

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Brian Jordan Davis

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

United States District Judge for the Middle District of Florida

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.

Nassau County Historic Courthouse
416 Centre Street
Fernandina Beach, Florida 32034

Residence: Jacksonville, Florida

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

1953; Jacksonville, Florida

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.

1977 – 1980, The University of Florida College of Law; J.D., 1980
1970 – 1974, Princeton University; B.A., 1974

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.

1994 – Present
State of Florida
4th Judicial Circuit

416 Centre Street
Fernandina Beach, Florida 32034
Circuit Court Judge

1991 – 1994
State Attorney's Office
4th Judicial Circuit
330 East Bay Street
Jacksonville, Florida 32202
Chief Assistant State Attorney

1988 – 1991
Terrell Hogan (formerly known as Brown, Terrell, Hogan, Ellis, McClamma, Yegelwel and Davis; Brown, Terrell, Hogan, Ellis, McClamma and Yegelwel)
Blackstone Building, Suite 804
233 East Bay Street
Jacksonville, Florida 32202
Partner (1991)
Associate (1988 – 1991)

1982 – 1988
State Attorney's Office
4th Judicial Circuit
330 East Bay Street
Jacksonville, Florida 32202
Assistant State Attorney

1980 – 1982
Mahoney, Hadlow and Adams, P.A.
Barnett Bank Building
Jacksonville, Florida 32202
Associate

1974 – 1979
American Can Company
American Lane
Greenwich, Connecticut 06830
Employee Relations Coordinator

Other Affiliations (Uncompensated):

2009 – Present
Jacksonville Public Education Fund
245 Riverside Avenue, Suite #310
Jacksonville, Florida 32202
Board Member

2006 – 2012

OneJax

1022 Park Street, Suite #302

Jacksonville, Florida 32204

Board Member

2008 – 2009

The Alliance for World Education, Inc.

4019 Boulevard Center Drive

Jacksonville, Florida 32207

Board Member

2001; 2007 – 2009

Florida Partners in Crisis

175 Marlin Drive

Merritt Island, Florida 32952

Board of Trustees (2007 – 2009)

Board of Directors, Member-at-Large (2001)

1993 – 2006

National Conference for Community and Justice (formerly National Conference of Christians and Jews)

4401 Emerson Street, Suite #9

Jacksonville, Florida 32207

Board Member

1991 – 1993

Hubbard House, Inc.

P.O. Box 4909

Jacksonville, Florida 32201

Board Member

1991 – 1993

Help Center

511 West 11th Street

Jacksonville, Florida 32206

Board Member

1989 – 1999

Pace Center for Girls

2933 University Boulevard, North

Jacksonville, Florida 32211

Board Member

1986 – 1988
Ebenezer United Methodist Church
9114 Norfolk Boulevard
Jacksonville, Florida 32208
Chairman, Board of Trustees

1985
D.W. Perkins Bar Association
P.O. Box 2156
Jacksonville, Florida 32203
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 have never served in the military. I did register for selective service.

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

The Chief Justice Henry Lee Anstead, Justice for All Award (2004)
Equal Opportunity Award, Jacksonville Urban League (2003)
American Board of Trial Advocates, Judge of the Year (2002)
Dedicated Service Award, National Conference for Community and Justice Board of Directors (2002)
Appreciation Award, 125th Fighter Wing, for Outstanding Contribution to Black History Month Celebration (2001)
Public Citizen of the Year Award, National Association of Social Workers (2000)
Appreciation for Outstanding Service to Scouting Award, Greater Grant A.M.E. Church (2000)
Appreciation Award, 10th Annual Dr. Martin Luther King, Jr., Holiday Celebration, Jacksonville Area Legal Aid, Inc. (1999)
Hubbard House Domestic Peace Award (1999)
Florida Coalition Against Domestic Violence, Outstanding Contributions Award (1999)
Boy Scouts of America Silver Beaver Award for Distinguished Service to Youth (1998)
Martin Luther King, Jr. Humanitarian Award, Jewish Federation (1997)
African-American Achievers Award, J.M. Family Enterprises, Inc. (1995)
Appreciation Award, Blacks in Government (1993)
Appreciation Award, 65th National Armed Robbery / Homicide Conference, Jacksonville Sheriff's Office (1992)
University of Florida, Law Review, Student Works, Editor (1979 – 1980)

Miller-Schroeder Memorial Prize, Honorable Mention, Princeton University,
Undergraduate Thesis (1974)
Eagle Scout (1968)

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.

Academy of Florida Trial Lawyers (1989 – 1990)
American Bar Association (1982 – 1984)
Association of Trial Lawyers of America
National College of Trial Advocacy Faculty (1989 – 1992)
Chester Bedell Inn of Court (1989 – 1991; 1995)
D.W. Perkins Bar Association
President (1985)
Founder, Annual Scholarship Banquet
Florida Bar Association (1981 – Present)
Grievance Committee Member (1989 – 1991)
Commission on the Legal Needs of Children Member (1999 – 2002)
Florida First District Court of Appeals
Judicial Nominating Commission (1992 – 1995)
Vice-Chair (1993)
Florida Supreme Court
Civil Jury Instruction Committee (1996 – 2000)
District Court of Appeal Workload and Jurisdiction Assessment Committee (2006)
Judicial Branch Governance Study Group (2010)
Treatment Based Drug Court Steering Committee (2000 – 2002)
Commission on Trial Court Performance and Accountability (2002 – Present)
Committee on Trial Court Performance and Accountability (1998 – 2002)
Governor's Guardian Ad Litem Working Group (2002)
Jacksonville Bar Association
Law Week Committee Chair (1981)
Pro Bono / Legal Aid Committee (1991 and 1993)
Nassau County Bar Association (2009 – Present)
Nassau County Inn of Court (2009 – Present)
National Bar Association (1985 – 1994; 2011 – Present)
National Black Prosecutors Association
Charter Member (1984)
National District Attorneys Association (1983 – 1988; 1991 – 1993)
Phi Delta Phi Legal Fraternity (1980)
University of North Florida Pre-Law Studies Program Advisory Board (1997 – 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.

Florida, 1981

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, 1981

United States Court of Appeals for the Eleventh Circuit, 1981

United States District Court for the Middle District of Florida, 1981

Following my appointment as an Assistant State Attorney in 1982, I allowed my Federal Court memberships to lapse.

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.

Alliance for World Education, Inc.

Board Member (2008 – 2009)

American Beach Homeowners' Association (2007 – Present)

Biscayne Estates Homeowners' Association (1989 – Present)

Boy Scouts of America

Eagle Scout (1968)

Assistant Scout Master, Troop 51 (1982 – 1984)

District Commission Member (1992)

Council Executive Board (1995)

Urban Scouting Commissioner (1995)

Merit Badge Counselor (2010)

Nominating Committee Chair (2011)

Community Foundation's Quality Education Forum (2005 – Present)

Duval County Public Schools District Strategic Plan Task Force (2008 – 2009)

Ebenezer United Methodist Church

Chairman, Council of Ministries (1982 – 1990)

Chairman, Board of Trustees (1986 – 1988)
 Vice-Chairman, Administrative Board (1982 – 1985)
 Pastor-Parish Relations Committee (1999 – 2010)
 Florida Partners in Crisis
 Board of Trustees (2007 – 2009)
 Board of Directors, Member-at-Large (2001)
 Help Center
 Board Member (1991 – 1993)
 Vice-Chair (1993)
 Hubbard House
 Board Member (1991 – 1993)
 Jacksonville Community Council, Inc.
 Study Co-Chair (2002)
 Race Relations Implementation Task Force (2002 – 2005)
 Jacksonville Jaguars Foundation
 Advisory Board Member (1995 – Present)
 Jacksonville Public Education Fund
 Board Member (2009 – Present)
 Jacksonville Urban League
 Volunteer (2000 – Present)
 Leadership Jacksonville (1987 – Present)
 Learning to Finish Leadership Council (2007 – 2008)
 Mayor's Task Force on Domestic Violence
 Chair (1997 – 1999)
 NAACP
 Life Member (1985 – Present)
 National Conference for Community and Justice (formerly National Conference of Christians and Jews)
 Board Member (1993 – 2006)
 Omega Psi Phi Fraternity (1982 – Present)
 OneJax
 Board Member (2006 – 2012)
 Chair-Elect (2012)
 Chairman, Advocacy Committee (2011 – 2012)
 Pace Center for Girls
 Board Member (1989 – 1999)
 Project Breakthrough
 Co-Chair (2009 – Present)

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

implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

The Boy Scouts of America at one time limited its membership to boys. In 1998, its programs were expanded to include girls. Omega Psi Phi is a college fraternity limited to young men. To the best of my knowledge, the remaining organizations listed in 11a do not currently discriminate and did not formerly discriminate on the basis of race, sex, religion or national origin.

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.

With Gary Chartrand, Cindy Edelman, Carol Alexander, John Anderson, Ann Baker, John D. Baker, Poppy Clements, Ronnie Ferguson, Shannon Perry, Kenneth Reddick, Cleve Warren, Delores Barr Weaver, and Rev. Torin T. Dailey, *Guest Column: Jacksonville Needs a Community Goal to Create a Generation of Readers*, Florida Times-Union, July 20, 2011. Copy supplied.

With Gary Chartrand, Cindy Edelman, Carol Alexander, John Anderson, Ann Baker, John D. Baker, Jordan Baker, Poppy Clements, Ronnie Ferguson, Shannon Perry, Cleve Warren, Delores Barr Weaver, and Rev. Torin T. Dailey, *Guest Column: Go Easy on School Budget Cuts*, Florida Times-Union, Mar. 20, 2011. Copy supplied.

Introduction to Chapter 3, Dr. Alvin White, Education is Not a Four Letter Word (2010). Copy supplied.

Letter to the Editor, *Learning is a Lifelong Goal*, Florida Times-Union, June 10, 2006. Copy supplied.

From a Letter to Assistant Warden Randall Mobley, Correctional Compass Newsletter, September, 1999. Copy supplied.

In my last year of law school I published a short article in the Florida Bar Association's Real Estate Section's Newsletter. Despite my search efforts, I have not been able to locate a copy of the article, but my recollection is that it discussed a case that explored the limits of durable powers of attorney.

I searched my files and publicly available internet sources to create the most comprehensive response to this question possible, but there may be other published material I have been unable to recall or identify.

- 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.

Florida Supreme Court Commission on Trial Court Performance and Accountability:

Recommendations on Resolving Civil Disputes, December 2011. Copy supplied.

Trial Court Integrated Management Solution (Working Draft Report), October 17, 2011. Copy supplied.

Recommendations for the Provision of Court Interpreting Services in Florida's Trial Courts, November 1, 2010. Copy supplied.

Revised Judge Case Count by Divisional Assignment Report for Calendar Year 2010, 2010. Copy supplied.

Recommendations for the Provision of Court Reporting Services in Florida's Trial Courts (Supplemental Report), November 2009. Copy supplied.

Ensuring Access to Justice: Serving Florida's Self-Represented Litigants (Supplemental Report), December 2008. Copy supplied.

Recommendations on Senior Judge Resources in the Judicial Weighted Workload Model, September 2008. Copy supplied.

Recommendations for Alternative Dispute Resolution Services in Florida's Trial Courts, August 2008. Copy supplied.

Ensuring Access to Justice: Serving Florida's Self-Represented Litigants, April 2008. Copy supplied.

Recommendations for the Provision of Court Reporting Services in Florida's Trial Courts, October 2007. Copy supplied.

In re: Amendments to Rule 2.240, Rules of Judicial Administration – Determination of Need for Additional Judges, July 2007. Copy supplied.

Recommendations for Improving Governance and Operations for Appointed Counsel and Due Process Services, January 31, 2007. Copy supplied.

Court Reporting in Florida's Trial Courts *Post-Revision 7*, February 2005. Copy supplied.

Administrative and Operational Support for Court-Appointed Counsel and Indigent Due Process Costs, November 2004. Copy supplied.

Report and Recommendations, December 2002. Copy supplied.

Case Management Workshop, June 2001 (the Commission was then known as the Committee on Trial Court Performance and Accountability). Copy supplied.

Report and Recommendations, December 1999 (the Commission was then known as the Committee on Trial Court Performance and Accountability). Copy supplied.

Florida Supreme Court District Court of Appeal Workload and Jurisdiction Assessment Committee:

Report and Recommendations, November 2006. Copy supplied.

Jacksonville Community Council, Inc.:

Beyond the Talk: Improving Race Relations (Final Implementation Report), April 2005. Copy supplied.

Race Relations Progress Report, 2005. Copy supplied.

Beyond the Talk: Improving Race Relations, JCCI, Summer 2002. Copy supplied.

Florida Bar Association Commission on the Legal Needs of Children:

Final Report, June 2002. Copy supplied.

Treatment and Services Subcommittee Final Report, June 2002. Copy supplied (Appendix B of the June 2002 Final Report).

Draft Recommendations, January 11, 2002. Copy supplied.

Interim Report, March 2001. Copy supplied.

Florida Bar Association coverage of one meeting at which I and the other members discussed our initial recommendations is also supplied (January 15, 2001).

Florida Supreme Court Civil Jury Instruction Committee:

In re Standard Jury Instruction-Civil Cases (No. 00-2), July 5, 2001. Copy supplied.

Standard Jury Instructions-Civil Cases (No. 00-1), March 8, 2001. Copy supplied.

Standard Jury Instructions-Civil Cases (No. 99-2), August 17, 2000. Copy supplied.

Standard Jury Instructions-Civil Cases (No. 99-1), July 6, 2000. Copy supplied.

Standard Jury Instructions-Civil Cases (No. 98-4), February 25, 1999. Copy supplied.

Standard Jury Instructions-Civil Cases (No. 98-3), October 8, 1998. Copy supplied.

Standard Jury Instructions-Civil Cases (No. 98-2), October 8, 1998. Copy supplied.

Standard Jury Instructions-Civil Cases (No. 98-1), April 2, 1998. Copy supplied.

Standard Jury Instructions-Civil Cases (No. 97-2), February 5, 1998. Copy supplied.

Standard Jury Instructions-Civil Cases (No. 97-1), October 16, 1997. Copy supplied.

Standard Jury Instructions-Civil Cases, 6.13-Collateral Source Rule, October 16, 1997. Copy supplied.

Standard Jury Instructions-Civil Cases (No. 96-1), February 13, 1997. Copy supplied.

Other Committee Reports:

In Brief: Reading Proficiency, Spring 2011. As a member of the Jacksonville Public Education Fund, I voted to approve the research for and publication of this report although I did none of the research or writing myself. Copy supplied.

Florida Supreme Court Judicial Branch Governance Study Group Report, January 31, 2011. Copy supplied.

2011: A Progress Report, Jacksonville Public Education Fund, 2011. Copy supplied.

Duval County Public Schools District Strategic Plan, 2009. Copy supplied.

Nassau County Mental Health Court Business Plan, October 19, 2007. Copy supplied.

Since 2005, I have been a part of the Forum on Quality Education, created by the Community Foundation, and participated in discussions about educational issues in Duval County. The findings of the forum are incorporated into the report, "Creating Opportunity, Taking Action," May 2007. Copy supplied.

Final Report of the Guardian Ad Litem Working Group, September 15, 2002. Copy supplied.

Term Report of the Florida Supreme Court Treatment Based Drug Court Steering Committee. Copy supplied.

Strategy to Eradicate Domestic Violence, Mayor's Domestic Violence Task Force Report, November, 1998. Copy supplied.

I have searched my records and my memory and have not identified other responsive reports, memoranda or policy statements.

- 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.

March 9, 2009: I appeared before the Nassau County Board of Commissioners to discuss the Mental Health Court. Video available at <http://tinyurl.com/nbocmar2009>. My presentation begins at 01:50.

October 31, 2007: I appeared before the Nassau County Board of Commissioners to discuss the Mental Health Court. I have been unable to obtain notes, a transcript or recording of the meeting, but press coverage is supplied.

September 10, 2007: I appeared before the Nassau County Board of Commissioners to discuss the Mental Health Court. I have been unable to obtain notes, a transcript or recording of the meeting.

October 13, 2005: I gave remarks during a Duval County Public Hearing on School Discipline. The hearing was convened by the Florida State Conference NAACP, Advancement Project, and the NAACP Legal Defense and Educational

Fund, Inc. Transcript supplied (I have supplied the pages on which I am quoted, however the quotes on pages 78-80 and 91 are misattributed to me).

July 21, 1992: I testified before the Florida Advisory Committee to the United States Civil Rights Commission about racial tensions in Florida. My testimony before the commission's committee in Jacksonville, Florida was recorded in its March 1996 report, Racial and Ethnic Tensions in Florida. A copy of the report is supplied.

Since 2002, I have been a member of the Florida Supreme Court's Trial Court Performance and Accountability Commission and occasionally made remarks during meetings. I have been unable to obtain meeting minutes from prior to 2009, but minutes since September 2009 of the meetings I attended are supplied.

Having searched my records, memory and publicly available internet sources, I have not identified any other testimony, official statements or other communications relating to matters of public policy or legal interpretation.

- 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.

October 9, 2011: Justice for All, Men's Day Program, Simpson United Methodist Church, Jacksonville, Florida. A copy of my remarks is supplied.

August 3, 2010: Remarks at Data Busters' Awards Ceremony, Northeast Florida Community Action Agency, Fernandina Beach, Florida. I have no notes, transcripts or recordings, but press coverage is supplied. The address of the NFCAA is 4070 Boulevard Center Drive, Building 4500, Suite 200, Jacksonville, Florida 32207.

2010: Remarks as a panelist for Justice Program Day of Project Breakthrough, OneJax, Jacksonville, Florida. I have no notes, transcripts or recordings. The address of OneJax is 1022 Park Street, Suite 302, Jacksonville, Florida 32204.

November 4, 2009: Remarks at luncheon with the University of North Florida Pre-Law Board of Advisors, Jacksonville, Florida. I spoke on the topic of Social Responsibility, Law and Professionalism. I have no notes, transcripts or recordings. The address of the University of North Florida is 1 UNF Drive, Jacksonville, Florida 32224.

October 25, 2009: Remarks on Christian men, Franklinton United Methodist Church Men's Day program, Fernandina Beach, Florida. I have no notes, transcripts or recordings. The address of United Methodist is 1415 Lewis Street, Fernandina Beach, Florida 32304.

Late 2008: I introduced speakers during a Racial Equity workshop, OneJax and the Aspen Institute, Jacksonville, Florida. I have no notes, transcripts or recordings. The address of OneJax is 1022 Park Street, Suite 302, Jacksonville, Florida 32204. The address of the Aspen Institute is 1 Dupont Circle NW, Suite 700, Washington, DC 20036.

March 1, 2007: Remarks during a membership luncheon, D.W. Perkins Bar Association, Jacksonville, Florida. I have no notes, transcripts or recordings. The bar association does not have a physical address.

January 31, 2007: Remarks during an American Beach day program, American Beach Property Owners' Association, Fernandina Beach, Florida. I have no notes, transcripts or recordings. The address of the ABPOA is P.O. Box 6123, Fernandina Beach, Florida 32035.

November 9, 2006: I said a prayer at a lunch held at Walker's Landing at Amelia Island Plantation for Judge Robert E. Williams on the occasion of his becoming a senior judge. A copy of my remarks is supplied.

November 4, 2006: Panelist on youth issues at the Fall Festival of Praise, Parenting the Next Generation Conference, Open Arms Ministries, Jacksonville, Florida. I have no notes, transcripts or recordings. Open Arms Ministries has no physical address.

October 18, 2006: I spoke to Nassau County community leaders about the need for a mental health court, Yulee, Florida. I have no notes, transcripts or recordings, but press coverage is supplied. The address of the Nassau County Court Annex is 76347 Veteran's Way, Suite 456, Yulee, Florida 32097.

September 9, 2006: Living Through Giving program for Community Hospice of Northeast Florida, Jacksonville, Florida. I helped present awards and scholarships during the program. I have no notes, transcripts or recordings. The address of Community Hospice is 4266 Sunbeam Road, Jacksonville, Florida 32257.

May 5, 2006: Remarks at ceremony honoring victims of domestic violence, Nassau County Judicial Annex, Yulee, Florida. I have no notes, transcripts or recordings, but press coverage is supplied. The address of the Nassau County Court Annex is 76347 Veteran's Way, Suite 456, Yulee, Florida 32097.

April 28, 2006: Remarks during a National Crime Victims Rights Week program, Nassau County Judicial Annex, Yulee, Florida. I have no notes, transcripts or recordings. The address of the Nassau County Court Annex is 76347 Veteran's Way, Suite 456, Yulee, Florida 32097.

January 31, 2006: American Beach Day Proclamation program, American Beach Property Owners' Association, Fernandina Beach, Florida. I have no notes, transcripts or recordings. The address of the ABPOA is P.O. Box 6123, Fernandina Beach, Florida 32035.

2006 – present: As co-chair of Project Breakthrough, an initiative of OneJax, I help facilitate meetings on race relations in Jacksonville four times each year. I have no notes, transcripts or recordings. The address of OneJax is 1022 Park Street, Suite 302, Jacksonville, Florida 32204.

December 16, 2005: I briefly welcomed the Florida Bar Board of Governors to the Circuit at the Board's meeting, Amelia Island, Florida. I have no notes, transcripts or recordings. The address of the Florida Bar is 651 East Jefferson Street, Tallahassee, Florida 32399.

November 17, 2005: Panelist for a judicial symposium on professionalism, Jacksonville Bar Association, Jacksonville, Florida. I have no notes, transcripts or recordings. The address of the Jacksonville Bar is 841 Prudential Drive, Suite 1320, Jacksonville, Florida 32207.

October 21, 2005: Remarks delivered at Leadership Day event, Mattie V. Rutherford Alternative Education Center, Jacksonville, Florida. I have no notes, transcripts or recordings. The address of the center is 1514 Hubbard Street, Jacksonville, Florida 32206.

June 5, 2005: James Weldon Johnson Festival Public Forum & Founder's Luncheon, Jacksonville, Florida. I served as a moderator of a forum about the life and work of James Weldon Johnson. I have no notes, transcripts or recordings. The festival does not have a physical address.

May 2005: No Longer Children, Baptist Youth Program, Fernandina Beach, Florida. A copy of my remarks is supplied.

January 1, 2005: Remarks at New Year's Day commemoration of President Lincoln signing the Emancipation Proclamation, Nassau County Branch of the National Association for the Advancement of Colored People, Fernandina Beach, Florida. I swore in new NAACP officers and served as a guest speaker. I have no notes, transcripts or recordings, but press coverage is supplied. The address of the Nassau County Branch of the NAACP is P.O. Box 16641, Fernandina Beach, Florida 32035.

October 23, 2004: Remarks during a program commemorating Martin Luther King, Jr., Nassau County Branch of the National Association for the Advancement of Colored People, Fernandina Beach, Florida. I have no notes, transcripts or recordings, but press coverage is supplied. The address of the Nassau County Branch of the NAACP is P.O. Box 16641, Fernandina Beach, Florida 32035.

October 18, 2004: Remarks during a town hall meeting on drug use, Nassau Alcohol, Crime and Drug Abatement Coalition, Fernandina Beach, Florida. I have no notes, transcripts or recordings, but press coverage is supplied. The address of the coalition is 435 Citrona Drive, Fernandina Beach, Florida 32034.

October, 2004: I offered greetings during the 24th annual Nassau County Community Development Corporation banquet, Fernandina Beach, Florida. I have no notes, transcripts or recordings. The CDC does not have a physical address.

May 18, 2004: Drugs: Not In My Kid, Not In My County panel, Nassau Alcohol, Crime & Drug Abatement Coalition, Fernandina Beach, Florida. I have no notes, transcripts or recordings, but press coverage is supplied. The address of the coalition is 435 Citrona Drive, Fernandina Beach, Florida 32034.

September 10, 2003: Remarks at African-American Professionals Seminar, sponsored by the Continuing Education Department of the University of North Florida, Jacksonville, Florida. I have no notes, transcripts or recordings. The address of UNF is 1 UNF Drive, Jacksonville, Florida 32224.

March 2003: Remarks during National Alliance for the Mentally Ill luncheon, National Alliance for the Mentally Ill, Fernandina Beach, Florida. I have no notes, transcripts or recordings, but press coverage is supplied. The address of the Florida NAMI is 1030 East Lafayette Street, Suite 10, Tallahassee, Florida 32301.

November 24, 2002: Remarks at the Interfaith Thanksgiving Service at Riverside Avenue Christian Church, Peace and Hope of Freedom, Jacksonville, Florida. A copy of my remarks is supplied.

September 18, 2002: Panelist during the Working Together: Race Relations Within Our Legal Community seminar, Jacksonville Bar Association, Christian Legal Society, and D.W. Perkins Bar Association, Jacksonville, Florida. I have no notes, transcripts or recordings. The address of the Jacksonville Bar is 841 Prudential Drive, Suite 1320, Jacksonville, Florida 32207. The address of the Christian Legal Society is 8001 Braddock Road, Suite 302, Springfield, Virginia 22151. The D.W. Perkins Bar Association does not have a physical address.

September 13, 2002: Remarks at Founders Anniversary Banquet, Nasitra Club, Jacksonville, Florida. A copy of my remarks is supplied.

June 7, 2002: Keynote Address at Annual Banquet, Clay County NAACP, Events Hall of Clay County Council on Aging. I have no notes, transcripts or recordings. The Clay County NAACP can be reached through its president, Gwendolyn Hunter, P.O. Box 1081, Orange Park, Florida 32067.

February 2002: Remarks at Black History Extravaganza, Jefferson Davis Middle School, Jacksonville, Florida. I have no notes, transcripts or recordings, but press coverage is supplied. The event was sponsored by Team Up, Communities in Schools, 3100 University Boulevard South, Suite 300, Jacksonville, Florida 32216.

2002: Brief acceptance remarks to convey my gratitude upon receiving the Judge of the Year award, American Board of Trial Advocates. I have no notes, transcripts or recordings. The address of ABOTA is 2001 Bryan Street, Suite 3000, Dallas, Texas 75201.

October 18, 2001: Remarks at Preventing School Violence forum, Mandarin High School, Jacksonville, Florida. I was a member of a panel on school violence and bullying. I have no notes, transcripts or recordings. The address of Mandarin High is 4831 Greenland Road, Jacksonville, Florida 32258.

May 14-15, 2001: I participated in a workshop on case management, which was conducted by the Committee on Trial Court Performance and Accountability. A report on the workshop discussions and findings was released by the Committee, of which I was a member, and is supplied in response to 12(b).

June 2, 2000: I lectured on "Sanctions and Incentives," National Association of Drug Court Professionals, San Francisco, California. I have no notes, transcripts or recordings. The address of the NADCP is 1029 North Royal Street, Suite 201, Alexandria, Virginia 22314.

January 16, 2000: Martin Luther King, Jr. Service Keynote Address, St. Paul's by the Sea, Jacksonville Beach, Florida. I have no notes, transcripts or recordings. The address of St. Paul's by the Sea is 416 12th Avenue North, Jacksonville, Florida 32250.

January 5-6, 2000: I was a panelist on "The Role of the Juvenile and Family Drug Court Judge" and "Applying Incentives and Sanctions Within a Strengths-Based Framework," National Association of Drug Court Professionals, Phoenix, Arizona. I have no notes, transcripts or recordings. The address of the NADCP is 1029 North Royal Street, Suite 201, Alexandria, Virginia 22314.

March 14, 1999: Helping Our Children Find Their Way, Jacksonville Department of Juvenile Justice Annual Conference. A copy of my remarks is supplied.

January 23, 1999: Remarks during the Beutillion Militaire program, Jacksonville Chapter of Jack & Jill of America, Jacksonville, Florida. I gave words of encouragement to the students being honored for their academic, athletic, and leadership abilities. I have no notes, transcripts or recordings. The Jacksonville Chapter of Jack & Jill of America does not have a physical address.

January 18, 1999: Freedom is Not Free, remarks delivered at Emancipation Proclamation Celebration. A copy of my remarks is supplied.

January 18, 1999: I made remarks at the Martin Luther King celebration, Jacksonville Area Legal Aid, Jacksonville, Florida. I have no notes, transcripts or recordings, but press coverage is supplied. The address of Jacksonville Area Legal Aid is 126 West Adams Street, #101, Jacksonville, Florida 32202.

1999: Brief remarks of gratitude upon receiving the Hubbard House Domestic Peace Award. I have no notes, transcripts or recordings. The address of Hubbard House is P.O. Box 4909, Jacksonville, Florida 32201.

October 24, 1998: To Lose a Brother, Omega Psi Phi Regional Meeting, Embassy Suites, Jacksonville. A copy of my remarks is supplied.

August 13, 1998: Comments made at the Investiture of Judge Ingraham Drayton, Duval County Courthouse. A copy of my remarks is supplied.

March 21, 1998: Remarks during "Living Legends of Jacksonville," Jacksonville, Florida. I am unable to recall the sponsoring organization, and I have no notes, transcripts or recordings.

September 27, 1997: Moderator for "Race Relations and America's Public Education System," First National Dialogue of President Clinton's Race Initiative and the National Conference for Community and Justice, Jacksonville, Florida. The panel discussed the role of public education in addressing racism in America. I have no notes, transcripts or recordings. The address of the NCCJ is 1095 Day Hill Road, Suite 100, Windsor, Connecticut 06095.

May 27, 1997: Remarks at Fifth Grade Recognition Awards, Mt. Herman Exceptional Educational Center. A copy of my remarks is supplied.

January 19, 1997: Acceptance Speech for the Jewish Federation Humanitarian Award. A copy of my remarks is supplied.

October 1996: Remarks at Pre-Law Program, University of North Florida. A copy of the remarks is supplied.

March 9, 1996: Unity Week Panel, Jacksonville, Florida. I emceed a panel on race relations sponsored by a citizen group called Unity. I have no notes,

transcripts or recordings, but press coverage is supplied. The citizens' group, Unity, does not have a physical address.

December 16, 1995: Lest We Forget, Clay County NAACP Luncheon, Jacksonville, Florida. A copy of my remarks is supplied.

May 10, 1995: Remarks at American Society for Industrial Security, Naval Air Station Cecil Field. A copy of my remarks is supplied.

March 31, 1995: Classroom Girl Scouting / Boy Scouting Recognition Breakfast, Prime Osborn Convention Center. A copy of my remarks is supplied.

October 1992: As a faculty member of the Association of Trial Lawyers of America's College of Trial Advocacy, I taught an Essentials of Civil Litigation Seminar in Reno Nevada and prepared a paper entitled Ready, Set . . . Settle!. I have no notes, transcripts or recordings, and I no longer have a copy of the paper. The address of the American Association of Justice (formerly ATLA) is 777 Sixth Street NW, Suite 200, Washington, DC 20001.

Because of my interest in children and community-building, as a private attorney and assistant state attorney and later as a judge I have frequently agreed to speak with students in Duval County's schools and to various civic and religious organizations. I have also judged numerous mock trials, administered oaths of office, and conducted courthouse tours. I have not maintained records of all of these events, but have tried to create as complete a list as possible by searching my personal records, public databases, and the internet. Despite these efforts, however, there may be other remarks or presentations that I have been unable to recall or identify.

- 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.

Mary Kelli Palka, *Ex-Mayor Preached Being Fair, Being Just*, Florida Times-Union, Apr. 24, 2011. Copy supplied.

Wendi Zongker, *Program Keeps the Mentally Ill Out of State Jails*, Florida Times-Union, Apr. 22, 2008. Copy supplied.

Shannon Malcolm, *Mental Health Court Runs Smoothly*, Fernandina Beach News Leader, Apr. 3, 2008. Copy supplied.

Shannon Malcolm, *County to Support Mental Health Court*, Fernandina Beach News Leader, Sept. 20, 2007. Copy supplied.

Mary Hurst, *5 Families Open Hearts, Homes*, Florida Times-Union, Nov. 25, 2006. Copy supplied.

Shannon Malcolm, *'Mental Health Court' Envisioned*, Fernandina Beach News Leader, Nov. 15, 2006. Copy supplied.

New Homes for 8 Children, Fernandina Beach News Leader, Nov. 15, 2006. Copy supplied.

David Hunt, *Nassau Courts May Soon Help, Not Punish, the Mentally Ill*, Florida Times-Union, Nov. 3, 2006. Copy supplied.

Mary Hurst, *Mental Health Court Proposed*, Florida Times-Union, Oct. 18, 2006. Copy supplied.

Jefferson Street Pool Renamed for Julius Guinyard, Jacksonville Free Press, Oct. 13-19, 2005. Copy supplied.

Benjamin Price, *Black Mold in Courthouse*, Fernandina Beach News Leader, Aug. 24, 2005. Copy supplied.

Derek L. Kinner, *Mold Growth Discovered in Courthouse*, Florida Times-Union, Aug. 20, 2005. Copy supplied.

David Decamp, *Liberal-Minded Meeting Urges Supreme Court Fight*, Florida Times-Union, July 12, 2005. Copy supplied.

Tonyaa Weathersbee, *Scouts Can Learn Key Skills for Life*, Florida Times-Union, Jan. 14, 2004. Copy supplied.

Jim Schoettler, *Ruling Imperils Statewide DUI Cases*, Florida Times-Union, Jan. 8, 2004. Copy supplied.

Jessie-Lynne Kerr, *Juvenile Advocate Jones, 65, Succumbs to Cancer*, Florida Times-Union, Mar. 1, 2003. Copy supplied.

Kimberly Kappel, *Jacksonville Judge to Replace Retired Brooke*, Fernandina Beach News Leader, Jan. 8, 2003. Copy supplied.

Study Reveals City Leadership Must Take Helm to Improve Race Relations, Jacksonville Free Press, Sept. 25, 2002. Copy supplied.

Alliniece T. Andino, *Eliminating Racial Disparities the Goal*, Florida Times-Union, Sept. 18, 2002. Copy supplied.

Alliniece T. Andino, *Report on Race Relations Out Today*, Florida Times-Union, Sept. 17, 2002. Copy supplied.

Rose Marie Preddy, *Race Relations Focus of Sept. 18 Seminar*, Daily Record, Aug. 26, 2002. Copy supplied.

Mike Sharkey, *The Judges: Brian Davis*, Daily Record, Dec. 3, 2001. Copy supplied.

Alliniece T. Andino, *JCCI Takes On Race Issue*, Florida Times-Union, Oct. 24, 2001. Copy supplied.

Dana Treen, *Police Show Kids Better Path*, Florida Times-Union, Aug. 8, 2001. Copy supplied.

Alliniece T. Andino, *Race Profiling Exists but Not Excessive, Glover Says*, Florida Times-Union, June 23, 2001. Copy supplied.

Vivian Wakefield, *Restitution Orders Make Parents Liable for Children's Delinquent Acts*, Times-Union, Mar. 8, 2001. Copy supplied.

Patrick Boyle, *In New Courts. Kids on Drugs Get the Treatment*, Youth Today, Apr. 1, 2000. Copy supplied.

Vivian Wakefield, *State Courts Trying to Recruit Minorities*, Florida Times-Union, Jan. 24, 1999. Copy supplied.

David Bauerlein, *Businesses Prodded on Domestic Violence*, Florida Times-Union, Nov. 20, 1998. Copy supplied.

Beau Halton, *A Reduction in City's Race Tension*, Florida Times-Union, Apr. 25, 1996. Copy supplied.

Judge Orders Two Teens Held in Sniper Scare, United Press International, Nov. 12, 1992. Copy supplied.

Diane Hirth, *Prison Terms May Be Slashed with Reforms*, South Florida Sun-Sentinel, Feb. 23, 1992. Copy supplied.

4- to 6-Year-Olds Won't Face Trial on Vandalism Charges, Associated Press, Oct. 10, 1991 (reprinted in multiple outlets). Copy supplied.

Thief Gets Bonus from State Month after Firing, Orlando Sentinel, June 28, 1987. 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.

In February 1994, I was appointed as a Circuit Court Judge in the 4th Judicial Circuit by Governor Lawton Chiles. I have been re-elected twice without opposition. The Circuit Court is the highest trial level Court in Florida and has jurisdiction over all juvenile, family and probate proceedings, as well as felony criminal cases and civil cases involving disputes of over \$15,000. The Circuit Court also has jurisdiction over the appeals from county court cases as well as certiorari review of local administrative decisions. I have been assigned to the civil, family, juvenile, probate, domestic violence, drug court and mental health court benches and have served in both Duval and Nassau counties.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? 625

- i. Of these, approximately what percent were:

jury trials:	5%
bench trials:	95%
civil proceedings:	80%
criminal proceedings:	20%

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

In connection with the Circuit Court's trial jurisdiction I have not written any published opinions. I have entered hundreds of written orders. All are maintained in case files by the Clerk of the Court. The vast majority are routine orders without findings of fact or legal analysis, or orders prepared for me by counsel following my oral rulings. I cannot compile a list of orders containing legal analysis and findings of fact, such as would appear in an opinion. Those orders too are on file with the Clerk of the Court. Because they are not published, I cannot provide citations for them without reviewing each and every case file.

In connection with the Circuit Court's jurisdiction regarding appeals from county court cases, I have authored the following unpublished opinions.

Mercer v. State of Florida, Case No. 06-1-AP
Boatright v. State of Florida, Case No. 09-2-AP
National Revenue Service, Inc. v. Smith, Case No. 08-2-AP
Petty v. State of Florida, Case No. 09-3-AP
Parr v. Butler, Case No. 10-1-AP
Richardson v. Somerset Apartments, Case No. 10-2-AP
Dehner v. State of Florida, Case No. 11-2-AP

- 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).

1. *The Florida Bar v. Gentry*, Case No. 92,332

In September 1995 and October 1998, I served as a referee in two contested Florida Bar disciplinary actions against an attorney, which involved the filing of frivolous federal litigation in one case and the use of abusive and vulgar language toward a client in another. In the original case a guilty plea was accepted and cost and fees imposed. In the latter an admonishment for minor misconduct was issued, an apology required, and costs imposed. This was my only opportunity to serve as a referee in a disciplinary matter, and post-punishment proceedings raised interesting questions regarding the public dissemination of disciplinary actions.

Bar counsel: Frances R. Brown-Lewis, Esq.
The Florida Bar
12500 Edgewater Drive
Orlando, FL 32804
(407) 425-5424

Pro se: Richard Ellis Gentry, Esq.
125 Twin Lake Grove Drive
Interlachen, FL 32148
(386) 684-3433

2. *Hamilton v. Whip and Ryan Foods*, Case No. 02-24-CA, and *Johnson v. Whip and Ryan Foods*, Case No. 02-25-CA

In September 2004, in Nassau County, I presided over the trial of consolidated automobile negligence cases resulting in a verdict in excess of \$1 million for each plaintiff. Plaintiff's co-counsel, however, failed to disclose directly adverse interests to a former client, having obtained conditional consents to his representation, and thereby forfeited more than \$300,000 in attorney's fees. Order supplied.

Counsel for Plaintiff: Eric S. Block, Esq.
6817 Southpoint Parkway, Suite #2502
Jacksonville, FL 32216
(904) 475-9400

Charles E. Earnhardt, Esq.
P.O. Box 411987

Melbourne, FL 32941
(321) 751-5585

Counsel for Defendant: L. Johnson Sarber, Esq.
P.O. Box 447
Jacksonville, FL 32201
(904) 398-0900

3. *Hogan v. Baptist Medical Center*, Case No. 06-44-CA

In September 2008, in Nassau County, I presided over the trial of a negligence action in which a surgeon alleged injury on a “dunking booth” loaned by a volunteer fire department to a hospital for use in a fund-raising event. The jury returned a defense verdict, which was reversed on appeal. After a motion seeking a change of venue was denied, the case settled. Order supplied.

Counsel for Plaintiff: Arthur I. Jacobs, Esq.
961687 Gateway Boulevard, Suite #201-I
Fernandina Beach, FL 32034
(904) 261-3693

Charles Sorenson, Esq.
136 East Bay Street
Jacksonville, FL 32202
(904) 356-6071

Counsel for Defendants: Joseph B. Stokes, Esq.
P.O. Box 41589
Jacksonville, FL 32203
(904) 355-4401

Teresa Arnold-Simmons, Esq.
1 Independent Drive, Suite #1650
Jacksonville, FL 32202
(904) 354-5500

4. *Huckleby v. Masters*, Case No. 06-118-CA

In March 2011, in Nassau County, I presided over a two and one-half week personal injury trial arising from defendant’s logging truck’s collision with plaintiff’s vehicle after bypassing a regulatory check point to avoid fines. The jury returned a verdict in excess of \$30 million, the largest on record in Nassau County. The plaintiff suffered severe and complex brain damage and sought punitive damages.

Counsel for Plaintiff: Steve Pajcic, Esq.
Robert Link, Esq.
1 Independent Drive, Suite #1900
Jacksonville, FL 32202
(904) 358-8881

Counsel for Defendant: Eric Leach, Esq.
815 South Main Street, Suite #200
Jacksonville, FL 32207
(904) 346-3800

William Stone, Esq.
201 North Hogan Street, Suite #400
Jacksonville, FL 32202
(904) 493-3764

5. Carlton Dunes Condominium Association, Inc. v. Nassau Beach Development,
Case No. 06-27-CA

In 2006, Carlton Dunes Condominium Association, Inc. brought this construction defect case regarding 7 condominium buildings located on Amelia Island in Nassau County. Breach of contract, breach of statutory warranty, and violation of building code causes of action were alleged against more than 20 defendants including contractors, architects and sub-contractors. The sheer number of claims, cross-claims and defendants qualified the litigation as complex. Through active case management the matter was ultimately settled at mediation for undisclosed sums. Order supplied.

Counsel for Plaintiff: Adam G. Adams, III, Esq.
1 Independent Drive, Suite #1300
Jacksonville, FL 32202
(904) 359-8797

Counsel for Defendants: Denise Anderson, Esq.
777 South Harbor Island Boulevard, Suite 500
Tampa, FL 33602
(813) 281-1900

Lilburn R. Railey, III, Esq.
15 North Eola Drive
Orlando, FL 32801
(407) 648-9119

6. *Housing Assistance Corporation of Nassau County, Inc. v. Fernandina Beach, RRH Limited, et al.*, Case No. 05-556-CA

This case involved the alleged theft of a business opportunity to own and manage an affordable housing project for the benefit of Nassau County residents. The Housing Assistance Corporation ("HAC") of Nassau County, Inc. had a contract to acquire the Countryside Apartments, an affordable housing apartment complex in Nassau County. Just prior to the closing, it was alleged that defendants conspired with a third party, enabling that party to buy the property from underneath HAC's feet and take over HAC's prearranged financing. The case was tried over the course of four days in 2009, and the jury returned a verdict in favor of HAC. Collection efforts continue.

Counsel for Plaintiff: Jennifer A. Mansfield, Esq.
50 North Laura Street, Suite #3900
Jacksonville, FL 32202
(904) 353-2000

Bryce Ackerman, Esq.
125 N.E. First Avenue, Suite #1
Ocala, FL 34470
(352) 732-8121

Counsel for Defendant: E. Lanny Russell, Esq.
225 Water Street, Suite #1800
Jacksonville, FL 32202
(904) 359-7700

7. *Carter v. Brown & Williamson Tobacco Corp.*, Case No. 95-00934-CA

In August 1996, in Duval County, I presided over the trial of a products liability case resulting in a \$750,000 verdict and judgment against a cigarette manufacturer. It was the first time a cigarette company had been held liable for damages to an individual claiming injury from a cigarette-related disease. The case presented complex questions regarding statutes of limitations and first impression federal preemption claims. The defendants appealed the verdict. It was overturned by the 1st District Court of Appeals, but its decision was quashed by the Florida Supreme Court. *Carter v. Brown and Williamson*, 728 So. 2d 344 (Fla. 1st DCA 1999), *rev'd*, 778 So. 2d 932 (Fla. 2000). Order supplied.

Counsel for Plaintiff: Woody Wilner, Esq.
444 East Duval Street, 3rd Floor
Jacksonville, FL 32202
(904) 446-9817

Counsel for Defendant: J.W. Pritchard, Jr., Esq.
9585 Waterford Road
Jacksonville, FL 32257
(904) 731-2147

8. *State v. Mummery*, Case No. 10-1017-CF

The defendant in this case, an 18-year-old female, was arrested in 2010 for burglary of a home while she was intoxicated. A screening at the Nassau County jail revealed the existence of mental illness. The defendant was referred to the Mental Health Court over which I preside by periodically reviewing participants' treatment and behavioral progress, rewarding achievements and sanctioning failures. The defendant graduated from the Court's supervised program after 20 months, prevailing over chronic depression, a suicide attempt, hospitalization, joblessness and inpatient treatment to eventually excel in treatment, educational goals and self esteem.

Counsel for Prosecution: Joseph S. Hamrick, Esq.
State Attorney's Office
76347 Veterans Way, Suite #2105
Yulee, FL 32097
(904) 548-4700

Counsel for Defendant: Christofer Anne Clayton, Esq.
Law Office of the Public Defender
4th Judicial Circuit
76347 Veterans Way, Suite #2065
Yulee, FL 32097
(904) 548-4750

9. *In the Interest of A.C.*, Case No. 06-293-CJ

In October 2006, 15-year-old A.C. came to the Court's attention in connection with a charge of battery on a public or private education employee. A.C. had experienced behavioral and cognitive problems as early as preschool and suffered physical and sexual abuse at a young age. It was eventually determined that A.C. was developmentally delayed and suffered from post-traumatic stress disorder, oppositional defiant disorder, and attention deficit hyperactivity disorder. It was determined that she was incompetent to stand trial for the offenses for which she had been detained, and the Department of Children and Families, Department of Juvenile Justice, and Agency for Persons with Disabilities seemed unable to fashion a course of treatment or means of protecting or providing for the child. Repeated hearings and requirements that agencies charged with the child's care fashion a means of addressing her unique and severe problems ultimately resulted in an appropriate group home placement. Order supplied.

Counsel for Prosecution: Donna G. Thurson, Esq.
State Attorney's Office
4th Judicial Circuit
220 East Bay Street
Jacksonville, FL 32202
(904) 630-2400

Counsel for Defendant: Tom Townsend, Esq.
Law Office of the Public Defender
76347 Veterans Way, Suite #2065
Yulee, FL 32097
(904) 548-4750

10. *City of Fernandina Beach v. McGill Aviation Corporation*, Case No. 04-394-CA

In 2005, the City of Fernandina Beach sought to evict its airport's fixed base operator, McGill Aviation, which claimed the city had breached its lease agreement by unilaterally taking portions of the premises leased to McGill Aviation. The litigation resulted in injunctive relief and a lengthy arbitration resulted in McGill Aviation maintaining its right to operate at the airport and an award of significant attorney's fees in its favor.

Counsel for Plaintiff: James W. Middleton, Esq.
50 North Laura Street, Suite #2600
Jacksonville, FL 32202
(904) 598-6100

Counsel for Defendant: Steve Durant, Esq.
6550 St. Augustine Road, Suite #105
Jacksonville, FL 32257
(904) 652-2600

- 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. *Mercer v. State of Florida*, Case No. 06-1-AP. Copy supplied.

Counsel for Appellant: Donna P. Levine, Esq.
324 Datura Street, Suite #145
West Palm Beach, FL 33401
(561) 820-8782

Counsel for Appellee: Eric C. Roberson, Esq.
Assistant State Attorney
Nassau County Judicial Annex
76347 Veterans Way
Yulee, FL 32097
(904) 548-4700

2. *White v. Shorstein and Plotkin*, Case No. 08-104-CA. Copy supplied.

Wesley F. White, Esq.
Assistant State Attorney
Nassau County Judicial Annex
Yulee, FL 32097
(904) 548-4700

Harry L. Shorstein, Esq.
6550 Saint Augustine Road, Suite #303
Jacksonville, FL 32217
(904) 642-3332

Jay Plotkin, Esq.
444 East Duval Street, 3rd Floor
Jacksonville, FL 32202
(904) 446-9817

3. *National Revenue Service, Inc. v. Smith*, Case No. 08-2-AP. Copy supplied.

Counsel for Appellant: Jeffrey H. Northcutt, Esq.
1814 Cedar River Drive
Jacksonville, FL 32210
(904) 982-7527

Appellee was Pro se

4. *Scott v. RDL Logistics, LLC and Livesay*, Case No. 08-414-CA. Copy supplied.

Counsel for Plaintiff: Clyde W. Davis, Esq.
960185 Gateway Boulevard, Suite #104
Fernandina Beach, FL 32034
(904) 261-2848

Counsel for Defendants: Arthur I. Jacobs, Esq.
961687 Gateway Boulevard, Suite #201-I
Fernandina Beach, FL 32034
(904) 261-3693

5. *Parr v. Butler*, Case No. 10-1-AP. Copy supplied.

Counsel for Appellant: Arthur I. Jacobs, Esq.
961687 Gateway Boulevard, Suite #201-I
Fernandina Beach, FL 32034
(904) 261-3693

Counsel for Appellee: Joshua K. Martin, Esq.
96191 Ridgewood Circle
Fernandina Beach, FL 32034
(904) 432-8333

6. *Richardson v. Somerset Apartments*, Case No. 10-2-AP. Copy supplied.

Neither party was represented by counsel

7. *Dehner v. State of Florida*, Case No. 11-2-AP. Copy supplied.

Counsel for Appellant: Curtis S. Fallgatter, Esq.
200 East Forsyth Street
Jacksonville, FL 32202
(904) 353-5800

Counsel for Appellee: Beverly Collins, Esq.
Assistant State Attorney
Office of the State Attorney
76347 Veterans Way, Suite #2105
Yulee, FL 32097
(904) 548-4700

8. *Hamilton v. Whip and Ryan Foods*, Case No. 02-24-CA, and *Johnson v. Whip and Ryan Foods*, Case No. 02-25-CA. Copy supplied in response to 13(c).

Counsel for Plaintiff: Eric S. Block, Esq.
6817 Southpoint Parkway, Suite #2502
Jacksonville, FL 32216
(904) 475-9400

Charles E. Earnhardt, Esq.
P.O. Box 411987
Melbourne, FL 32941
(321) 751-5585

Counsel for Defendant: L. Johnson Sarber, Esq.
P.O. Box 447

Jacksonville, FL 32201
(904) 398-0900

9. *Brown v. Lancaster*, Case No. 04-28-CA. Copy supplied.

Counsel for Plaintiff: Joseph M. Ripley, Jr., Esq.
Gerald S. Bettman, Esq.
5515 Phillips Highway
Jacksonville, FL 32207
(904) 737-5503

Counsel for Defendants: Daniel S. Brim, Esq.
P.O. Box 746
Fernandina Beach, FL 32035
(904) 261-6113

10. *Cawthorn v. State of Florida*, Case No. 04-2-AP. Copy supplied.

Counsel for Appellant: William Mallory Kent, Esq.
1932 Perry Place
Jacksonville, FL 32207
(904) 398-8000

Counsel for Appellee: Donna Gregory Thurson, Esq.
State Attorney's Office
220 East Bay Street
Jacksonville, FL 32202
(904) 630-2400

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 from the Supreme Court of the United States 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.

Power v. Boyle, 60 So. 3d 496 (Fla. 1st DCA 2011). I held the facts adduced sufficient to establish the requisite two incidents of violence necessary to the issuance of an injunction against violence under § 784.046 Fla. Stat. (2010). The 1st DCA found the incidents involving neighbors were immature and uncivil, but did not constitute violence or stalking for purposes of the statute.

Nassau County v. Titcomb, 41 So. 3d 270 (Fla. 1st DCA 2010). Nassau county residents sued to stop the development of areas designated as wetlands. They asserted that they had standing to challenge the county water management's ruling that the area was uplands, not wetlands, and the ordinance approving its development because they enjoyed the natural resources at issue by fishing, boating, hiking, etc. They argued that the county's action was inconsistent with its Comprehensive Plan. I agreed with plaintiffs and struck down the ordinance. The 1st DCA affirmed my conclusion that plaintiffs had standing but reversed my order quashing the development ordinance, finding that the ordinance was consistent with the Comprehensive Plan which contemplated re-categorization. Order supplied.

M.M. v. State, 36 So. 3d 797 (Fla. 1st DCA 2010). Pursuant to § 812.025 Fla. Stat. (2009) the 1st DCA reversed my final order of adjudication and disposition in adjudicating a juvenile delinquent of the offenses of grand theft and dealing in stolen property arising from the same course of conduct.

Hogan v. Gray Gable, 30 So. 3d 573 (Fla. 1st DCA 2010). I presided over a jury trial that resulted in a verdict for the defense in this personal injury suit alleging injuries sustained from a dunking booth. The 1st DCA remanded for a new jury trial, finding that I erred in failing to determine if a dunking booth, the instrumentality of injury, was in substantially similar condition to its previous use where the absence of previous injury was a feature of the trial. Order supplied.

T.F. v. State, 20 So. 3d 988 (Fla. 1st DCA 2009). The 1st DCA remanded for further proceedings my acceptance of a juvenile's plea of guilty, finding an insufficient record to determine its voluntariness.

Fashingbauer v. Fashingbauer, 19 So. 3d 401 (Fla. 1st DCA 2009). The 1st DCA affirmed in part and reversed in part the final judgment for dissolution of marriage I entered in this case. The DCA disagreed with the treatment of one beach lot as marital property, finding that the parties' use of marital funds to pay taxes on the lot did not convert it into a marital asset. Order supplied.

Haddock v. Carmody, 1 So. 3d 1133 (Fla. 1st DCA 2009). I found that Florida Statutes § 196.061 (2005) was unconstitutional as applied to plaintiffs because it deprived them of their homestead tax exemption, and that plaintiffs were entitled to exemption. The 1st DCA reversed both findings.

State v. D.A.G., 995 So. 2d 601 (Fla. 1st DCA 2008). My order vacating a juvenile's eight and a half year old adjudication as void was reversed by the 1st DCA because it held the motion to vacate was untimely.

J.W.J. v. State, 994 So. 2d 1223 (Fla. 1st DCA 2008). The 1st DCA affirmed my adjudication of delinquency for felony charges, and affirmed in part and reversed in part my imposition of certain special conditions of probation.

Strassner v. Strassner, 982 So. 2d 1224 (Fla. 1st DCA 2008). The 1st DCA reversed and remanded for further proceedings my decision to impute minimum wage to a former wife in calculating her child support obligation because of my failure to also find the actual ability to earn said sum and a deliberate refusal to work on the former wife's part. Order supplied.

Craig v. Craig, 982 So. 2d 724 (Fla. 1st DCA 2008). The 1st DCA reversed that portion of my final judgment for dissolution of marriage dealing with equitable distribution because it found that there was no evidence to support the finding that the subject land could be subdivided and sold for the prices assumed. Order supplied.

Jones v. Atkinson, 974 So. 2d 573 (Fla. 1st DCA 2008). I presided over a jury trial in this automobile injury case that resulted in a verdict apportioning liability evenly between the parties. I granted plaintiff's motion for new trial based on the compromise verdict. The 1st DCA reversed, finding that the issues at trial were "hotly contested" and disagreed with my finding that the record was "devoid of significant evidence" of the plaintiff's negligence. Order supplied.

M.S.G. III v. State, 971 So. 2d 273 (Fla. 1st DCA 2008). The 1st DCA upheld the Court's finding that a juvenile engaged in an affray, but reversed the Court's finding that the juvenile had deliberately disrupted a school function because there was no evidence that he acted with deliberate intent.

W.W. Plastering v. Chisholm Construction, Inc., 898 So. 2d 276 (Fla. 1st DCA 2005). The 1st DCA reversed my award of attorney's fees to defendants, finding that an initial motion for fees made in connection with an earlier action that was voluntarily dismissed could not carry forward to a new case filed by the same plaintiff seeking to foreclose a mechanic's lien. Order supplied.

State Dept. of Transportation v. Nassau Partners Limited, 878 So. 2d 1286 (Fla. 1st DCA 2004). I awarded costs to the landowner in an eminent domain case. The 1st DCA affirmed my order with respect to the landowner's entitlement to fees, but remanded for additional "specific findings" as a matter of first impression regarding the necessity of hours expended and reasonableness of rate. Order supplied.

Martin v. Wilcox, 876 So. 2d 695 (Fla. 1st DCA 2004). The 1st DCA required on remand that I consider the merits of a landowner's motion attacking a settlement agreement after the entry of an order approving the agreement where, pursuant to the agreement, the landowner had reserved the right to collaterally attack the agreement within 60 days. Order supplied.

K.S. v. State, 840 So. 2d 1116 (Fla. 1st DCA 2003). I adjudicated the juvenile guilty of trespassing in a park. The 1st DCA reversed, finding that no evidence of willfulness or notice had been presented.

Brown & Williamson Tobacco Corp. v. Carter, 723 So. 2d 833 (Fla. 1st DCA 1998). The 1st DCA reversed the jury's verdict and remanded the case with instructions that it be dismissed because the claim was barred by the statute of limitations, trial evidence was preempted by the federal cigarette labeling and advertising act and plaintiffs were allowed to proceed on an unpleaded claim. The Florida Supreme Court quashed the 1st DCA's decision and sustained the jury's verdict. *See Carter v. Brown and Williamson Tobacco Court*, 778 So. 2d 932 (Fla. 2000). Order supplied in response to Question 13(c).

A.S. v. State, 763 So. 2d 1216 (Fla. 1st DCA 2000). I conducted a disposition hearing for a high risk juvenile. The juvenile's mother was not present for the hearing. The 1st DCA required a new disposition hearing because there was no evidence that the juvenile's mother had received proper notice of the hearing.

A.B. v. State, 763 So. 2d 1218 (Fla. 1st DCA 2000). The 1st DCA reversed my adjudication of delinquency and order of high-risk commitment and remanded for further proceedings, finding that I had erred in denying the child's motion to withdraw his guilty plea.

S.D.W. v. State, 746 So. 2d 1232 (Fla. 1st DCA 1999). I found the juvenile guilty of one count of battery on a school board official and one count of battery. The 1st DCA affirmed the conviction of battery on a school official but overturned the conviction for battery because it found there was no evidence that the juvenile had intended to kick anyone during the second incident. The court also remanded with instructions to conform the written order with my oral pronouncements at sentencing.

Keiser v. Old Line Ins. Co. of Am., 735 So. 2d 612 (Fla. 1st DCA 1999). My order awarding attorney's fees was reversed in the absence of a transcript and sufficient factual findings regarding the reasonableness of hours expended and rates charged.

Russ v. City of Jacksonville, 734 So. 2d 508 (Fla. 1st DCA 1998). I presided over a false arrest trial in which a verdict was returned for the defendant. The 1st DCA reversed and remanded for a new trial, holding that I had the authority to vacate or modify an interlocutory ruling of a predecessor judge and that certain impeachment evidence should have been admitted.

Brown & Williamson Tobacco Corp. v. Carter, 728 So. 2d 344 (Fla. 1st DCA 1999). The 1st DCA found the question of attorney's fees to be moot in light of its decision on the merits in *Brown & Williamson Tobacco Corp. v. Carter*, 723 So. 2d 833 (Fla. 1st DCA 1998). However, its ruling on the merits was reversed.

See Carter v. Brown & Williamson Tobacco Corp., 778 So. 2d 932 (Fla. 2000). Order supplied.

Boone v. Mastroianni, 709 So. 2d 192 (Fla. 1st DCA 1998). The 1st DCA issued a per curiam reversal based on *Smith v. Welton*, 710 So. 2d 135 (Fla. 1st DCA 1998), which held that Florida's statute authorizing property appraisers to adjust assessment values violated protections afforded homestead properties by Florida's constitution. *Smith* and *Boone* were consolidated before the Florida Supreme Court, which held that the appraisers lacked authority under the statute to retroactively adjust the assessments, and thus affirmed only the result of the 1st DCA's opinion. *Smith v. Welton*, 729 So. 2d 371 (Fla. 1999). Order supplied.

Maersk Line Limited v. Weaver, 708 So. 2d 347 (Fla. 1st DCA 1998). The 1st DCA required the dismissal of a complaint for failing to state a cause of action for the tort of outrageous conduct causing severe emotional distress and found as a result that the Court did not have personal jurisdiction over the foreign defendant. Order supplied.

Boney v. Collier Custom Homes, Inc., 694 So. 2d 52 (Fla. 1st DCA 1997). The 1st DCA, per curiam, remanded for further proceedings following the reversal of my order to dismiss the case. Order supplied.

Wetzel v. Wetzel, 671 So. 2d 234 (Fla. 1st DCA 1996). The 1st DCA remanded the final judgment of dissolution of marriage and directed the parties to present additional evidence so that the Court could make factual findings supporting the award of rehabilitative alimony and equitable distribution. Order supplied.

Irwin v. Perryman, 666 So. 2d 959 (Fla. 1st DCA 1996). Upon confession of error, the 1st DCA reversed and remanded my order regarding the former husband's child support obligation so as to deduct from gross income state income tax paid, and required the Court to conform its order regarding the length of child support payment to Florida Statutes § 743.07 (1993). Order supplied.

- 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 member of a trial level court, the decisions I issue result in unpublished orders and judgments. Those orders and judgments that I have personally written are stored in my computer in a directory for each type of case (civil, juvenile or family) and filed with the Clerk of Court. The orders and judgments that were not written by me, but which were submitted by the parties for my review and execution, are filed in the Court file which is maintained by the Clerk of Court.

- 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 authored no 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.

Our jurisdiction does not have an "automatic" recusal system. Florida Rule of Judicial Administration 2.160(e) provides that a motion to recuse must be filed within a reasonable time not to exceed 10 days after the discovery of the facts that would require disqualification. The motion must be served upon the judge and the judge must rule within 30 days of service. If the judge does not rule within 30 days, the motion is automatically granted. A judge may not dispute the allegations in a motion to recuse, but must accept the allegations in a motion to recuse as true and then determine whether those facts, if true, would warrant recusal.

I have been able to locate the following cases in which either I recused sua sponte or motions to recuse or disqualify me were filed:

Amelia Island Plantation Community Association, Inc. v. Pollock, Case No. 03-109-CA. A Motion to Disqualify was filed by the defendant alleging scheduling difficulties, a previous association with opposing counsel, a *sua sponte* ruling and a suggestion that the

Court had predetermined the outcome of the case. In determining whether to recuse myself, I asked whether I could set aside the emotions raised by the aspersions cast and concluded in fairness to the defendant that I could not. The baselessness of the motion and the defendant's status as a former judicial officer compelled me to refer her conduct to the Florida Bar Association for investigation. The defendant was sanctioned by the Florida Bar Association.

Morgan v. Morgan and Morgan v. Nelson, Case Nos. 03-935-CA and 05-39-CA. I recused myself voluntarily on this matter because of my friendship with all of the parties.

Carswell v. Adams, Case No. 06-420-CA. I recused myself *sua sponte* in this matter because of my friendship with the decedent and his family.

TAMA Radio Licenses of Jacksonville v. D.B. Zwirn Special Opportunities Fund, Case No. 08-75-CA. I recused myself *sua sponte* from this matter in light of my friendship with plaintiff's counsel.

Dawkins v. Stiles, Case No. 09-616-CA. I initially denied a motion to recuse filed by the plaintiff in this matter as legally insufficient. After further reflection on the nature of the controversy and the fact of the Court's residency within the community from which the cause of action arose – a reason different from that alleged in the plaintiff's motion – I recused myself.

First Union National Bank v. McCormick, Case No. 04-4-AP. I recused myself from the appeal in this case because it was my order being appealed.

Lewis v. Green, Case No. 05-1-AP. I recused myself from this matter because it was my order that was the subject of the appeal.

Destrez v. Air France, Case No. 05-153-CC. I recused myself from this matter because it was my order that was the subject of the appeal.

BAC Home Loans Servicing v. Austin, Case No. 09-1154-CA. I recused myself from this cause of action because I was a personal friend and neighbor of the defendants.

Baker v. Futch, Case No. 06-728-DR, *Wyche v. Futch*, Case No. 06-729-DR, *Doyle v. Futch*, Case No. 06-733-DR, *Futch v. Baker*, Case No. 06-746-DR, and *Futch v. Baker*, Case No. 06-747-DR. I recused myself in this case upon the pro se movant's request because although untrue, movant's factual allegations (taken as true, as required by Florida rule) would have prompted a reasonable and prudent person to fear an inability to get a fair and impartial trial.

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 served as an Assistant State Attorney from 1982 to 1988. I was appointed by State Attorney Ed Austin (deceased). I also served as Chief Assistant State Attorney from 1991 to 1994. I was appointed by State Attorney Harry Shorstein.

- 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 served as a volunteer in the 1986 campaign of Governor Bob Graham for the United States Senate. I was responsible for helping to get out the vote.

I served as a volunteer in the 1991 campaign of former State Attorney Ed Austin for Mayor of the City of Jacksonville. I was responsible for helping to get out the vote.

In 2000 and 2006, I ran unopposed for and was elected to the Circuit Court 4th Judicial Circuit Court bench.

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;

I have never served as clerk to a judge.

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

I have never 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.

1980 – 1982

Mahoney, Hadlow and Adams, P.A.

Barnett Bank Building

Jacksonville, Florida 32202
Associate

1982 – 1988
State Attorney's Office
4th Judicial Circuit
220 East Bay Street
Jacksonville, Florida 32202
Assistant State Attorney

1988 – 1991
Terrell Hogan (formerly known as Brown, Terrell, Hogan, Ellis,
McClamma, Yegelwel and Davis; Brown, Terrell, Hogan, Ellis,
McClamma and Yegelwel)
Blackstone Building, Suite 804
233 East Bay Street
Jacksonville, Florida 32202
Partner (1991)
Associate (1988 – 1991)

1991 – 1994
State Attorney's Office
4th Judicial Circuit
220 East Bay Street
Jacksonville, Florida 32202
Chief Assistant State Attorney

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

I have never served as a mediator or arbitrator.

b. Describe:

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

I began my practice of law in September 1980 as an associate attorney at Mahoney, Hadlow and Adams, P.A. I was a member of the labor law division. My primary responsibility was research and litigation support for senior partners.

Beginning in March 1982, I practiced criminal law as a prosecutor in the State Attorney's Office. My responsibilities ranged from the decision to

charge through the trial of defendants for misdemeanor and felony offenses.

In 1988, I became an associate attorney at Brown, Terrell, Hogan, Ellis, McClamma and Yegelwel, a 6-person civil litigation law firm. As an associate attorney I managed a caseload that included various tort actions at various stages of litigation. I was typically responsible for client intake, case investigation, witness development and preparation, discovery practice, motion practice, and both jury and non-jury trials. By May 1991, I was offered a partnership in the firm.

In July 1991, I accepted an appointment as Chief Assistant State Attorney and again practiced criminal law with the same, though diminished, individual case responsibility but enhanced supervisory responsibilities for approximately 60 attorneys.

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

At Mahoney, Hadlow and Adams, P.A., my labor law practice was primarily on behalf of management. Typical clients included business, banking and manufacturing interests.

During my first term of service in the State Attorney's Office, the State of Florida was my client and I typically worked closely with citizen victims of crime. During that time, I specialized in economic crime, consumer fraud, homicide, sexual battery and juvenile prosecutions.

As an associate attorney with Brown, Terrell, Hogan, Ellis, McClamma and Yegelwel, clients were typically plaintiffs seeking monetary damages for a variety of torts including personal injury, medical malpractice and wrongful death.

Finally, as Chief Assistant State Attorney I once again represented the State of Florida. I was involved in supervising the various prosecutorial and administrative responsibilities of the office. I also assisted the State Attorney in the development of office policy and procedures.

- 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 have regularly appeared in court for clients. As an associate attorney, early in my practice, such appearances were rare. As an Assistant State Attorney my appearances in court were almost daily. When I returned to private practice and

as Chief Assistant State Attorney, the frequency of appearances decreased, but was still regular.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | >1% |
| 2. state courts of record: | 99% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 50% |
| 2. criminal proceedings: | 50% |

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.

As an attorney, I tried approximately 70 cases to verdict or judgment. In 75% of these I was either lead or sole counsel.

i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 35% |
| 2. non-jury: | 65% |

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. *State of Florida v. Cummings*, Case No. 86-785-CF

In September 1986, in Duval County, I was chief trial counsel for the State of Florida in this armed robbery prosecution before the Honorable Louis Safer, 4th Judicial Circuit Court. The case was significant because of the defendant's previous acquittal of a related robbery and the defendant's habitual offender status. I gave the opening statement, presented and cross-examined witnesses and argued in closing against defendant's contention of misidentification. The defendant was found guilty as charged.

Counsel for Defendant: Michael Edwards, Esq.
218 East Ashley Street
Jacksonville, FL 32202
(904) 350-9800

2. *State of Florida v. Roberts*, Case No. 87-2600-CF

In September 1987, in Duval County, I was chief trial counsel for the State of Florida in this murder prosecution before the Honorable William Wilkes, 4th Judicial Circuit Court. The case involved a domestic violence decapitation. I gave the opening statement, presented and cross-examined witnesses and argued in closing against defendant's contention of misidentification. The defendant was found guilty.

Counsel for Defendant: Alan Chipperfield, Esq.
Office of the Public Defender
35 North Main Street
Gainesville, FL 32601
(352) 338-7375

3. *State of Florida v. Braddy*, Case No. 87-43583-CF

In October 1987, I was chief trial counsel in this second degree murder prosecution before the Honorable L. Page Haddock, 4th Judicial Circuit Court. The case involved the domestic violence shooting of the victim in the back. The proffered defense was that the gun accidentally discharged. I gave the opening statement, presented fact and expert witnesses, and argued in summation. The defendant was found guilty as charged.

Counsel for Defendant: Alan Chipperfield, Esq.
Office of the Public Defender
25 North Main Street
Gainesville, FL 32601
(352) 338-7375

4. *Simpson v. The Celotex Corporation, et al.*, Case No. 87-15087-CA

In December 1988, I was trial co-counsel for the plaintiff in the negligence civil conspiracy and strict liability trial against an asbestos manufacturer before the Honorable A. C. Soud, Jr., 4th Judicial Circuit Court. I gave an opening statement, presented fact and expert witnesses and argued in summation. The claims of five separate plaintiffs were tried before a single jury. The jury returned four damage awards.

Co-counsel for Plaintiff: Wayne Hogan, Esq.
Evan Yegelwel, Esq.
233 East Bay Street, 8th Floor
Jacksonville, FL 32202
(904) 632-2424

Counsel for Defendant: Frank Perritt, Esq.
945 Arbor Lane
Jacksonville, FL 32207
(904) 396-2487

William Burns, Esq.
1 Independent Drive, Suite #1900
Jacksonville, FL 32202
(904) 358-8881

5. *Johnson v. Carney & Sons Trucking Services, Inc.*, Case No. 88-14815-CA

In July 1989, in Duval County, I was trial co-counsel for plaintiff in a negligence action against an asphalt trucking company before the Honorable Lawrence Fay, 4th Judicial Circuit Court. The case involved the company's failure to supervise and investigate the habitual traffic offender status of its at-fault driver. I offered expert and fact witness testimony. A verdict of \$325,000 was returned.

Co-counsel for Plaintiff: Jim Terrell, Esq.
233 East Bay Street, 8th Floor
Jacksonville, FL 32202
(904) 632-2424.

Counsel for Defendant: Hal Catlin, Esq.
1792 Lake Miona Drive
The Villages, Florida, 32162
(352) 391-1970

6. *Edenfield v. W. W. Gay Mechanical Contractors, Inc.*, Case No. 86-9574-CA

In April 1990, in Duval County, I was chief trial counsel for plaintiff in a negligence action before the Honorable Lawrence D. Fay, 4th Judicial Circuit Court. The case

involved engineering and immunity issues regarding a subcontractor, and disabling burns suffered by the plaintiff. I offered an opening statement, presented fact and expert witnesses, cross-examined defense witnesses and presented the closing argument. The jury returned a verdict of \$225,000.

Co-counsel for Plaintiff: Jim Terrell, Esq.
233 East Bay Street, 8th Floor
Jacksonville, FL 32202
(904) 632-2424

Counsel for Defendant: Bruce Bullock, Esq.
5515 Phillips Highway, Suite #2
Jacksonville, FL 32207
(904) 731-0535

7. *Powell v. State of Florida*, Case No. 85-2659

In July 1990, in Hillsborough County, I was trial co-counsel for plaintiff in a negligence action before the Honorable J. Rogers Padgett, 13th Judicial Circuit Court. The suit was against the Hillsborough County State Attorney's Office for failing to protect an estranged wife horribly burned by her husband against whom she was to testify for the State. I examined prosecutors and made opening and closing arguments. The jury returned a \$2.3 million verdict, which was reversed on appeal, *Powell v. State*, 586 So. 2d 1180 (Fla. 2nd DCA 1991).

Co-counsel for Plaintiff: James D. Clark, Esq.
101 South Franklin Street
Tampa, FL 33602
(813) 250-0608

Counsel for Defendant: David McClain, Esq.
320 West Kennedy Boulevard, Suite #600
Tampa, FL 33606
(813) 221-1331

Pamela Lutton, Esq.
Attorney General's Office
400 South Monroe Street, #PL-01
Tallahassee, FL 32399
(850) 414-3300

8. *Holland v. Jacksonville Apartment Associates, Ltd., et al.*, Case No. 89-10275-CA

In August 1991, in Duval County, I was trial co-counsel for plaintiff in a premises liability trial against apartment owners before the Honorable Charles Mitchell, 4th Judicial Circuit Court. The case involved the provision of inadequate security for tenants

and the plaintiff, who was raped by an intruder, despite knowledge of increasing neighborhood crime. I prepared the plaintiff and fact and expert witnesses for trial and assisted in the cross-examination of defense witnesses. The jury returned a verdict in excess of \$1 million.

Co-counsel for Plaintiff: Jim Terrell, Esq.
233 East Bay Street, 8th Floor
Jacksonville, FL 32202
(904) 632-2424

Annette Ritter, Esq.
7936 Fallon Oaks Lane
Jacksonville, FL 32277
(904) 744-7391

Counsel for Defendant: R. J. Inman, Esq.
2252 Gulf Life Tower
Jacksonville, FL 32202
(904) 396-2537

Noah Jenerette, Esq.
231 East Adams Street
Jacksonville, FL 32202
(904) 353-6241

David Etheridge, Esq.
225 Water Street
Jacksonville, FL 32202
(904) 355-4401

9. *State of Florida v. Parker*, Case No. 90-12598-CF

In March 1993, in Duval County, I was trial co-counsel for the State of Florida in this felony murder trial before the Honorable Alban E. Brooke, 4th Judicial Circuit Court. The case presented a difficult causation issue arising from the death of an elderly citizen during a purse snatching by a habitual offender. The jury had to decide whether death resulted from the minimal force and emotional trauma associated with the purse's snatching or natural causes. I prepared and presented the victim's testimony, expert witnesses and gave a closing argument. The defendant was found guilty.

Co-counsel for Plaintiff: Michael S. Tyde, Esq.
4004 Atlantic Boulevard
Jacksonville, FL 32207
(904) 398-2212

Counsel for Defendant: Charlie Adams
610 Blodgetts Lane
Jacksonville, FL 32206
(904) 751-2939

10. *State of Florida v. Sutton*, Case No. 93-4386-CF

In September 1993, in Duval County, I was chief trial counsel for the State of Florida in this attempted first degree murder prosecution before the Honorable Hudson Oliff, 4th Judicial Circuit Court. A co-defendant was simultaneously tried by a second jury and the crime involved the attempted killing of an 11-year-old in his mother's presence. I prepared and presented witnesses, gave the opening statement, and cross-examined witnesses. The defendant was found guilty.

Co-counsel for Plaintiff: Bernie de La Rionda, Esq.
State Attorney's Office
220 East Bay Street
Jacksonville, FL 32202
(904) 630-2400

Counsel for Defendant: Charlie Adams, Esq.
610 Blodgetts Lane
Jacksonville, FL 32206
(904) 751-2939

Refik Eler, Esq.
Office of the Public Defender
25 North Market Street
Jacksonville, FL 32202
(904) 630-1530

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.)

In re: The Death of Alexander

In September 1983, I was co-counsel to the Grand Jury, State of Florida, Duval County, investigating the police shooting death of Alexander. This was significant in that the investigation occurred in a highly charged context imbued with allegations of racial prejudice. The Grand Jury found the shooting justified as it occurred during a struggle over the officer's gun by a motorcyclist fleeing a traffic violation.

In re: Report of the Grand Jury

In June 1992, I was co-counsel to the Grand Jury, State of Florida, Duval County, investigating the death of U.S. Navy Petty Officer First Class Smith. Petty Officer Smith died when his vehicle careened into the St. Johns River from the open middle span of the Main Street Bridge, which carried no warning lights, sirens, traffic arms or safety barriers. A highly critical presentment resulted in the Department of Transportation remedying the defects, and reorganizing its structure and procedures regarding vehicular and pedestrian safety on the bridge.

In re the Death of Smith

In March 1993, I was counsel to the Grand Jury, State of Florida, Nassau County, investigating the police shooting death of a mentally ill United States Navy Seal. While the Grand Jury did not find criminal liability, its presentment severely criticized the Nassau County Sheriff's Office and recommended sweeping changes in its operation as it relates to crisis management.

Drug Court and Mental Health Court

As Chief Assistant State Attorney I was instrumental, with State Attorney, Harry Shorstein, in establishing the first drug court in the 4th Judicial Circuit in 1992. Later I had the privilege from the bench of presiding over the court in Duval County and establishing the Circuit's first Juvenile Drug Court in 1997. In 2007, I established the first Mental Health Court in the Circuit in Nassau County, over which I have continuously presided.

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

I have not taught any courses.

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.

I have no financial or business interests from which I might expect to be compensated in the future. I do participate in the Florida Retirement System and maintain a vested benefit therein payable monthly upon attaining normal retirement age. I also anticipate receiving income through the State of Florida's Deferred Compensation Plan established under Internal Revenue Code 457.

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

If I am confirmed, I have no plans, commitment, or agreements to pursue outside employment.

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 confirmed, I will adhere to the Code of Conduct for United States Judges and other applicable authority regarding the conflicts of interest and recuse myself accordingly. I am not aware of any potential conflicts of interest presently.

- 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 intend to be guided by the Code of Conduct for United States Judges in resolving any conflicts of interest that might arise.

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.

Florida's Canons of Judicial Conduct prohibit judges from practicing law. Accordingly, during all of my judicial career I have chosen to serve the disadvantaged by serving in leadership roles with organizations whose missions were concerned with the varied needs

of the disadvantaged. Similar ethical considerations prevented my representation of disadvantaged clients while serving as a prosecutor early on in my career.

In private practice I provided pro bono representation through the Jacksonville Legal Aid Association and offered legal advice to non-profit organizations serving the disadvantaged as a board member. I currently devote several hours each week to organizations whose agendas impact the disadvantaged of my community.

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 June 4, 2009, I submitted an application to the Florida Federal Judicial Nominating Commission. On July 21, 2009, I interviewed with the Middle District Conference of the Judicial Nominating Commission in Orlando, Florida, and was notified by the Commission that my name, along with two others, was being submitted to Senators Nelson and Martinez. In August 2009, I interviewed with Senator Nelson and Senator Martinez at Senator Nelson's Orlando office. Subsequently, Senator Nelson notified me that he was submitting my name, along with two others, to the White House for consideration in connection with the nomination. I was not nominated at that time.

On June 14, 2011, I submitted an application to the Florida Federal Judicial Nominating Commission in connection with the current vacancy. On August 4, 2011, I interviewed with the Middle District Conference of the Judicial Nominating Commission in Orlando, and was notified by the Judicial Nominating Commission that my name, along with three others, was being submitted to Senators Nelson and Rubio. On October 12, 2011, I interviewed with Senator Nelson and Senator Rubio in their Washington, DC offices. Both Senators advised me they were submitting my name, along with three others, to the White House for consideration in connection with the nomination. Since November 2, 2011, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On December 7, 2011, I met with officials from the White House Counsel's Office and the Department of Justice in Washington, D.C. On February 29, 2012, 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. On November 10, 2011, I was contacted by Jeffrey Barber of the Department of Justice regarding my cooperation with FBI processes associated with the pre-nomination process.

No.

FINANCIAL DISCLOSURE REPORT NOMINATION FILING

Report Required by the Ethics
in Government Act of 1978
(5 U.S.C. app. §§ 101-111)

1. Person Reporting (last name, first, middle initial) Davis, Brian J.	2. Court or Organization U.S. District Court, Middle District of Florida	3. Date of Report 02/29/2012
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) U. S. District Judge - Nominee	5a. Report Type (check appropriate type) ☒ Nomination, Date 02/29/2012 ☐ Initial ☐ Annual ☐ Final 5b. ☐ Amended Report	6. Reporting Period 01/01/2011 to 02/29/2012
7. Chambers or Office Address U.S. Courthouse 300 North Hogan Street Jacksonville, FL 32202	8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations. Reviewing Officer _____ Date _____	
IMPORTANT NOTES: The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information. Sign on last page.		

I. POSITIONS. (Reporting individual only; see pp. 9-13 of filing instructions.)

☐ NONE (No reportable positions.)

<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1. Member, Board of Directors	OneJax, Inc
2. Co-Chair	Project Breakthrough
3. Member, Board of Directors	Jacksonville Public Education Fund
4.	
5.	

II. AGREEMENTS. (Reporting individual only; see pp. 14-16 of filing instructions.)

☒ NONE (No reportable agreements.)

<u>DATE</u>	<u>PARTIES AND TERMS</u>
1.	
2.	
3.	

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

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III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)***A. Filer's Non-Investment Income**☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1. 2010	State of Florida Judicial Salary	\$142,177.00
2. 2011	State of Florida Judicial Salary	\$142,177.00
3. 2012	State of Florida Judicial Salary	\$23,696.00
4.		

B. Spouse's Non-Investment Income - *If you were married during any portion of the reporting year, complete this section.
(Dollar amount not required except for honoraria.)*☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1. 2011	Florida Retirement System Disability Income
2. 2012	Florida Retirement System Disability Income
3. 2011	Unum Life Insurance Co. Disability Benefit Income
4. 2012	Unum Life Insurance Co. Disability Benefit Income
5. 2011	Unum Life Insurance Co. Long Term Care Benefit Income
6. 2012	Unum Life Insurance Co. Long Term Care Benefit Income

IV. REIMBURSEMENTS - *transportation, lodging, food, entertainment**(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)*☐ NONE *(No reportable reimbursements.)*

<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
1. Exempt				
2.				
3.				
4.				
5.				

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V. GIFTS. *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*☐ NONE *(No reportable gifts.)*

	<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1.	Exempt		
2.			
3.			
4.			
5.			

VI. LIABILITIES. *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*☐ NONE *(No reportable liabilities.)*

	<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1.	Nationwide Advantage Mortgage Company	Mortgage on Rental Property, Jacksonville, Florida	K
2.	CitiMortgage	Mortgage on Investment Property, Jacksonville, Florida	K
3.			
4.			
5.			

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VII. INVESTMENTS and TRUSTS – income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
1. Regions Bank Accounts	A	Interest	K	T	Exempt				
2. American Funds: American Mutual Fund	A	Dividend	J	T					
3. ING 457 Plan, Fixed Account	D	Dividend	M	T					
4. Rental Property, Jacksonville, Florida (2010 \$80,000)	D	Rent	K	R					
5. Investment Property, Jacksonville, Florida (2003 \$45,000)		None	K	R					
6. MetLife Variable Annuity, Fixed Account	A	Int./Div.	J	T					
7. BlackRock Mid-Cap Growth Equity Fund	A	Dividend	J	T					
8. NorthWestern Mutual Variable Annuity									
9. -T Rowe Price Equity Income Fund	A	Dividend	J	T					
10. -JanusFocused Appreciation Fund	A	Dividend	J	T					
11. -NorthWestern Mutual Growth Stock Fund	A	Dividend	J	T					
12. -Russell Aggressive Equity Fund	A	Dividend	J	T					
13. -Russell International Equity Fund	A	Dividend	J	T					
14. -Franklin Templeton International Growth Fund	A	Dividend	J	T					
15. -Russell Non-US Fund	A	Dividend	J	T					
16. -NorthWestern Mutual Select Bond Fund	A	Dividend	J	T					
17. -Russell Core Bond Fund	A	Dividend	J	T					

1. Income Gain Codes:
(See Columns B1 and D4)

2. Value Codes:
(See Columns C1 and D3)

3. Value Method Codes:
(See Column C2)

A = \$1,000 or less
F = \$50,001 - \$100,000
J = \$15,000 or less
N = \$250,001 - \$500,000
P3 = \$25,000,001 - \$50,000,000
Q = Appraisal
U = Book Value

B = \$1,001 - \$2,500
G = \$100,001 - \$1,000,000
K = \$15,001 - \$50,000
O = \$500,001 - \$1,000,000
R = Cost (Real Estate Only)
V = Other

C = \$2,501 - \$5,000
H1 = \$1,000,001 - \$5,000,000
L = \$50,001 - \$100,000
P1 = \$1,000,001 - \$5,000,000
P4 = More than \$50,000,000
S = Assessment
W = Estimated

D = \$5,001 - \$15,000
H2 = More than \$5,000,000
M = \$100,001 - \$250,000
P2 = \$5,000,001 - \$25,000,000
T = Cash Market

E = \$15,001 - \$50,000

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Davis, Brian J.

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VII. INVESTMENTS and TRUSTS – income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
18. - NorthWestern Mutual High Yield Bond Fund	A	Dividend	J	T					
19. - Russell Global Estate Securities Fund	A	Dividend	J	T					
20. -NorthWestern Mutual Guaranteed Interst Fund 1	A	Interest	J	T					
21. NorthWest Mutual Whole Life Policy #1	A	Dividend	J	T					
22. NorthWest Mutual Whole Life Policy #2	A	Dividend	K	T					
23. NorthWest Mutual Whole Life Policy#3	C	Dividend	L	T					
24.									

1. Income Gain Codes:
(See Columns B1 and D4)

2. Value Codes
(See Columns C1 and D3)

3. Value Method Codes
(See Column C2)

A = \$1,000 or less
F = \$50,001 - \$100,000

J = \$15,000 or less
N = \$250,001 - \$500,000
P3 = \$25,000,001 - \$50,000,000

Q = Appraisal
U = Book Value

B = \$1,001 - \$2,500
G = \$100,001 - \$1,000,000
K = \$15,001 - \$50,000
O = \$500,001 - \$1,000,000

R = Cost (Real Estate Only)
V = Other

C = \$2,501 - \$5,000
H1 = \$1,000,001 - \$5,000,000
L = \$50,001 - \$100,000
P1 = \$1,000,001 - \$5,000,000
P4 = More than \$50,000,000

S = Assessment
W = Estimated

D = \$5,001 - \$15,000
H2 = More than \$5,000,000
M = \$100,001 - \$250,000
P2 = \$5,000,001 - \$25,000,000

T = Cash Market

E = \$15,001 - \$50,000

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VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of report.)*

1. Positions. 2 Project Breakthrough is an unincorporated association without revenues or expenses.

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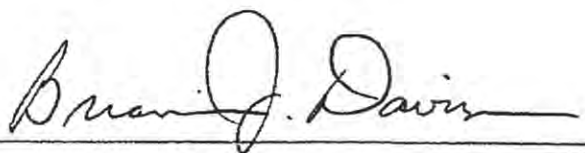
02/29/2012

IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature



NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

Committee on Financial Disclosure
Administrative Office of the United States Courts
Suite 2-301
One Columbus Circle, N.E.
Washington, D.C. 20544

FINANCIAL STATEMENT

NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS				LIABILITIES			
Cash on hand and in banks		43	354	Notes payable to banks-secured (auto)		34	041
U.S. Government securities				Notes payable to banks-unsecured			
Listed securities – see schedule		301	910	Notes payable to relatives			
Unlisted securities				Notes payable to others			
Accounts and notes receivable:				Accounts and bills due			
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful		5	000	Real estate mortgages payable – see schedule		364	922
Real estate owned – see schedule		406	400	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		65	400				
Cash value-life insurance		92	649				
Other assets itemize:							
Florida Retirement System Pension Plan	1	241	515				
Annuities							
				Total liabilities		398	963
				Net Worth	1	752	265
Total Assets	2	151	228	Total liabilities and net worth	2	151	228
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor		6	422	Are any assets pledged? (Add schedule)	No		
On leases or contracts				Are you defendant in any suits or legal actions?	No		
Legal Claims				Have you ever taken bankruptcy?	No		
Provision for Federal Income Tax							
Other special debt							

FINANCIAL STATEMENT

NET WORTH SCHEDULES

Listed Securities

Citigroup stock	\$785
Travelers stock	581
American Funds American Mutual Fund	4,238
BlackRock Mid-Cap Growth Equity Fund	8,007
ING Fixed Account annuity	242,992
MetLife Fixed Interest Account annuity	12,079
Northwestern Mutual Select Variable Annuity	33,228
Total Listed Securities	<u>\$301,910</u>

Real Estate Owned

Personal residence	\$107,400
Vacation home	220,400
Investment property	31,900
Rental property	46,700
Total Real Estate Owned	<u>\$406,400</u>

Real Estate Mortgages Payable

Personal residence	\$27,207
Vacation home	271,735
Investment property	35,764
Rental property	30,216
Total Real Estate Mortgages Payable	<u>\$364,922</u>

AFFIDAVIT

I, Brian Jordan Davis, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

March 1, 2012

(DATE)

Brian Jordan Davis

(NAME)



KAREN J. LOCKETT
Notary Public, State of Florida
My Comm. Expires Sept. 27, 2014
Commission No. EE 19444

Karen J. Lockett
3/1/12

(NOTARY)