

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Dana Marie Douglas

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

United States Circuit Judge for the Fifth Circuit

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 for the Eastern District of Louisiana
500 Poydras Street, B335
New Orleans, Louisiana 70130

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

1975; New Orleans, 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.

1997 – 2000, Loyola University School of Law; J.D., 2000

1993 – 1997, Miami University; B.A., 1997

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.

2019 – present

United States District Court for the Eastern District of Louisiana
500 Poydras Street, B335
New Orleans, Louisiana 70130

United States Magistrate Judge

2013 – present
CM Futures, LLC

[REDACTED]
New Orleans, Louisiana 70125
Member

Summer 1999, 2001 – 2018
Liskow & Lewis, PLC
701 Poydras Street, Suite 5000
New Orleans, Louisiana 70130
Shareholder (2008 – 2018)
Associate (2001 – 2007)
Summer Associate (Summer 1999)

2004 – 2013
New Orleans Civil Service Commission
1340 Poydras Street, Suite 900
New Orleans, Louisiana 70130
Vice President (2011 – 2013)
Commissioner (2004 – 2011)

2005 – 2008
Douglas, Mayfield & McKay, LLC (d/b/a Vitality)
[REDACTED]
New Orleans, Louisiana 70125
Member

2000 – 2001
United States District Court for the Eastern District of Louisiana
500 Poydras Street, C525
New Orleans, Louisiana 70130
Law Clerk to the Honorable Ivan L.R. Lemelle

Summer 1998, Summer 1999
Deutsch Kerrigan & Stiles LLP
755 Magazine Street
New Orleans, Louisiana 70130
Summer Associate

Summer 1998, December 1998, Summer 1999
McGlinchey Stafford
601 Poydras Street, Suite 1200
New Orleans, Louisiana 70130
Summer Associate (Summer 1998, Summer 1999)

Law Clerk (December 1998)

Summer 1999

Jones Walker

201 Saint Charles Avenue

New Orleans, Louisiana 70170

Summer Associate

January 1998 – January 1999

Loyola University School of Law

526 Pine Street

New Orleans, Louisiana 70118

Research Assistant to Professor James E. Viator

December 1998

Abbott Simses

400 Lafayette Street

New Orleans, Louisiana 70130

Law Clerk

Other affiliations (uncompensated):

2021 – present

American Inns of Court—Thomas More Chapter

Loyola University School of Law

7214 Saint Charles Avenue, Campus Box 901

New Orleans, Louisiana 70118

Vice President

2019 – present

New Orleans Federal Bar Association

500 Poydras Street

New Orleans, Louisiana 70130

Board of Directors

2021 – 2022

Louisiana Bar Foundation

1615 Poydras Street, Suite 1000

New Orleans, Louisiana 70112

Board of Directors

2008 – 2019

New Orleans Bar Association

650 Poydras Street, Suite 1505

New Orleans, Louisiana 70130

Immediate Past President (2018 – 2019)

President (2017 – 2018)
President-Elect (2016 – 2017)
Vice President (2011 – 2012)
Secretary (2010 – 2011, 2015 – 2016)
Board of Directors (2008 – 2019)

2013 – 2019
The NOCCA Foundation
2800 Chartres Street
New Orleans, Louisiana 70117
Vice President (2015 – 2019)
Board of Directors (2013 – 2019)

2015 – 2018
Pro Bono Project
935 Gravier Street, Suite 1340
New Orleans, Louisiana 70112
Secretary (2018)
Board of Directors (2015 – 2018)

2012 – 2018
Exodus Place Community Center
1901 Fourth Street
New Orleans, Louisiana 70113
Board of Directors

2008 – 2018
Women's Energy Network—South Louisiana Chapter
201 Saint Charles Avenue, Suite 114 – 476
New Orleans, Louisiana 70170
Founder & Inaugural President (2008 – 2009)
Board Member (2008 – 2018)

2015 – 2017
Greater New Orleans Louis A. Martinet Society
P.O. Box 57785
New Orleans, Louisiana 70157
Immediate Past President (2016 – 2017)
President (2015 – 2016)

2000 – present
Louisiana State Bar Association
601 Saint Charles Avenue
New Orleans, Louisiana 70130
Board of Governors (2008 – 2010)

2008 – 2009
Saint Andrew's Village
701 Poydras Street, Suite 4500
New Orleans, Louisiana 70139
Board of Directors

2008 – 2009
New Orleans Children's Bureau
935 Calhoun Street, Suite 101
New Orleans, Louisiana 70118
Board of Directors

2005 – 2009
Louisiana Law Institute
Paul M. Hebert Law Center, Room W-127
Baton Rouge, Louisiana 70803
Council Voting Member

1999 – 2000
Loyola University School of Law Black Law Student Association
Loyola University School of Law
7214 Saint Charles Avenue, Box 901—Broadway Campus
New Orleans, Louisiana 70118
President

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 did not serve in the military. I was not required to register for the 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.

New Orleans CitiBusiness, Women of the Year (2017)

Gillis Long, Public Service Award (2017)

Federal Bar Association, Camille Gravel Award (2016)

Louisiana State Bar Association, Crystal Gavel Award (2013)

New Orleans City Business, Top 50 Leaders in Law (2013, 2007)

Loyola University School of Law, Alumni Women in Law Honoree (2013)

Louisiana Civil Service League, Monte M. Lemann Award (2012)

Louisiana State Bar Association, President's Award (2009)

Greater New Orleans Louis A. Martinet Society, Louis A. Martinet Award (2009, 1998)

American Bar Association, Minorities in the Profession Scholar (2007)

Loyola University School of Law

Warren E. Mouldoux Scholar (1997 – 2000)

Corpus Juris Secundum Award: Contracts (1997)

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

American Bar Association

American Inns of Court—A.P. Tureaud Chapter

American Inns of Court—Thomas More Chapter
Vice President (2021 – present)

Greater New Orleans Louis A. Martinet Society
Immediate Past President (2016 – 2017)
President (2015 – 2016)
Member of the Month (January 2019)

Louisiana Bar Foundation

Board of Directors (2021 – 2022)

Community Partnership Panel, Chair (2021 – 2022)

Louisiana Law Institute

Council Voting Member (2005 – 2009)

Louisiana State Bar Association

Board of Governors (2008 – 2010)

LSBA Leadership Class, Co-Chair (2008 – 2009)

Minority Involvement Section, Chair (2003 – 2005)

Loyola University School of Law Black Law Student Association
President (1999 – 2000)

National Bar Association

New Orleans Bar Association

Immediate Past President (2018 – 2019)
President (2017 – 2018)
President-Elect (2016 – 2017)
Vice President (2011 – 2012)
Secretary (2010 – 2011, 2015 – 2016)
Board of Directors (2008 – 2019)
Young Lawyers Section, Chair (2006 – 2007)
Minorities in the Profession, Chair (2009 – 2010)
Wellness, Chair (2018 – 2020)

New Orleans Federal Bar Association

Board of Directors (2019 – present)

Pro Bono Project

Secretary (2017 – 2018)
Board of Directors (2014 – 2018)
Justice for All Ball, Chair (2017)

United States District Court for the Eastern District of Louisiana

Local Rules Committee (2018 – present)
Bench & Bar Committee (2018 – present)

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.

Louisiana, 2000

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 Court of Appeals for the Fifth Circuit, 2000
United States District Court for the Eastern District of Louisiana, 2000
United States District Court for the Middle District of Louisiana, 2000
United States District Court for the Western District of Louisiana, 2000

There have been no lapses in membership.

11. Memberships:

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

Alpha Kappa Alpha Sorority, Incorporated (1994 – present)

Exodus Place Community Center (2012 – 2018)

New Orleans Center for Creative Arts Institute (2013 – 2019)

New Orleans Children’s Bureau (2008 – 2009)

Saint Andrew’s Village (2008 – 2009)

Women’s Energy Network—South Louisiana Chapter
Founder & Inaugural President (2008 – 2010)
Board Member (2008 – 2018)

- 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.

Alpha Kappa Alpha Sorority, Incorporated is an international sorority and public service organization for women. Otherwise, to the best of my knowledge, none of the organizations listed above currently discriminates 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.

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.

Keep Calm and Lawyer On, Greater New Orleans Martinet Newsletter (Sept. 2021). Copy supplied.

Remote Control: Social Distancing and Depositions, Federal Magistrate Judges Association Newsletter (Sept. 20, 2020). Copy supplied.

President's Perspective, New Orleans Bar Association Briefly Speaking (Oct. 2018). Copy supplied.

President's Perspective, New Orleans Bar Association Briefly Speaking (July 2018). Copy supplied.

President's Perspective, New Orleans Bar Association Briefly Speaking (June 2018). Copy supplied.

President's Perspective, New Orleans Bar Association Briefly Speaking (May 2018). Copy supplied.

President's Perspective, New Orleans Bar Association Briefly Speaking (Apr. 2018). Copy supplied.

Diversity and Inclusion Matter: Why and How?, The Benchers (Mar./Apr. 2017). Copy supplied.

Making the Business Case for the Recruitment and Retention of Minorities and Women, Louisiana Bar Journal (Apr./May 2009). Copy supplied.

Chapter 13: Intellectual Property and Antitrust Law, ABA Intellectual Property Deskbook for the Business Lawyer: A Transactions-Based Guide to Intellectual Property Law (2d ed. 2009). Copy supplied.

Louisiana Operators Are Not Responsible For Making Non-Participants' Royalty Payments Before Payout, The Energy Law Blog (Aug. 1, 2007). Copy supplied.

Louisiana DNR Promulgates Regulations Under Act 312, The Energy Law Blog (May 17, 2007). Copy supplied.

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

Fortieth Biennial Report, Louisiana State Law Institute (Mar. 2018). Copy supplied.

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

None.

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

May 5, 2022: Panelist, Evolving Technology and the Fourth Amendment, Judicial Conference, United States Court of Appeals for the Fifth Circuit, Nashville, Tennessee. PowerPoint supplied.

April 8, 2022: Panelist, Purpose Beyond the Practice: The Importance of Bar Association and Community Engagement, Louisiana State Bar Association Young Lawyers Division, New Orleans, Louisiana. I spoke to young lawyers about my involvement and leadership in various bar associations and the impact such involvement had on my law practice. I have no notes, transcript, or recording. The address for the Louisiana State Bar Association is 601 Saint Charles Avenue, Suite 200, New Orleans, Louisiana 70130.

March 24, 2022: Panelist, Beyond the Handshake: Settlement Conferences, New Orleans Federal Bar Association, New Orleans, Louisiana. PowerPoint supplied.

March 11, 2022: Panelist, Women's History All Rise: Pathways to the Bench, Greater New Orleans Louis A. Martinet Society, New Orleans, Louisiana. I spoke about my background and experiences in a law firm environment as well as in the community prior to being appointed to the bench. I have no notes, transcript, or recording. The address for the Greater New Orleans Louis A. Martinet Society is P.O. Box 57785, New Orleans, Louisiana 70157.

December 16, 2021: Panelist, Masters of the Courtroom Ethics: Mediations and Settlement Conferences, New Orleans Bar Association, New Orleans, Louisiana. The panel discussed best practices in alternative dispute resolution, including preparation, timing, and related ethical rules. I have no notes, transcript, or recording. The address for the New Orleans Bar Association is 650 Poydras Street, Suite 1505, New Orleans, Louisiana 70130.

December 3, 2021: Speaker, Professionalism: Watch Your Ps & Qs, Ethics and Professionalism in Motion Practice, Louisiana State Bar Association, New Orleans, Louisiana. Presentation supplied.

November 16, 2021: Speaker, CLE Candor in the Courtroom, Louisiana Association of Justice, New Orleans, Louisiana. Notes supplied.

September 17, 2021: Speaker, Pandemic Potpourri—Lessons Learned and the Impact of Covid on Current and Future Settlement Conferences, Virtual Depositions, and Motion Practice, New Orleans Bar Association, Point Clear, Alabama. PowerPoint supplied.

August 20, 2021: Panelist, High Stakes on the High Seas: A Maritime Law Conference on the Ethics of Negotiating, Louisiana Association of Justice, New Orleans, Louisiana. Notes supplied.

June 12, 2021: Panelist, Tips on Motion Practice and Oral Argument, New Orleans Bar Association Young Lawyers Section, New Orleans, Louisiana. The panel discussed best practices for preparing for brief writing and oral arguments. I have no notes, transcript, or recording. The address for the New Orleans Bar Association is 650 Poydras Street, Suite 1505, New Orleans, Louisiana 70130.

April 19, 2021: Guest Lecturer, Professionalism and Ethics in the Profession, Miami University (virtual). PowerPoint supplied.

April 15, 2021: Panelist, Recent Revisions to Federal Rule of Civil Procedure 30(b)(6), New Orleans Bar Association (virtual). PowerPoint supplied.

March 23, 2021: Panelist, Black Women in the Judiciary, Miami University (virtual). Video available at <https://www.youtube.com/watch?v=6F2OjLrPXWQ>.

February 26, 2021: Panelist, Building a Successful Career During the Challenging Times of a Global Pandemic: Tips from the Pros, New Orleans Federal Bar Association Young Lawyers Division (virtual). The panel discussed best practices and tips for networking and professional development under mandatory social distancing and other pandemic related policies. I have no notes, transcript, or recording. The address for the New Orleans Federal Bar Association is 500 Poydras Street, New Orleans, Louisiana 70130.

February 16, 2021: Panelist, Divine Nine, United States District Court for the Eastern District of Louisiana (virtual). The panel discussed the history of African American sororities and fraternities. I have no notes, transcript, or recording. The address for the United States District Court for the Eastern District of Louisiana is 500 Poydras Street, New Orleans, Louisiana 70130.

November 19, 2020: Panelist, Competence in a Time of Covid, New Orleans Federal Bar Association (virtual). Notes supplied.

October 8, 2020: Panelist, Making a Good Impression, New Orleans Bar Association (virtual). The panel discussed the importance of preparation in maintaining a successful law practice. I have no notes, transcript, or recording. The address for the New Orleans Bar Association is 650 Poydras Street, Suite 1505, New Orleans, Louisiana 70130.

March 22, 2020: Speaker, Professionalism in a Pandemic, New Orleans Bar Association (virtual). Notes supplied.

March 13, 2020: Panelist, Professionalism Throughout the Life of a Ship, Tulane Admiralty Law Institute, New Orleans, Louisiana. Notes supplied.

March 4, 2020: Panelist, Continuity of Operations Planning and the Courts, Louisiana Services Corporation Disaster Task Force, New Orleans, Louisiana. Video available at <https://lsc.gov/video/continuity-operations-planning-and-courts-panel-new-orleans>.

February 5, 2020: Panelist, Things I Wish I Had Known: Tips for First Generation Lawyers, New Orleans Federal Bar Association, New Orleans, Louisiana. The panel discussed navigating the legal profession and being successful as a first generation lawyer. I have no notes, transcript, or recording. The address for the New Orleans Federal Bar Association is 500 Poydras Street, New Orleans, Louisiana 70130.

December 19, 2019: Speaker, Naturalization Ceremony, United States District Court for the Eastern District of Louisiana, New Orleans, Louisiana. Notes supplied.

December 18, 2019: Speaker, Tenth Anniversary Holiday Tea, Women's Energy Network, New Orleans, Louisiana. Notes supplied.

November 8, 2019: Panelist, Lawyer Competency Begins with You: Do the Rules of Professional Conduct Require Self-Care, New Orleans Bar Association, New Orleans, Louisiana. PowerPoint supplied.

June 2019 (specific date unknown): Panelist, The Role of United States Magistrate Judges, Louisiana State Bar Association, Destin, Florida. Notes supplied.

April 16, 2019: Speaker, Lunch with the Court, Best Practices in Division "3," New Orleans Federal Bar Association, New Orleans, Louisiana. I spoke about the local rules and motion practice before United States Magistrate Judges. I have no

notes, transcript, or recording. The address for the New Orleans Federal Bar Association is 500 Poydras Street, New Orleans, Louisiana 70130.

March 22, 2019: Panelist, Navigating Choppy Waters—Admiralty and Maritime Presentation, American Bar Association, New Orleans, Louisiana. Notes supplied.

January 4, 2019: Speaker, Investiture, United States District Court for the Eastern District of Louisiana, New Orleans, Louisiana. Transcript supplied.

July 11, 2018: Speaker, Summary of Louisiana State and Federal Law on Adverse Presumptions, New Orleans Bar Association, Montego Bay, Jamaica. The panel discussed the law of adverse presumptions and spoliation doctrines in state and federal court. I have no notes, transcript, or recording. The address for the New Orleans Bar Association is 650 Poydras Street, Suite 1505, New Orleans, Louisiana 70130.

December 5, 2017: Speaker, Ethics: What's Trending Now, New Orleans Bar Association, New Orleans, Louisiana. PowerPoint supplied.

November 2017 (specific date unknown): Speaker, Annual Dinner Meeting Investiture Remarks, New Orleans Bar Association, New Orleans, Louisiana. I spoke about programs and activities of the New Orleans Bar Association in the 300th year of the City of New Orleans. I have no notes, transcript, or recording. The address for the New Orleans Bar Association is 650 Poydras Street, Suite 1505, New Orleans, Louisiana 70130.

September 2017 (specific date unknown): Guest Lecturer, Social Media and Ethics Skills Course, Loyola University School of Law, New Orleans, Louisiana. I spoke about the importance of maintaining professionalism for lawyers and judges who participate on social media platforms. I have no notes, transcript, or recording. The address for the Loyola University School of Law is 526 Pine Street, New Orleans, Louisiana 70118.

December 16, 2016: Panelist, Trial Practice, Louisiana State Bar Association, New Orleans, Louisiana. The panel discussed changes to the Federal Rules of Civil Procedure governing discovery. I have no notes, transcript, or recording. The address for the Louisiana State Bar Association is 601 Saint Charles Avenue, Suite 200, New Orleans, Louisiana 70130.

April 29, 2016: Panelist, Singing the Blues: Best Practices in Written Discovery, Louisiana State Bar Association, New Orleans, Louisiana. The panel discussed revisions to the Federal Rules of Civil Procedure governing discovery and similar rules under the Louisiana Code of Civil Procedure. I have no notes, transcript, or recording. The address for the Louisiana State Bar Association is 601 Saint Charles Avenue, Suite 200, New Orleans, Louisiana 70130.

March 10, 2016: Moderator, Bench & Bar Ethics Roundtable: Ethics in the Cloud, New Orleans Bar Association, Point Clear, Alabama. I moderated a discussion about maintaining attorney client privilege, competence, and diligence while utilizing cloud technology. I have no notes, transcript, or recording. The address for the New Orleans Bar Association is 650 Poydras Street, Suite 1505, New Orleans, Louisiana 70130.

November 7, 2013: Panelist, Summary of Louisiana Energy Law, Center for American & International Law, New Orleans, Louisiana. I spoke about trending topics in Louisiana in the energy law context. I have no notes, transcript, or recording. The address for the Center for American & International Law is 5201 Democracy Drive, Plano, Texas 75024.

March 2, 2012: Panelist, Diversity Conclave: Calculating the Diversity Return on Investment and the Costs of Not Having Everyone Included in the Diversity Conversation, Louisiana State Bar Association, New Orleans, Louisiana. The panel discussed the business case for maintaining diversity in the workplace. I have no notes, transcript, or recording. The address for the Louisiana State Bar Association is 601 Saint Charles Avenue, Suite 200, New Orleans, Louisiana 70130.

May 6, 2011: Panelist, Discussion of Work Life Balance and Time Management in the Practice of Law, Louisiana State Bar Association, New Orleans, Louisiana. The panel discussed maintaining a successful law practice through time management and planning. I have no notes, transcript, or recording. The address for the Louisiana State Bar Association is 601 Saint Charles Avenue, Suite 200, New Orleans, Louisiana 70130.

February 23, 2011: Speaker, Playing the Game by the Rules: A Discussion of Current Ethics Opinions and the Practice of Law, New Orleans Bar Association, New Orleans, Louisiana. I spoke about recent developments in the law of ethics. I have no notes, transcript, or recording. The address for the New Orleans Bar Association is 650 Poydras Street, Suite 1505, New Orleans, Louisiana 70130.

August 5, 2010: Speaker, Breaking News: What the Headlines Can Teach Us About Legal Ethics, Louisiana Judicial College, New Orleans, Louisiana. Notes supplied.

April 23, 2010: Speaker, Sports and Entertainment Law, New Orleans Bar Association, New Orleans, Louisiana. I spoke about ethics opinions governing candor to the court, opposing counsel, and others. I have no notes, transcript, or recording. The address for the New Orleans Bar Association is 650 Poydras Street, Suite 1505, New Orleans, Louisiana 70130.

April 16, 2010: Panelist, Ethics and Professionalism, New Orleans Bar Association, Biloxi, Mississippi. The panel discussed ethics opinions about the unauthorized practice of law, communicating with clients, and other matters. I have no notes, transcript, or recording. The address for the New Orleans Bar Association is 650 Poydras Street, Suite 1505, New Orleans, Louisiana 70130.

January 10, 2010: Speaker, Playing the Game by the Rules—Ethics and Professionalism, New Orleans Bar Association, New Orleans, Louisiana. I discussed various recent and trending ethics opinions. I have no notes, transcript, or recording. The address for the New Orleans Bar Association is 650 Poydras Street, Suite 1505, New Orleans, Louisiana 70130.

December 17, 2009: Speaker, Procrastinator's Program—Ethics and Professionalism, New Orleans Bar Association, New Orleans, Louisiana. I spoke about lawyer misconduct and the importance of complying with ethical and professional rules. I have no notes, transcript, or recording. The address for the New Orleans Bar Association is 650 Poydras Street, Suite 1505, New Orleans, Louisiana 70130.

November 24, 2008: Speaker, Breaking News: What the Headlines Can Teach Us About Legal Ethics, New Orleans Bar Association, New Orleans, Louisiana. Notes supplied (as updated for the August 5, 2010 presentation listed above).

- 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.

Anastasiia D. Hernandez, *Beyond the Handshake: Judicial Settlement Conferences*, Federal Practice Series (Spring 2022). Copy supplied.

Wayne J. Lee, *Esquire*, to Receive the 2019 American Inns of Court Professionalism Award, Business Wire (May 2, 2019). Copy supplied.

Hon. Ivan L.R. Lemelle, *Judge Douglas*, The Advocate (Spring 2019). Copy supplied.

Ilijana Todorovic, *NOBA Provides Insight Into the Historic Criminal Justice Reform Package as the State of Louisiana Changes Tides*, New Orleans Bar Association Briefly Speaking (June 2018). Copy supplied.

Hon. Ivan L.R. Lemelle, *Introducing Dana M. Douglas*, New Orleans Bar Association Briefly Speaking (Nov. 2017). Copy supplied.

Michelle Craig & Emma Pegues, *Advancing the Wellbeing of Women: A Community Approach*, Lagniappe (Winter 2016). Copy supplied.

Whitney Pierce Santora, *Leadership in the Law*, New Orleans CitiBusiness (2013). 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.

From 2004 to 2013, I served as Commissioner (2004 to 2011) and Vice President (2011 to 2013) of the New Orleans Civil Service Commission. I was appointed to the Commission by the New Orleans City Council through the nomination of Xavier University of Louisiana. The New Orleans Civil Service Commission is a quasi-judicial body with power to make rules that have the force and effect of law. In its judicial capacity, the Commission serves as the court of first instance for all City of New Orleans employee appeals resulting from disciplinary actions.

Since 2019, I have served as a United States Magistrate Judge for the Eastern District of Louisiana. I was appointed to that position by the judges of the United States District Court for the Eastern District of Louisiana. The jurisdiction of United States Magistrate Judges is defined by 28 U.S.C. § 636.

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

As a United States Magistrate Judge, I can only preside over entire civil matters by consent of the parties and over criminal matters involving certain misdemeanor and petty offenses. Although I have worked on numerous cases at other stages of litigation, I have not presided over any trials since my appointment in 2019.

- i. Of these cases, approximately what percent were:

jury trials:	0%
bench trials:	0%

- ii. Of these cases, approximately what percent were:

civil proceedings:	0%
criminal proceedings:	0%

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

See attached list of opinions.

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of 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 (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *Rogers v. Smith*, No. 2:20-cv-517 (E.D. La.)

This case arises out of the plaintiff's arrest for criminal defamation. The plaintiff, a former employee of the defendant law enforcement entities, brought claims for First Amendment retaliation, unlawful seizure, false arrest, violation of the Louisiana Constitution, malicious prosecution, and abuse of process. In 2017, a victim was murdered in Saint Tammany Parish, and the murder remains unsolved. The plaintiff followed news coverage of the investigation and, based on his personal experience as a police officer, became critical of some of the actions taken by the defendants. The plaintiff began communicating with the victim's family members about his concerns with the homicide investigation. The plaintiff alleges that the defendants sought advice from the district attorney's office and were advised that Louisiana's criminal defamation law, Louisiana Revised Statutes § 14:47, had been declared unconstitutional as to public officials, such that charges against the plaintiff could not be pursued for his communications, but they nevertheless ordered that the plaintiff be arrested on the charge. In the plaintiff's federal case, I have presided over several pretrial motions—some of which are sealed. For instance, I granted the plaintiff's motion for a protective order limiting deposition testimony of his wife. Dkt. 201. I also granted a motion for a protective order modifying a confidentiality designation regarding police officer disciplinary records. Dkt. 145. The case remains pending.

Counsel for Plaintiff:

William Brock Most
Law Office of William Most
201 Saint Charles Avenue, Suite 114, #101
New Orleans, LA 70170
(504) 509-5023

Counsel for Defendants:

Chadwick William Collings
Milling Benson Woodward, LLP
68031 Capital Trace Row
Mandeville, LA 70471
(985) 292-2000

2. *United States v. Hooks*, No. 1-MJ-54, 2022 WL 1207824 (E.D. La. Mar. 31, 2022), *R&R adopted*, 2022 WL 1202895 (E.D. La. Apr. 22, 2022) (Zainey, J.)

This case involved a charge stemming from a threatening telephone call in violation of 18 U.S.C. § 875(c). The defendant allegedly threatened, through a recorded call to a 911 operator, to go into a local police station and begin

shooting. The complaint also alleged that the defendant admitted to law enforcement that he suffered from mental illness. During the initial appearance, the defendant informed me that he was hearing voices and needed medical attention and certain medications for his mental health needs. The defendant had been arrested and evaluated for competency on at least four prior occasions. In one such case, a federal district court concluded that the defendant was competent. In a subsequent state court matter, it was determined that the defendant was “irrestorably incompetent” and unable to stand trial.

I held an independent competency hearing based on the defendant’s current and past behavior, the statements he made in court, and his past competency evaluations. After two separate days of hearings—including testimony from two medical professionals—I concluded that the defendant was incompetent to stand trial, insofar as he was unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. The district court adopted my report and recommendation, and the defendant was committed to the custody of the Attorney General for further evaluation. The matter is ongoing.

Counsel for United States:

Jon M. Maestri
United States Attorney’s Office for the Eastern District of Louisiana
650 Poydras Street, Suite 1600
New Orleans, LA 70130
(504) 680-3000

Counsel for Defendant:

Valerie W. Jusselin
Federal Public Defender’s Office for the Eastern District of Louisiana
Hale Boggs Federal Building
500 Poydras Street, Room 318
New Orleans, LA 70130
(504) 589-7930

3. *In re Weeks Marine*, No. 2:21-cv-179 (E.D. La.)

In this Jones Act limitation-of-liability case, an employee (who subsequently passed away) sought damages as a result of a stroke he suffered while working aboard a vessel. The sequence of events leading to the employee’s medical condition was a central issue in the litigation. The parties disputed whether the injuries resulted from the employee’s chronic heart disease or some failure of responsibility on behalf of the employer. I presided over several pre-trial motions in the litigation. In one such matter, I allowed the employee to exceed the limited number of depositions allowed under Federal Rule of Civil Procedure 30 in light of the employee’s stroke-related speech restrictions and his inability to speak for himself or to recount the events leading to the incident. Dkt. 31. I also partially granted a motion in favor of the employer compelling the wife of the employee,

as his Jones Act representative, to respond to certain questions regarding his family history. Dkt. 111. I determined that the requests were relevant and proportional to the claims asserted in the litigation. In 2022, the parties agreed to settle the case.

Counsel for Employee:

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Counsel for Employer:

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365 Canal Street, Suite 2000
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4. *Robinson v. Lopinto*, No. 2:21-cv-2191, 2022 WL 1434703 (E.D. La. Mar. 25, 2022), *R&R adopted in part, rejected in part*, 2022 WL 1421786 (E.D. La. May 5, 2022) (Brown, J.)

The question presented in this case was whether a jury must unanimously concur on a verdict of acquittal for an offense committed before January 1, 2019, in light of the U.S. Supreme Court's decision in *Ramos v. Louisiana*, 140 S. Ct. 1390 (2020), which held that the Sixth Amendment right to a jury trial requires a unanimous verdict to convict a defendant of a serious offense. The case proceeded to trial in the state court, but the jury could not reach a unanimous verdict. At the trial, ten of the 12 panel jury members voted not guilty. The court ordered a mistrial and the matter was scheduled for a new trial. The petitioner sought a writ of habeas corpus in federal court, arguing that he was validly acquitted and subjecting him to a new trial on the same offenses violated his protection against double jeopardy. The respondent filed a motion to dismiss the petition, arguing (among other things) that the Supreme Court's ruling in *Ramos* did not prevent Louisiana courts from interpreting their own law to require a unanimous acquittal for double jeopardy to attach. I recommended that the respondent's motion be granted and the case be dismissed with prejudice. The district court affirmed, except that it dismissed the case without prejudice.

Counsel for Petitioner:

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Counsel for Respondent:

Darren Anthony Allemand
Jefferson Parish District Attorney's Office
200 Derbigny Street
Gretna, LA 70053
(504) 368-1020

5. *Treece v. Perrier Condo. Owners Ass'n, Inc.*, No. 2:17-cv-10153 (E.D. La.)

The plaintiff tenants originally sought damages and injunctive relief against their landlord alleging unfair housing practices. The plaintiffs and the landlord, however, subsequently agreed to file an amended complaint as co-plaintiffs, contending that the condominium association and its individual owners engaged in unfair housing practices. I presided over several highly contentious pre-trial motions in the litigation. In particular, I denied the plaintiffs' motion to compel, concluding that the requested materials were protected by the work product doctrine. 2019 WL 12289567 (E.D. La. Apr. 4, 2019). I also placed a temporal limitation on which parts of the plaintiffs' rental history the defendants could obtain. In addition, I denied the defendants' request for criminal records related to sealed juvenile records of a plaintiff. 2019 WL 12289568 (E.D. La. June 20, 2019). And I conducted three settlement conferences at various stages of the litigation, through which, in 2022, the parties were ultimately able to amicably resolve their claims.

Counsel for Plaintiffs:

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Counsel for Defendants:

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6. *United States v. George*, No. 2:17-cr-201 (E.D. La.)

This case involved a murder in the course of an armed robbery of an armored truck. Five defendants were charged—three with capital offenses. The death penalty was subsequently taken off the table prior to trial, making the capital

defendants subject to maximum sentences of life in prison. The district court referred several significant pre-trial motions to me. I initially presided over a bill of particulars filed by the capital defendants. One of the capital defendants contended that, absent the bill of particulars, he was unable to, *inter alia*, discern the special factors that the government alleged warranted the death penalty. I denied the motion based on the government's previous production of some materials in advance of what the law required and the withholding of other documents due to witness security concerns. 2019 WL 11865093 (E.D. La. Oct. 30, 2019). I also presided over a motion in limine to exclude cell phone analysis and related documents based on the dilatory efforts of the government. I denied the motion in limine but recommended that the order of experts at trial be modified to allow the defendants' expert sufficient time to review and analyze the belated production. 2019 WL 11853328 (E.D. La. Oct. 31, 2019). In addition, I presided over a motion to compel DNA evidence filed by the capital defendants and a motion to quash a subpoena for DNA evidence filed by the government, which claimed it did not have control over the evidence's possessor. I concluded that the motion to quash should be denied and ordered the possessor to produce DNA evidence to the defendants. Thereafter, all of the non-capital defendants and two of the capital defendants pleaded guilty. The remaining capital defendant proceeded to trial; the first trial ended in a mistrial, and after a second, the defendant was found guilty. The two capital defendants who pleaded guilty were ultimately sentenced to 40 years' imprisonment each. The remaining capital defendant has not yet been sentenced. The non-capital defendants received sentences ranging from 20 to 50 years' imprisonment subsequent to trial.

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Counsel for Defendants:

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(504) 589-7939

7. *Keller v. DeJoy*, No. 2:19-cv-13191 (E.D. La.)

This was a reverse discrimination case filed by an employee of the United States Postal Service (USPS). I presided over the case by consent of the parties pursuant to 28 U.S.C. § 636. The plaintiff originally filed suit pursuant to Title VII and the Family Medical Leave Act, alleging that she was subject to disparate treatment,

retaliation, and a hostile work environment. I granted USPS's unopposed motion to dismiss the plaintiff's First Amendment and certain state law claims on preemption grounds. I then conducted an early settlement conference in an attempt to assist the parties in resolving their claims, but they were unable to do so. I subsequently presided over several motions in limine involving social media posts and previous arrests of various employees of the local USPS branch. Eventually, USPS filed a motion for summary judgment on the plaintiff's hostile work environment and disparate treatment claims. I entered summary judgment for USPS on the hostile work environment claims, but concluded that material issues of fact existed as to the disparate treatment claims. 2022 WL 93577 (E.D. La. Jan. 10, 2022). In 2022, I conducted a follow-up settlement conference whereby the parties amicably resolved their claims.

Counsel for Plaintiff:

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3129 Bore Street
Metairie, LA 70001
(504) 832-9942

Counsel for Defendant:

Jason Bigelow
United States Attorney's Office for the Eastern District of Louisiana
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(504) 680-3000

8. *LeBouef v. Terrebonne Parish Crim. Just. Complex*, No. 20-cv-2260, 2021 WL 1200774 (E.D. La. Mar. 1, 2021), *R&R adopted*, 2021 WL 1198259 (E.D. La. Mar. 30, 2021) (Africk, J.)

The plaintiff, a state prisoner, filed this suit pursuant to 42 U.S.C. § 1983 alleging that insufficient measures were being taken to protect him from COVID-19. In his original complaint, the plaintiff sued only the physical facility in which he was confined. On August 17, 2020, I issued an order informing the plaintiff that the jail building itself was not a proper defendant in a § 1983 action and granted him leave to file an amended complaint to identify a proper defendant.

The plaintiff then amended his complaint to add the sheriff, an officer, and the medical director employed by the facility as defendants, and the defendants moved to dismiss. On March 1, 2021, I recommended dismissal of the plaintiff's claims against the defendants in their official capacity, since the plaintiff did not allege that his constitutional rights were violated as a result of a policy or custom of the facility as required under the law. I also recommended dismissal of the plaintiff's deliberate indifference claims related to the belated distribution of personal protective equipment in April and May of 2020 in light of the time frame

involved. And I recommended dismissal of the plaintiff's claims contending that the medical director should have prohibited the admission of new inmates, because the director lacked such authority and, in any event, there was no suggestion that the newly admitted inmates were known or suspected to be infected or, alternatively, if they were, that inadequate measures were taken to prevent them from spreading the disease within the facility once admitted.

At the same time, I recommended denying the defendants' motion to dismiss the plaintiff's claims that other minimal measures were not taken to protect the inmates against exposure, such as providing a means for inmates to sanitize their hands and for the disinfection of common areas, even one year into the pandemic. Viewing the allegations as true and in the light most favorable to the plaintiff as required by Federal Rule of Civil Procedure 12(b)(6), I concluded that those claims required further factual development for resolution. The district court adopted my report and recommendation. Thereafter, the defendants' motion to depose the plaintiff was granted. The plaintiff, however, filed a motion to dismiss his remaining claims prior to the deposition.

Counsel for Plaintiff:

The plaintiff appeared *pro se*.

Counsel for Defendants:

Brian John Marceaux
Hebert & Marceaux, LLC
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Houma, LA 70360
(985) 876-4324

9. *Snyder v. Bergeron*, No. 20-cv-2158, 2021 WL 784813 (E.D. La. Jan. 21, 2021), *R&R adopted*, 2021 WL 780751 (E.D. La. Mar. 1, 2021) (Milazzo, J.)

In this 42 U.S.C. § 1983 case, the plaintiff prisoner similarly alleged that the defendant prison officials failed to take appropriate measures to protect him from and treat him for COVID-19 in the early stages of the pandemic. The defendants moved to dismiss the plaintiff's deliberate indifference claim, and I recommended granting the motion for failure to state a claim. The district court adopted my report and recommendation, and the claim was dismissed. The defendants later moved for summary judgment on the plaintiff's remaining claims, arguing that they were entitled to qualified immunity. I recommended granting the motion based on the uncontroverted evidence of the precautions taken by the defendants, including but not limited to requiring the frequent washing of hands for employees, visitors, and inmates; taking the temperature of all incoming inmates; limiting visitation during peak periods of the pandemic; requiring the wearing of masks by staff and inmates; decontamination spraying of the facility; and quarantining those inmates who tested positive for the virus. The district court

again adopted my report and recommendation, and the plaintiff's remaining claims were dismissed.

Counsel for Plaintiff:

The plaintiff appeared *pro se*.

Counsel for Defendants:

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Houma, LA 70361
(985) 876-2427

Brian John Marceaux
Hebert & Marceaux, LLC
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10. *Thompson v. Hooper*, No. 2:17-cv-11674, 2020 WL 13041583 (E.D. La. July 29, 2020), *R&R adopted*, 2022 WL 539366 (E.D. La. Feb. 23, 2022) (Brown, J.)

The petitioner was convicted of aggravated incest, attempted sexual battery of a minor, and sexual battery. The petitioner filed this federal habeas corpus action pursuant to 28 U.S.C. § 2254, on the basis of double jeopardy, ineffective assistance of counsel, insufficiency of the evidence, and inability to present a defense. I recommended that the petition be dismissed, concluding that the state court's denial of the petitioner's federal double jeopardy claim was neither contrary to, nor involved an unreasonable application of, clearly established federal law. I also dismissed the insufficiency of the evidence and inability to present a defense claims based on the fact that the petitioner's guilt of attempted sexual battery was established through the victim's testimony, and a victim's testimony alone is generally sufficient evidence to support a conviction under established precedent. Moreover, I concluded that although the petitioner challenged the veracity of the victim's testimony, the jury found the testimony credible, and a federal habeas court cannot grant relief on an insufficient evidence claim premised on credibility issues. The district court adopted my report and recommendation, and the action was subsequently dismissed.

Counsel for Petitioner:

The petitioner appeared *pro se*.

Counsel for Respondent:

Matthew Caplan
Saint Tammany Parrish District Attorney's Office

701 Columbia Street
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(985) 809-8383

- 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. *United States v. Hooks*, No. 21-MJ-54, 2022 WL 1207824 (E.D. La. Mar. 31, 2022), *R&R adopted*, 2022 WL 1202895 (E.D. La. Apr. 22, 2022) (Zainey, J.)

Counsel for United States:

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Counsel for Defendant:

Valerie W. Jusselin
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2. *MCP Int'l v. Formula Four Beverages, Inc.*, No. 20-3440, Dkt. 11 (E.D. La. Mar. 31, 2022) (copy supplied)

Counsel for Plaintiff:

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Sher Garner Cahill Richter Klein & Hilbert, LLC
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Counsel for Defendant:

James McClendon Williams
Chehardy, Sherman, Williams, Murray, Receile, Stakelum & Hay
One Galleria Boulevard, Suite 1100
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3. *Calogero v. Shows, Cali & Walsh, LLP*, No. 18-6709, 2021 WL 8572978 (E.D. La. Dec. 23, 2021)

Counsel for Plaintiff:

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Counsel for Defendant:

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Frilot L.L.C.
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4. *Keller v. DeJoy*, No. 2:19-cv-13191, 2021 WL 5749901 (E.D. La. Nov. 23, 2021)

Counsel for Plaintiff:

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Counsel for Defendant:

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5. *Carroll v. Genesis Marine, LLC*, No. CV 19-13512, 2021 WL 1784644 (E.D. La. May 5, 2021)

Counsel for Plaintiff:

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Counsel for Defendant:

Robert Joseph Killeen, Jr.

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1811 Bering Drive, Suite 120
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(713) 626-5100

6. *Floyd v. Dillman*, No. 19-cv-8769, Dkt. 97 (E.D. La. Aug. 27, 2020) (copy supplied)

Counsel for Plaintiff:

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7. *REC Marine Logistics, LLC v. Richard*, No. 19-11149, 2020 WL 1527766 (E.D. La. Mar. 27, 2020)

Counsel for Plaintiff:

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Counsel for Defendant:

Robert Joshua Koch, Jr.
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8. *Eaglin v. Louisiana*, No. 19-9659, 2020 WL 475770 (E.D. La. Jan. 7, 2020), *R&R adopted*, 2020 WL 474923 (E.D. La. Jan. 20, 2020) (Africk J.), *cert. of appealability denied*, No. 20-30081, 2020 WL 4592908 (5th Cir. Aug. 6, 2020)

Counsel for Plaintiff:

The plaintiff appeared *pro se*.

Counsel for Defendant:

Matthew Caplan
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9. *United States v. George*, No. 17-201, 2019 WL 11853328 (E.D. La. Oct. 30, 2019)

Counsel for United States:

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10. *Treece v. Perrier Condo. Owners Ass'n, Inc.*, No. CV 17-10153, 2019 WL 12289568 (E.D. La. June 20, 2019)

Counsel for Plaintiffs:

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Counsel for Defendants:

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

To the best of my knowledge, certiorari has not been requested or granted in any of my cases.

- 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.

Of the approximately 111 reports and recommendations I have authored as a United States Magistrate Judge, all were adopted in whole or in part. In addition, since my appointment in 2019, only one objection to an opinion has been sustained, and only one decision regarding detention has been overruled.

1. *Robinson v. Lopinto*, No. CV 21-2191, 2022 WL 1434703 (E.D. La. Mar. 25, 2022), *R&R adopted in part, rejected in part*, 2022 WL 1421786 (E.D. La. May 5, 2022) (Brown, J.). The question presented in this case was whether a jury must unanimously concur on a verdict of acquittal for an offense committed before January 1, 2019, in light of the U.S. Supreme Court's decision in *Ramos v. Louisiana*, 140 S. Ct. 1390 (2020), which held that the Sixth Amendment right to a jury trial requires a unanimous verdict to convict a defendant of a serious offense. The case proceeded to trial in the state court, but the jury could not reach a unanimous verdict. At the trial, ten of the 12 panel jury members voted not guilty. The court ordered a mistrial and the matter was scheduled for a new trial. The petitioner sought a writ of habeas corpus in federal court, arguing that he was validly acquitted and subjecting him to a new trial on the same offenses violated his protection against double jeopardy. The respondent filed a motion to dismiss the petition, arguing (among other things) that the Supreme Court's ruling in *Ramos* did not prevent Louisiana courts from interpreting their own law to require a unanimous acquittal for double jeopardy to attach. I recommended that the respondent's motion be granted and the case be dismissed with prejudice. The district court affirmed, except that it dismissed the case without prejudice.
2. *Muller v. Bonefish Grill, LLC*, No. CV 20-1059, 2021 WL 6202725 (E.D. La. Apr. 13, 2021), *rev'd*, 2021 WL 2822374 (E.D. La. July 7, 2021) (Vance, J.). In this insurance case, the insured sought claims worksheets created by the insurer, and the insurer argued that the documents were protected by the work product doctrine. After reviewing the worksheets *in camera*, I ordered two pages of the worksheets produced by the insurer. The district court, after

conducting its own independent *in camera* review, agreed with me as to one page, but concluded that the other page was prepared in anticipation of litigation and protected by the work product privilege.

3. *Bardales v. Fontana & Fontana, LLC*, No. CV 19-340, 2021 WL 3024059 (E.D. La. May 3, 2021), *R&R adopted as modified*, 2021 WL 2328382 (E.D. La. June 8, 2021) (Vitter, J.). This matter was referred to me for a lodestar determination of attorney's fees to be awarded to counsel for the plaintiff. Plaintiff's counsel requested a rate of \$500 per hour, but I concluded that \$450 per hour was more reasonable for attorneys with similar experience in analogous cases within the local market. The district court modified the order, finding that a rate of \$300 was more appropriate.
 4. *Brown v. Soc. Sec. Admin.*, No. CV 19-10822, 2019 WL 7878739 (E.D. La. Aug. 29, 2019), *R&R adopted in part, rejected in part*, 2019 WL 6799769 (E.D. La. Dec. 13, 2019) (Brown, J.). The plaintiff sought to appeal a decision issued by the Social Security Commissioner, and I recommended that the case be dismissed pursuant to Federal Rule of Civil Procedure 12(b)(1) for lack of subject matter jurisdiction. The district court adopted the recommendation, in part, but modified and dismissed the action pursuant to Federal Rule of Civil Procedure 12(b)(6) on the ground that it was untimely.
 5. *United States v. Payton*, No. 19-214 (E.D. La. Oct. 30, 2019) (Feldman, J.). The defendant was charged with federal drug and weapons crimes. After hearing witness testimony and considering the evidence presented, I ruled from the bench on the issue of the defendant's pre-trial detention. In particular, I ordered that a \$50,000 unsecured appearance bond was appropriate under 18 U.S.C. § 3142(f). I also ordered that the defendant be released to a third-party custodian, on various conditions—including that he was required to report weekly to probation, was prohibited from possessing a firearm, and was subject to travel restrictions—based on testimony presented by several witnesses, the lack of information about the disposition of the defendant's prior arrests, and the defendant's employment history. The district court agreed that the evidence related to the defendant's criminal history was mixed, but nevertheless remanded the defendant into custody.
- 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.

As a United States Magistrate Judge, I have issued approximately 111 reports and recommendations, all of which were unpublished. Many of my opinions are available on Westlaw or Lexis, and all of my opinions are stored in the district court's electronic case management system, CM/ECF.

- h. Provide citations for significant opinions on federal or state constitutional issues,

together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

I have not authored any significant opinions on federal or state constitutional issues.

- 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 not 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.

The United States District Court for the Eastern District of Louisiana has an electronic case-assignment and conflict-checking system pursuant to which each judge submits to the Clerk’s Office a list of self-identified conflicts. The computer assignment system does not assign a matter to the randomly allotted district and magistrate judge if either of those judges has a conflict identified per the submitted list. I have provided and regularly updated such a list to the Clerk. The system also permits a judge to decide whether to recuse *sua sponte* in a newly assigned case. Since my appointment in 2019, no party or attorney has requested my recusal. I have, however, recused myself *sua sponte* from matters involving clients I represented or consulted with while in private practice, or involving a party represented by my former employer, Liskow & Lewis, PLC. See attached list of recusals.

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.

From 2004 to 2013, I served as Commissioner (2004 to 2011) and Vice President (2011 to 2013) of the New Orleans Civil Service Commission. I was appointed to the Commission by the New Orleans City Council through the nomination of Xavier University of Louisiana. The New Orleans Civil Service Commission is a quasi-judicial body with power to make rules that have the force and effect of law. In its judicial capacity, the Commission serves as the court of first instance for all City of New Orleans employee appeals resulting from disciplinary actions.

I have had no unsuccessful candidacies for elective office and no unsuccessful nominations for appointed office, though I initially applied for appointment as a United States Magistrate Judge in 2015.

- 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.

I have not held any membership or office in or rendered any services to a political party or election committee. I have not held a position or played a role in any political campaign.

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 2000 to 2001, I served as a law clerk to the Honorable Ivan L.R. Lemelle on the United States District Court for the Eastern District of Louisiana.

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

I have not practiced law alone.

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

2001 – 2018
Liskow & Lewis, PLC
701 Poydras Street, Suite 5000
New Orleans, Louisiana 70130
Associate (2001 – 2007)
Shareholder (2008 – 2018)

2004 – 2013
New Orleans Civil Service Commission
1340 Poydras Street, Suite 900
New Orleans, Louisiana 70130
Commissioner (2004 – 2011)
Vice President (2011 – 2013)

2005 – 2008
Douglas, Mayfield & McKay, LLC (d/b/a Vitality)
[REDACTED]
New Orleans, Louisiana 70125
Member

2013 – present
CM Futures, LLC
[REDACTED]
New Orleans, Louisiana 70125
Member

2019 – present
United States District Court for the Eastern District of Louisiana
500 Poydras Street, B335
New Orleans, Louisiana 70130
United States Magistrate Judge

- 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.

Prior to becoming a United States Magistrate Judge, I did not serve as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

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

character has changed over the years.

After my clerkship, I joined Liskow & Lewis, PLC as a litigation associate. My practice varied from its inception. I initially focused on commercial litigation, particularly intellectual property and energy matters. In my first five years, I served as associate counsel in bench trials dealing with matters ranging from the misappropriation of trade secrets to a royalty dispute between a landowner and an oil company. By 2006, I also began assisting with white collar criminal defense cases.

In 2008, I became a shareholder of the firm, and I expanded my intellectual property practice to include transactional matters, such as the filing of applications before the United States Patent and Trademark Office, the drafting and reviewing of intellectual property licensing agreements, and the drafting and reviewing of trade secret agreements. I also assisted clients in cybersquatting disputes.

In 2009, my practice broadened even further to include other transactional matters—including the sale of a local sports franchise—while still maintaining a litigation practice. I also handled administrative matters before the Louisiana Motor Vehicle Commission and the Louisiana Board of Tax Appeals. Beginning in 2010, I spent a significant amount of time assisting in the processing of economic loss claims under the Oil Pollution Act as a result of an oil spill. I continued to work on matters related to the spill through approximately 2015. In 2017, I began assisting with the development of a products liability practice for the firm until I joined the bench. Throughout this time, I also maintained a practice in commercial litigation and continued handling transactions of various types.

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

Throughout my time in private practice, I handled both general and complex litigation matters for individual and corporate entities including, but not limited to, a local sports franchise and individual athletes, newspaper publishers, retailers, other business owners, local government entities, and construction, automobile, and energy companies.

- 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.

During my career as a lawyer, approximately 95 percent of my practice involved litigation, and I appeared in court frequently at all stages of my career. I also regularly represented clients in arbitrations and administrative proceedings.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 50% |
| 2. state courts of record: | 48% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 2% |

ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 97% |
| 2. criminal proceedings: | 3% |

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 four cases to verdict, judgment, or final decision. All four cases were bench trials. I served as co-lead counsel in one of the trials and as associate counsel in the remaining three trials. In addition, I served as associate counsel for a two-month arbitration proceeding that involved the examination and cross-examination of multiple fact and expert witnesses.

i. What percentage of these trials were:

- | | |
|--------------|------|
| 1. jury: | 0% |
| 2. non-jury: | 100% |

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.

I have not practiced before the Supreme Court of the United States.

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. *Dixon v. Spurlin*, No. 18-133 (W.D. La.) (Drell, J.)

From 2017 to 2018, I served as lead counsel for a defendant automobile manufacturer in this negligence and products liability lawsuit brought against several defendants following an automobile accident that resulted in a fatality and injuries to several plaintiffs. As lead counsel, I spearheaded the manufacturer's litigation strategy. I successfully removed the case to federal court. Dkt. 1. I also led the discovery phase of the case, including the taking of depositions of the named plaintiffs and coordinating with counsel for the plaintiffs on a protective order for any minor plaintiffs involved. In addition, I drafted a partial motion to dismiss, which the district court granted in part, and denied in part. 2019 WL 4898663 (W.D. La. Oct. 3, 2019). In 2021, after my involvement in the case ended, the parties amicably resolved the dispute.

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2. *Bd. of Comm'rs of Se. La. Flood Prot. Auth.-E. v. Tenn. Gas Pipeline Co., L.L.C.*, 88 F. Supp. 3d 615 (E.D. La. 2015) (Brown, J.), *aff'd*, 850 F.3d 714 (5th Cir. 2017) (Stewart, Richman, Costa, JJ.), *cert. denied*, 138 S. Ct. 420 (2017)

This was one of nearly 50 cases filed by local governments and others against over 100 oil and gas companies related to the loss of marshland and coastal erosion in Louisiana. From 2013 to 2018, I led the discovery phase of the litigation for Shell Oil Corp. and Shell Offshore, Inc. in this and 14 other cases in which a Shell entity was a defendant. The defendants moved to dismiss on the grounds that the plaintiff failed to state a claim under Louisiana law of negligence, strict liability, natural servitude of drain, public nuisance, and breach of contract as to third party beneficiaries. The district court granted the motion. The court concluded that the statutes relied on for the negligence claims did not include language that created a duty to the plaintiff. The court also held that there was no basis in the law for a finding that a natural servitude of drain may exist between non-adjacent estates with respect to coastal storm surge. And the court held that the plaintiff failed to state a claim under Louisiana law of public or private nuisance as a non-adjacent neighbor. I assisted a team of lawyers in the factual development of the case as it related to the defenses alleged. I also worked with potential experts regarding the

plaintiff's claims. The plaintiff appealed, the Fifth Circuit affirmed, and the U.S. Supreme Court denied the plaintiff's petition for a writ of certiorari. I was not involved in the appeals.

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3. *The Gulf & Miss. River Transp. Co. v. BP Oil Pipeline Co.*, No. 10-256 (M.D. La.) (Brady, J.); 451 F. App'x 372 (5th Cir. 2011) (Benavides, Stewart, Clement, JJ.); 730 F.3d 484 (5th Cir. 2013) (Elrod, Higginson, Martinez, JJ.)

From 2010 to 2018, I served as lead counsel for defendant BP Oil Pipeline Co. in this trespass case. The plaintiff alleged that it owned an interest in Grand Terre Island, and that BP and its co-defendants were operating a pumping station on that interest without any legal right to do so. The plaintiff sought an accounting for revenues and profits made by the defendants from the pumping station. After several arguments in both the district court and the Fifth Circuit, the matter was amicably resolved, and the case was dismissed with prejudice. As lead counsel, I contributed extensively to the briefing of the motions in both the district court and on appeal.

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4. *Citation Logistics, LLC v. Lagniappe Logistics I, Inc.*, No. 16-7291 (E.D. La.) (Brown, J.)

In 2016, I served as lead counsel for defendant Lagniappe Logistics in this copyright infringement case. The plaintiff, Lagniappe's competitor, alleged that Lagniappe committed willful copyright violations by using copyrights on a website purportedly belonging to the plaintiff. As Lagniappe's lead counsel, I filed a motion to dismiss the copyright claims for statutory damages and attorneys' fees; the motion was withdrawn when the plaintiff filed an amended complaint. I also led the team in the discovery phase of the case and during settlement negotiations. After significant litigation, the matter was successfully resolved through settlement.

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5. *Alexander v. Norfolk So. Corp.*, No. 02-14666 (Orleans Parish Civ. Dist. Ct.) (Griffin, J.)

In 2016, I served as counsel for defendant Lubrizol Advanced Materials, Inc. in this mass tort case involving claims asserted by approximately 2,900 plaintiffs as a result of an alleged chemical release. Various defendants settled, but Lubrizol proceeded to trial. After the trial, the judge ruled in favor of Lubrizol across the board, concluding that it had no liability for the release. As counsel for Lubrizol, I argued several motions in limine, assisted in witness interviews, examined and cross-examined several witnesses at trial, and helped draft post-trial motions.

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6. *Aucoin v. Exxon Mobil Corp.*, No. 124790 (Livingston Parish 21st Jud. Dist.) (Wolfe, J.)

From 2011 to 2014, I served as lead counsel for defendant Exxon in this stock dispute. The case dealt with the division of interests of stocks belonging to a former Exxon employee held as community property under Louisiana law. The central issue in the case was whether Exxon could be held liable for the improper use of the stock by a usufructuary who maintained a usufruct over the stock after the employee's death. After significant litigation, the case was resolved through mediation. As lead counsel, I played a key role for Exxon throughout the case—arguing pretrial motions, taking witness testimony, preparing the client for mediation, and spearheading mediation negotiations.

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7. *In re Oil Spill by Oil Rig "Deepwater Horizon" in the Gulf of Mexico on April 20, 2010*, No. 10-MDL-2179 (E.D. La.) (Barbier, J.)

This case arose from a rig blowout resulting in a significant oil discharge. Claims were brought against BP Exploration & Production Company as the leaseholder of the deepwater oil drilling site by, *inter alia*, the United States, the State of Louisiana, and numerous private individuals and businesses pursuant to the Oil Pollution Act and the Clean Water Act. From 2010 to 2012, I served as counsel for BP Exploration & Production Company. In that capacity, I worked on various aspects of the case, including, most significantly, the efforts to assist hundreds of individuals and local government entities with economic loss claims related to the litigation. In later phases of the case, I also assisted a global group of experts in novel issues at the intersection of law and physics to quantify the magnitude of the spill for the valuation of damages. Portions of the case remain pending.

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8. *Chevron Intellectual Prop., LLC v. Stewart*, No. 09-31392 (W.D. La.) (Norman, J.)

From 2008 to 2009, I served as counsel for plaintiff Chevron Intellectual Property, LLC in this and several similar intellectual property cases. In each case, Chevron asserted claims of federal trademark counterfeiting, trademark infringement, trademark dilution, and unfair competition against the defendant for its prohibited use of Chevron's trademark in gasoline service stations. While most of the cases were amicably resolved quickly, this case involved significant litigation, though it, too, eventually settled in 2009. As counsel for Chevron, I assisted in witness interviews and factual development of the matter prior to filing suit and filed the initial complaints in each matter. In this particular case, I also managed issues related to the defendant's bankruptcy. And I assisted with settlement negotiations.

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9. *La. Bus., Inc. v. Denham Springs Pub. Co.*, No. 06-537 (M.D. La.) (Brady, J.)

From 2006 to 2007, I served as counsel for defendant Denham Springs Publishing Co. in this intellectual property dispute. The case involved competing business reports of local newspapers in Louisiana and whether Denham Springs violated the name and logo of the plaintiff in its publication. The case also involved claims for unfair competition and trademark dilution under both federal and state law. As counsel for Denham Springs, I drafted and filed various discovery motions. I also authored a motion for summary judgment. In 2007, before the summary judgment motion was decided, the parties settled the case.

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10. *Shell v. Robinson*, No. 01-1417 (E.D. La.) (Zainey, J.)

From 2001 to 2002, I served as counsel for plaintiff Shell Oil Corporation in this intellectual property dispute, in which Shell alleged that its employee misappropriated Shell's trade secrets. As counsel for Shell, I engaged with co-counsel on the factual development of the case in the pre-trial phase of the litigation. I also played a key role in drafting motions and preparing expert and fact witnesses. For instance, the district court granted a motion I helped author to seal certain facts of the case related to trade secrets held by Shell. 2001 WL 1490954 (E.D. La. Nov. 20, 2001). Additionally, I assisted in the briefing and argument of a preliminary injunction motion and helped develop trial strategy. Following a trial, the district court granted an injunction against the employee's use of the intellectual property.

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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.)

As a lawyer, much of my practice involved litigation, but I also engaged in various other significant legal activities, including extensive transactional work. For instance, I handled complex contract issues and intellectual property matters for various large and small companies, as well as local nonprofits such as the New Orleans Center for Creative Arts. In addition, I pursued cybersquatters for the unauthorized registration and use of domain names through cease-and-desist letters on behalf of an individual client.

I have also engaged with the legal community in numerous other ways. For example, I served as President of the New Orleans Bar Association in 2017. I have also been President of the Greater New Orleans Louis A. Martinet Society, Vice President of the Thomas More Inn of Court, a member of the Board of Governors for the Louisiana State Bar Association, a member of the Board of Directors for the Louisiana Bar Foundation, and a Voting Member of the Louisiana Law Institute. And I currently sit on the Board of Directors of the New Orleans Federal Bar Association.

I have not performed any lobbying activities, and I am not and have never been registered as a lobbyist.

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

None.

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.

None.

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.

For a period of time, I would continue recusing myself from cases involving Liskow & Lewis PLC, the Deepwater Horizon oil spill, or BP America, BP Exploration & Production, Inc., or BP PLC. Otherwise, to the best of my knowledge, no family members or other persons, parties, categories of litigation, or financial arrangements are likely to present potential conflicts of interest when I first assume the position to which I have been nominated. If such a conflict were to arise, I would resolve them by applying the Code of Conduct for United States Judges and any other relevant ethical canons or rules.

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

If confirmed, I would continue to utilize the court's automated conflict checking system, and I would resolve any potential conflict of interest by applying the Code of Conduct for United States Judges and any other relevant ethical canons or rules.

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.

My commitment to serving the disadvantaged is made evident by my significant efforts to ensure equal justice under law for all. For instance, over the past year, I served on the Board of Directors of the Louisiana Bar Foundation, a non-profit organization that leads community driven efforts to help people facing civil legal challenges. In 2017, I also

served as Chair of the Justice for All Ball, an event that raises money to help those in need of access to legal services. From 2008 to 2009, I likewise served on the Board of Directors for Saint Andrew's Village, a mixed-use community where adults with developmental disabilities and non-disabled individuals can live, work, and socialize together. In addition, over the past 22 years, I have supported the efforts of the New Orleans Bar Association to benefit both Southeast Louisiana Legal Services and the Pro Bono Project. And I have organized and participated in legal clinics in various churches and community centers serving the underserved areas of Tremé, Central City, and Uptown in New Orleans.

26. Selection Process:

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

On March 9, 2022, I spoke with Cedric Richmond—then Assistant to the President and Director of the White House Office of Public Engagement—about various vacancies on federal courts in Louisiana. On March 30, 2022, I spoke with Senator Bill Cassidy about my interest in serving on the United States Court of Appeals for the Fifth Circuit. On April 8, 2022, I spoke with Senator John Kennedy about my interest in serving on the United States Court of Appeals for the Fifth Circuit. On April 28, 2022, I interviewed with attorneys from the White House Counsel's Office. Since that date, I have been in contact with officials from the Office of Legal Policy at the United States Department of Justice. On June 15, 2022, my nomination was submitted 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.