely” was conclusory and could not satisfy the State’s obligation to show specific articulable facts for his reasonable suspicion—even though appellant testified that another car had “squeezed in” front of him while driving and state statute committed assessment of such violations to officers’ subjective judgment, based upon particular factors.

- 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.

United States Magistrate Judge:

All of my opinions and reports and recommendations are filed electronically in the Court’s Electronic Case filing system (CM/ECF), making them available to the public. The Federal Supplement has published two of my opinions (approximately 2%), and most others are available on Westlaw or Lexis.

Justice on the First Court of Appeals:

All of my opinions were released for publication to the reporting agencies and are available to the public from the First District Court of Appeals website at www.1stcoa.courts.state.tx.us. The Southwestern Reporter has published 115 of these opinions (approximately 11%), and many others are available on Westlaw or Lexis.

Texas Judicial Panel on Multidistrict Litigation:

All of my opinions were released for publication to the reporting agencies and are available to the public from the Supreme Court of Texas website at

<http://www.supreme.courts.state.tx.us/mdl/mdlhome.asp>. Of the three opinions I authored, two were published in the Southwestern Reporter, and all are available on Westlaw or Lexis.

Judge of the 157 District Court, Harris County:

I did not author any written opinions as a district judge.

- 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.

Momentum EMS, Inc. v. Sebelius, No. 4:11-CV-298, 2014 WL 199061 (S.D. Tex. Jan. 13, 2014).

Jackson v. State, 314 S.W.3d 118 (Tex. App.—Houston [1st Dist.] 2010, no pet.).
Hotze v. White, No. 01-08-00016-CV, 2010 WL 1493115 (Tex. App.—Houston [1st Dist.] April 15, 2010, pet. denied).

Sanchez v. Saghian, No. 01-07-00951-CV, 2009 WL 3248266 (Tex. App.—Houston [1st Dist.] Oct. 8, 2009, no pet.).

Sanders v. State, No. 01-07-00775-CR, 2009 WL 884741 (Tex. App.—Houston [1st Dist.] Apr. 2, 2009, pet. ref'd).

City of Houston v. Guthrie, 332 S.W.3d 578 (Tex. App.—Houston [1st Dist.] 2009, pet denied).

Williams v. State, 294 S.W.3d 674 (Tex. App.—Houston [1st Dist.] 2009, pet. ref'd).

Weaver v. State, 265 S.W.3d 523 (Tex. App.—Houston [1st Dist.] 2008, pet. ref'd).

Crocker v. State, 248 S.W.3d 299 (Tex. App.—Houston [1st Dist.] 2008, pet. ref'd).

Texas S. Univ. v. State St. Bank & Trust Co., 212 S.W.3d 893 (Tex. App.—Houston [1st Dist.] 2007, pet. denied).

Wybony v. State, 209 S.W.3d 285 (Tex. App.—Houston [1st Dist.] 2006, pet. ref'd).

Curry v. State, 186 S.W.3d 39 (Tex. App.—Houston [1st Dist.] 2005, no pet.).

Schultze v. State, 177 S.W.3d 26 (Tex. App.—Houston [1st Dist.] 2005, pet. ref'd).

- 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.

I have never sat by designation on a federal court of appeals.

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:

- 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.

I am guided in my decisions regarding recusals by the federal recusal statutes and the Code of Conduct for United States Judges, as well as the applicable disciplinary and ethical rules of the State of Texas. The United States District Court for the Southern District of Texas has a system in place by which automated conflict checks are run. I have listed the names of my wife's employers, the University of Houston, and the American Red Cross. In addition to this automated system, I am assiduously attentive to the issue of conflicts, at all stages of a case, and I have trained my law clerks and staff to be similarly sensitive. I believe in erring on the side of caution in disclosing any potential conflicts to parties. During my time as a magistrate judge, I have not had to recuse myself from any cases, and no party has filed a motion seeking my recusal.

Similarly, as judge of the 157th District Court and a justice on the First Court of Appeals, I complied with all rules regarding recusal in every case before me. As a justice on the First Court of Appeals, I was automatically recused without my knowledge from hearing any appeal of a case that I presided over as a district judge. Further, if any matters had been assigned to me that I felt required my recusal, such as those involving my wife's employers, the University of Houston or the American Red Cross, I would have immediately recused myself *sua sponte*

from hearing the matter. During my time as a state judge, I did not have to recuse myself from hearing any cases, and no party filed a motion seeking my 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 other than judicial offices.

- 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.

Other than my own election and re-election campaigns, I have not participated in any other political campaign. I have not held a position in a political party or on an election committee.

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 1989 to 1991, I was a law clerk to the Honorable Sim Lake, District Judge for the United States District Court for the Southern District of Texas.

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

I have never practiced 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.

1991 – 1996

Fulbright & Jaworksi, L.L.P. (now Norton Rose Fulbright, LLP)
Fulbright Tower

1301 McKinney Suite 1500
Houston, Texas 77010
Associate (1991 – 1994)
Participating Associate (1995 – 1996)

1996 – 2000
Wickliff & Hall, P.C. (now Cozen O'Connor LLP)
1221 McKinney Street, Suite 2900
Houston, Texas 77010
Associate (1996 – 1999)
Shareholder (2000)

- 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.

In private practice, I never served as an arbitrator or mediator.

b. Describe:

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

In September 1991, I joined the law firm of Fulbright & Jaworski in one of its commercial litigation sections. I had day-to-day responsibilities for general civil litigation matters, including legal malpractice, accounting malpractice, securities fraud, and complex business disputes. My practice did not change significantly during my time at Fulbright & Jaworski.

In 1996, I joined the law firm of Wickliff & Hall. I had day-to-day responsibility for a similar docket. In addition to handling commercial litigation matters, my docket consisted of a large number of product liability and medical malpractice defense cases.

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

While working at both Fulbright & Jaworski and Wickliff & Hall, I primarily represented corporate clients. In medical malpractice cases, my clients included individual healthcare practitioners.

- 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.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 10% |
| 2. state courts of record: | 90% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

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.

I have tried 17 cases to a verdict, 16 of which were jury trials. I served as counsel in 13 of the cases and associate counsel in four.

i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 94% |
| 2. non-jury: | 6% |

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.

None.

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:

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

1. *Johnson et al. v. Foster et al.*, Case No. 1997-01497, 152nd District Court, Harris County, Judge Harvey Brown, 1999 – 2000.

This case involved an alleged child-on-child sexual assault. The plaintiffs sued the defendants for, among other things, intentional torts and negligent supervision of a minor. I was counsel for Mr. and Mrs. Foster, whose 13-year-old child allegedly molested a neighbor's seven-year-old child. I was responsible for the overall representation of the clients, including trial, depositions, and pleadings. This emotionally-charged case involved unique issues of insurance coverage, the selection and trial role of a guardian ad litem and the evaluation of the impact of a prior juvenile criminal case arising from the facts of this case. The Fosters prevailed in a summary jury trial of this case, and the parties subsequently settled this matter in mediation.

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(Mr. and Mrs. Foster)

Roy Lanier Fuller (Solo Practitioner)
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(Foster's minor child)

2. *Crye et al. v. Reichold Chemicals, Inc. et al.*, Case No. 1997-24399 (234th District Court, Harris County), Judge Scott Brister, 1999 – 2000.

This environmental tort case involved claims by a class of thousands of individuals alleging that the smell from the refineries in the Channel View area was causing a multitude of health problems in the surrounding area. I was counsel for the defendant, Shell Oil Company, and was responsible for the overall representation of the client, including all depositions and pleadings, and preparing the case for trial. I also coordinated and participated in the depositions of dozens of plaintiffs during the span of two weeks. The year before this matter was set for trial, Shell was one of the sole remaining target defendants in this lawsuit. On the eve of trial, after my team had conducted in-depth plaintiff-by-plaintiff discovery

and analysis of claims, the parties settled this matter on terms favorable to my client.

Counsel for Plaintiffs:
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956-546-7159

3. *Parkway Imaging et al. v. Greensage et al.* Case No. 4:95-cv-4250 (S.D. Tex.), *aff'd*, *Parkway Imaging Ctr., Inc. v. Home Life Fin. Assur. Corp.*, 198 F.3d 240 (5th Cir. 1999); Judge Melinda Harmon, 1999 – 2000.

I represented the Greensage defendants, who acted as agents to procure employee benefits packages for the plaintiffs. I served as counsel in the successful removal of this case from state district court to federal district court, as well as presenting oral argument at the final appeal of this case. I was responsible for the overall representation of the client, including all depositions and pleadings. The plaintiffs alleged that the defendants had committed numerous violations of ERISA including breaches of their fiduciary duty to plaintiffs. This allegedly resulted in a number of plaintiffs' employees not receiving coverage for very expensive medical treatments. Given the amount of damages claimed and the nature of plaintiffs' allegations of fraud and intentional misconduct, this case was a bet the company lawsuit for my clients. The district court granted all defendants' motions for summary judgment, and these rulings were affirmed following oral argument on plaintiffs' appeal to the Fifth Circuit Court of Appeals.

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(Greensage and Home Life Financial Assurance Corporation)

4. *Hernandez et al. v. Ella Square Associates et.al.*, Case No. 1998-39563 (234th District Court, Harris County), Judge Scott Brister, 1998 – 2000.

This was a premises liability case involving a brutal murder and carjacking that was widely reported in the media. I was counsel for the apartment complex, Ella Square, in this action and the companion insurance coverage case filed by Ella Square against Essex Insurance Company in federal court to provide coverage for this lawsuit. I was responsible for the overall representation of the client, including all depositions and pleadings. A group of young men went joyriding and decided to carjack Mr. Hernandez, who had fallen asleep in his car in the parking lot of his apartment complex. When he cried out during the attack, the young men shot him at point-blank range. Given the nature of the pleadings and the language in Ella Square's insurance policies, coverage for this incident was in doubt. In addition, because of the amount of damages sought, an adverse judgment in this case or protracted litigation could have resulted in the bankruptcy of my client. First, I successfully negotiated very limited insurance coverage with the carrier for settlement. Next, I joined the criminal defendants as defendants in this suit as responsible third parties. Then, after thorough discovery involving security experts and local law enforcement and the filing of dispositive motions, I was able to settle this case on terms favorable to my client and to the satisfaction of the insurance carrier.

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5. *Memorial Hospital-Spring Branch et al. v. Mendoza and METRO Transit Workers Union*, Case No. 1994-61938, 189th District Court, Harris County, Judge Lee Duggan, 1998 – 2000.

This was a complex medical malpractice/insurance fraud case involving an alleged widespread scheme by the plaintiff/counter-defendants, Memorial

Hospital-Spring Branch and one of its doctors, to commit patients for repressed memory syndrome and then discharge them when the insurance proceeds were expended. This case received much attention in the mental health field. I was associate counsel for the defendant/counter-plaintiff, METRO Transit Workers Union, which was responsible for paying for the hospitalization of employee dependents. I was responsible for the pleadings, depositions, and the trial. The day before trial, the individual doctor settled with my client. After unsuccessful settlement negotiations with Memorial Hospital, the case was tried to a jury for one-and-one-half weeks. The jury returned a verdict in favor of the hospital. The next day, however, before the trial judge entered the jury's verdict as a final judgment, the hospital settled this case in mediation on terms favorable to my client.

Counsel for Plaintiffs/Counter-Defendants:

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Co-Counsel for Defendants:

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6. *Valle v. H. E. Butt Grocery Company*, Case No. 1998-22754, 281st District Court, Harris County, Judge Jane Bland 1998 – 2000.

This premises liability case involved issues of contributory negligence and duties owed to business invitees. My client was H.E.B., one of the largest supermarket chains in Texas. The plaintiff was a deliveryman who entered the supermarket as a business invitee and allegedly suffered injuries when concrete pavement caused his cart to capsize and his merchandise fell and struck him. I served as counsel in the case and was responsible for the trial and conducting settlement negotiations. After unsuccessful settlement attempts, the case was tried to a jury, which returned a verdict for the plaintiff that was substantially less than my client's expected costs of defense. After the trial, the plaintiff filed a motion for a new trial on the grounds that the jury award was substantially less than the amount of damages he suffered. The court denied the motion.

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Co-Counsel for Defendant:
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7. *Best Care EMS and Baranovski v. Kislyuk et al.*, Case No. 1997-23465, 11th District Court, Harris County, Judge Mark Davidson 1997 – 2000.

This case involved a business dispute between partners in a general partnership. I was counsel for plaintiffs. I was responsible for the overall representation of the clients, including the pleadings, depositions, and the trial. The Baranovskis came to this country from the former Soviet Union with very little money after the Chernobyl disaster. They started Best Care EMS, a medical transport company, as their sole means of support. The success of this business was critical to the United States government allowing them to remain in this country and work toward citizenship. After the company became very successful, their American partners attempted to take over the company and have the Baranovskis deported. After a three-day trial, the jury found for the Baranovskis, and they maintained control of the company.

Counsel for Defendants:
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713-685-5000

8. *Southwest Tenant v. Rowan Companies*, Case No. 1992-20622, 113th District Court, Harris County, Judge Patricia Hancock, 1995 – 1996.

This was a complex construction lawsuit in which I was associate counsel for the defendant, Rowan Companies (“Rowan”). I participated in taking depositions and preparing the pleadings and motions filed in this case. At trial I presented Rowan’s expert witnesses on direct examination and prepared the cross-examination of Southwest Tenant’s experts. This case involved the requisite expert testimony to establish the existence of delay damages in a construction project and the proper calculation of these damages. The case resulted in a jury verdict in favor of the plaintiff, but was later remanded for a new trial by the court of appeals based on the issues raised in Rowan’s motion for summary judgment. Rowan successfully argued that Southwest Tenant’s expert’s methodology for determining the existence of delay damages was inherently flawed and had never

been accepted by any court. This was one of only a handful of Texas state court cases up to that time that had addressed the methodology used by plaintiff's expert. The case was subsequently settled.

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9. *Lonergan et al. v. Bank of America*, Case No. 1994-35350, 164th District Court, Harris County, Judge Katie Kennedy, 1995.

This was a premises liability case involving a shooting at a bank ATM. I was associate counsel and responsible for preparing and filing all pleadings and motions in this case, as well as taking and defending some of the depositions. My client was Bank of America N.T. & S.A. This case involved three high school athletes who had recently graduated from Aldine High School in Houston and had received football scholarships for the upcoming fall semester. During the summer after their senior year, the athletes decided to hold up bank customers at ATMs located in remote areas for spending money. Mr. Lonergan alleged that as a result of the design of the drive-thru ATM, he was unable to flee the scene of his attack. Mr. Lonergan was shot in the back and became a paraplegic. This case was settled at mediation for a sum that was reasonable to the client. Our investigations into the occurrence resulted in the client reevaluating and redesigning its older drive-thru ATMs nationwide.

Counsel Plaintiffs:

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Louis E. McCarter, Jr.
(No longer practicing law)

10. *In re Browning Ferris Industries Securities Litigation*, 876 F. Supp. 870 (S.D. Tex. 1995) and *In re Browning Ferris Industries Shareholder Derivative Action*, 830 F.Supp. 361 (S.D. Tex. 1993), Judge Lee Rosenthal, 1994 – 1996.

These consolidated class action lawsuits involved very complicated securities fraud allegations against Browning Ferris Industries (“BFI”) and its directors for insider trading and false statements in quarterly reports. The actual damages alleged by the plaintiffs totaled in the hundreds of millions of dollars. I was the associate counsel on both cases representing BFI, and I was responsible for preparing the briefing and motions in these cases, from discovery and the challenges to class certification to the filing of the motions for summary judgment. Summary judgment motions in both cases were granted in favor of BFI. I also assisted in successfully defending these cases before the United States Courts of Appeals for the Fifth Circuit.

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(All defendants except Mr. Hoover and Mr. Stanton)

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(Deceased)
(Mr. Stanton)

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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.)

I was appointed by the Chief Justice of the Texas Supreme Court to serve as a member of the Texas Judicial Panel on Multidistrict Litigation from December 2003 to December 2009. Composed of five judges, the panel was designated to determine whether civil actions pending in different state district courts should be transferred to one judge for coordinated or consolidated pretrial proceedings, and to select the judge assigned to conduct such proceedings.

While at Wickliff & Hall, the firm was hired by the State of Texas to conduct an outside investigation of alleged wrongful conduct within a state agency. I was assigned to lead this investigation and prepared a report to the State of Texas regarding my findings.

I have never provided lobbying services to any client.

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.

From 2002 to the present, I have served as an adjunct professor at the University of Houston Law Center teaching courses in trial advocacy skills and pre-trial litigation. Representative syllabus supplied.

In 2007 and 2014, I served as an instructor at Emory University School of Law's Kessler-Eidson Program for Trial Techniques, teaching trial advocacy skills. Representative syllabus supplied.

In 2005, 2007, 2011, 2012, 2013 and 2014, I served as an instructor for Louisiana State University Law Center's Trial Advocacy Program, teaching trial advocacy skills. Representative syllabus supplied.

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.

Time permitting, I would like to continue to teach trial advocacy as an adjunct professor at the University of Houston Law Center.

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).

See attached Financial Disclosure Report.

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

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 I were to be confirmed, I would continue to recuse myself from cases involving my wife's employers, United Airlines and Depelchin Children's Center, and those involving the Greater Houston Chapter of the American Red Cross as long as I remain a member of its Board of Directors. I also would continue to recuse myself from cases involving the University of Houston Law Center as long as I continued to teach there as an adjunct professor. I would use the District Court Judge Conflict/Exclusion List.

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

I would continue to follow the federal recusal statute and the Code of Conduct for United States Judges. I also would continue to use the District Court Judge Conflict/Exclusion List. This system sends me an alert if a listed person or entity

is named as a party or counsel in any of my cases. I would also consult with colleagues and with ethics officials from the Administrative Office of the United States Courts.

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.

Between 1991 and 1995, I volunteered to provide legal assistance to callers on the Houston Bar Association's Legal Lines. In 1995, I accepted a pro bono divorce matter from the Houston Bar Association, *McLanahan v. McLanahan*, which I litigated to judgment on behalf of Mrs. McLanahan in the 310th District Court in Harris County, Texas. I have also participated in the Houston Bar Association's Lawyers in Public Schools program as a substitute teacher in Houston area classrooms. Throughout my legal career I have actively participated in the Houston Bar Association's classroom reading and jury service programs in local schools.

Since 1999, I have served as both a volunteer and member of the Board of Directors of the Greater Houston Chapter of the American Red Cross, assisting victims of natural disasters, ranging from fires and floods to hurricanes in the Gulf Coast Region.

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.

In August 2013, I submitted an application for this position with the Federal Judiciary Evaluation Committee of Senators John Cornyn and Ted Cruz. In November 2013, I interviewed with the Committee in Houston, Texas. Since June 25, 2014, I have been in contact with officials from the Department of Justice Office of Legal Policy regarding the nomination process. On July 10, 2014, I met with Senators Cornyn and Cruz in Washington, D.C. On July 11, 2014, I met with Congressman Al Green in Houston, Texas. On August 25, 2014, I interviewed with officials from the White House Counsel's Office and the Department of Justice in Washington, D.C. On September 18, 2014, I spoke with Congresswoman Shelia Jackson Lee by telephone. On September 18, 2014, the President submitted my nomination to the Senate.

- 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.

AFFIDAVIT

I, George C. Hanks Jr., do swear
that the information provided in this statement is, to the best
of my knowledge, true and accurate.

9/22/2014

(DATE)

George C. Hanks Jr.

(NAME)



Cynthia Jantowski

(NOTARY)