UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

   John Thomas Fowlkes, Jr.

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

   United States District Judge for the Western District of Tennessee

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.

   Criminal Court, Division VI
   Criminal Justice Complex
   201 Poplar Avenue, Suite 519
   Memphis, Tennessee 38103

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

   1951; Washington, D.C.

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.

   1975 – 1977, University of Denver School of Law; J.D., 1977

   1974 – 1975, Valparaiso University School of Law; no degree received

   1969 – 1975, Valparaiso University; B.A., 1975

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.

2007 – present
30th Judicial District at Memphis
Criminal Court, Division VI
Criminal Justice Complex
201 Poplar Avenue, Suite 519
Memphis, Tennessee 38103
Judge

2002 – 2007
Shelby County Government
160 North Main Street
Memphis, Tennessee 38103
Chief Administrative Officer

1989 – 2002
United States Attorney's Office
167 North Main Street
Memphis, Tennessee 38103
Assistant United States Attorney (1989 – 2002)
First Assistant United States Attorney (1993 – 1997; 2001 – 2002)

1979 – 1989
Shelby County District Attorney's Office
201 Poplar Avenue, Suite 301
Memphis, Tennessee 38103
Assistant District Attorney General

1978 – 1979
Shelby County Public Defender's Office
201 Poplar Avenue, Suite 201
Memphis, Tennessee 38103
Assistant Public Defender

1978
Memphis Area Legal Services
Claridge House Building
109 North Main, Suite 200
Memphis, Tennessee 38103
Law Clerk

1975 – 1977
Lakewood City Attorney's Office
480 South Allison Parkway
Lakewood, Colorado 80226
Law Clerk

1975
U.S. Geological Survey
Department of the Interior
P.O. Box 25046
Lakewood, Colorado 80225
Lab Assistant

Summer 1975
Yellow Cab Company
7500 East 41st Avenue
Denver, Colorado 80216
Cab Driver

Other Affiliations (uncompensated):

2010 – present
Tennessee Judicial Conference
Administrative Office of the Courts
511 Union Street, Suite 600
Nashville, Tennessee 37219
Treasurer (2011 – present)
Executive Board Member (2010 – present)

2009 – present
Shelby County Public Records Commission
Archives Office
980A Nixon
Memphis, Tennessee 38134
Commissioner

2009 – present
Economic Club of Memphis
FAB407 Fogelman College of Business and Economics
University of Memphis
Memphis, Tennessee 38152
Board of Directors

2003 – 2007; 2009 – present
Memphis in May International Festival, Inc.
88 Union Avenue, Suite 301
Memphis, Tennessee 38103
Board of Directors

2008 – present
Memphis Ten Point Coalition, Inc.
815 North McLean Boulevard

Memphis, Tennessee 38107
Board of Directors

2005 – present
Memphis Area Legal Services, Inc.
109 North Main, Suite 200
Memphis, Tennessee 38103
Board of Directors

2009 – 2011
Memphis Business Academy
3306 Overton Crossing Street
Memphis, Tennessee 38127
Board of Directors

2009 – 2010
National Bar Association, Ben F. Jones Chapter
P.O. Box 3493
Memphis, Tennessee 38173
Board of Directors

2008 – 2010
Memphis Shelby Crime Commission
600 Jefferson Avenue, Suite 400
Memphis, Tennessee 38105
Board of Directors

2007 – 2010
Lifeblood, Inc.
1040 Madison Avenue
Memphis, Tennessee 38104
Board of Directors

2008 – 2009
Cross of Calvary Lutheran Church
4327 Elvis Presley Boulevard
Memphis, Tennessee 38116
President

2005 – 2007
Memphis Cook Convention Center
255 North Main Street
Memphis, Tennessee 38103
Board of Directors

2005 – 2007
Bremington Place Homeowner Association
Memphis, Tennessee 38111
Board of Directors

2004 – 2007
National Civil Rights Museum
450 Mulberry Street
Memphis, Tennessee 38103
Board of Directors

2004 – 2007
Memphis Convention and Visitors Bureau
47 Union Avenue
Memphis, Tennessee 38103
Board of Directors

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

   I have not served in the military. I registered for selective service.

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

   Citizen of the Year for Outstanding Service, Prince Hall Grand Lodge (2008)

   Award of Excellence for Exemplary Leadership and Dedication, Ben F. Jones Chapter, National Bar Association (2008)

   Award for Outstanding Legal Service, Ben F. Jones Chapter, National Bar Association (2004)

   Citizen of the Year for Outstanding Community Service, Sigma Gamma Rho Sorority, Inc. (2002)

   Director's Award for Sustained High Level Performance as an Assistant United States Attorney, Executive Office for United States Attorneys, Washington D.C. (2001)

   United States Attorney's Award for Outstanding Performance (2000)

   Award for Sustained High Level Performance, United States Attorney's Office (1998, 1999)

FedEx "Well Done" Award, Federal Express Corporation (1995)

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

American Bar Association
    Delegate to the National Conference of State Trial Judges (2008 – 2010)
Criminal Justice Act Cost-Containment Committee of the United States District Court for the Western District of Tennessee (1994)
Federal Defender Evaluation Committee
    Chairman (2004)
Judicial Committee on Fairness and Sensitivity (2009 – present)
Judicial Compensation and Retirement Committee (2007 – present)
Leo Bearman, Sr. American Inn of Court
    Judicial Master (2007 – present)
Memphis Bar Association
    Standing Committee on Professionalism (2005 – 2007)
Memphis Bar Foundation
National Association of Assistant United States Attorneys
National Bar Association, Ben F. Jones Chapter
    Board of Directors (2009 – 2010)
Tennessee Bar Foundation
Tennessee Judicial Conference
    Treasurer (2011 – present)
    Executive Board Member (2010 – present)
Tennessee Judicial Performance Evaluation Commission (2009 – present)
Tennessee Judicial Redistricting Advisory Committee (2008 – 2009)
Tennessee Pattern Jury Instruction Committee (2008 – present)
Tennessee Supreme Court Blue Ribbon Commission (2007 – 2008)
United States Magistrate Selection Committee (1994)

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.

    Tennessee, 1978

    There has been no lapse 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 Sixth Circuit, 1989
United States District Court for the Western District of Tennessee, 1989
Tennessee, 1978

There have been no lapses in membership.

11. **Memberships**:

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

Bremington Place Homeowner Association
Board of Directors (2005 – 2007)
Cross of Calvary Lutheran Church (1999 – present)
President (2008 – 2009)
Economic Club of Memphis (2004 – present)
Board of Directors (2009 – present)
League of Women Voters (2008 – present)
Lifeblood, Inc. (2007 – 2010)
Board of Directors (2007 – 2010)
Memphis Area Legal Services, Inc. (2005 – present)
Board of Directors (2005 – present)
Chair, 40th Anniversary Committee (2010)
Memphis Business Academy (2009 – 2011)
Board of Directors (2009 – 2011)
Memphis Convention and Visitors Bureau (2004 – 2007)
Board of Directors (2002 – 2007)
Memphis Cook Convention Center (2005 – 2007)
Board of Directors (2005 – 2007)
Memphis in May International Festival, Inc. (2003 – 2007; 2009 – present)
Board of Directors (2003 – 2007; 2009 – present)
Treasurer and Finance Committee (2006 – 2007)
International Committee (2005 – 2006, 2011 – present)
Bylaws Committee (2004 – 2005)
Memphis Shelby Crime Commission (2008 – 2010)
Board of Directors (2008 – 2010)
Memphis Ten Point Coalition, Inc. (2008 – present)
Board of Directors (2008 – 2010)
National Association of the Advancement of Colored People (1993 – present)
National Civil Rights Museum (2004 – 2007)
Board of Directors (2004 – 2007)

Optimist Club of Whitehaven, Tennessee (1992 – 1994; 1999 – present)
Pyramid Reutilization Committee (2004)
Shelby County Public Records Commission (2009 – present)
Southern Christian Leadership Conference (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.

To the best of my knowledge, none of the organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. **Published Writings and Public Statements**:

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

None that I can recall or have been able to 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.

I am a member of the Tennessee Pattern Jury Instruction Committee. In 2011, the Committee published the 15th edition of Tennessee Pattern Jury Instructions – Criminal. A copy of the Preface and Table of Contents is supplied.

I am a member of the Tennessee Judicial Performance Evaluation Commission. On December 20, 2010, an interim report was issued by the Commission. Also in 2010, an evaluation report on two judges was issued by the commission. Copies supplied.

When I was Chief Administrative Officer for Shelby County, at the request of the county mayor, I conducted an investigation of several high level county

employees for alleged violation of county policy related to retirement benefits. The results of the investigation were summarized in a report submitted to the mayor on August 16, 2004. Copy supplied.

When I was Chief Administrative Officer for Shelby County, and at the request of then Chief Circuit Judge Danny J. Boggs, I was Chairman of the Committee to Evaluate and Recommend Reappointment of the Federal Defender for the Western District of Tennessee. A final report and recommendation was submitted to Judge Boggs on April 15, 2004. Copy supplied.

When I was the Chief Administrative Officer for Shelby County, I served as chairman of a committee that produced an ethics code for the county. It went into effect in late 2003. Copy supplied.

In 2000, I was interviewed for a report on *Federal-Local Law Enforcement Collaboration in Investigating and Prosecuting Urban Crime, 1982 – 1999: Drugs, Weapons and Gangs* that was published by the National Institute of Justice. I did not contribute to the drafting of the report, but a copy is supplied.

I also served on the Pyramid Reutilization Committee in 2004, which generated a report with recommendations on how to use the Pyramid building. I have been unable to obtain a copy of the report.

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.

From 2002 to 2007, I served as the Shelby County Government Chief Administrative Officer. In this capacity, I occasionally made remarks and answered questions during Board of Commissioners meetings. The minutes of these meetings are voluminous and maintained by the Board of Commissioners in hard copy only. Press coverage of an August 2004 meeting is supplied.

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.

Over the past two decades, I have been heavily involved in educational and community activities. Normally, I am asked to speak at least a dozen times every

year. Many times, I do not keep my notes or outlines of my talk, and some speeches occurred so long ago that I cannot recall the exact date, location or audience of the speech. The following is a list of public talks that I have identified after a thorough review of my records and publicly-available databases. It is likely that I have given other remarks that I have been unable to locate or identify.

October 16, 2011: Freedom from Unnecessary Negatives (FFUN) Neighborhood Organization Picnic. I spoke about the importance of supporting our youth throughout the year. I also spoke to the youth about the importance of education and staying out of trouble. I have no notes, transcripts, or recording. The address of FFUN is 674 Marshall Street Memphis, Tennessee 38103.

October 13, 2011: Career Day Speaker at the annual Career Day event, Oakshire Elementary School. I spoke to students about how to become a judge/lawyer and the importance of education. I have no notes, transcripts or recordings. The address of Oakshire is 1765 East Holmes Road, Memphis, Tennessee 38116.

July 28, 2011: Speaker to the youth organization of Berean Missionary Baptist Church. I spoke with the youth about juvenile crime in Memphis and the importance of setting and attaining positive goals. I have no notes, transcripts or recordings. The address of the church is 1666 East Raines Road, Memphis, Tennessee 38116.

May 4, 2011: Keynote address at the National Corrections Professionals Week Memorial Service at Advent Presbyterian Church. I spoke about the importance of remembering law enforcement officers who serve and sacrifice themselves for all citizens. I have no notes, transcripts, or recordings. The address of the church is 1879 North Germantown Parkway, Cordova, Tennessee 38016.

March 10, 2011: Presentation on "Crime in Our Community," Germantown Kiwanis Club meeting. I emphasized the need for mentors and volunteers for youth of the community to help break the bonds of poverty and to help educate them. I have no notes, transcripts, or recordings. The address of the Kiwanis Club is P.O. Box 38383, Germantown, Tennessee 38183.

January 25, 2011: Presentation to the youth of Hope Fellowship Baptist Church. I talked about how easy it is to get into trouble and how that trouble may follow a person throughout life. I have no notes, transcripts or recordings. The address of the church is 3406 Providence, Memphis, Tennessee 38116.

January 20, 2011: Breakfast Meeting Speaker, Germantown Kiwanis Club. I gave the membership an update on cases and trends in the Shelby County Criminal Courts. I have no notes, transcripts or recordings. The address of the Kiwanis Club is P.O. Box 38383, Germantown, Tennessee 38183.

October 14, 2010: As chairman of the Memphis Area Legal Services (MALS), 40th Anniversary Committee, I gave opening remarks at the celebration reception. I thanked members of the legal community for their support of MALS. I have no notes, transcripts or recordings. The address for MALS is 109 North Main, Suite 200, Memphis, Tennessee 38103.

July 18, 2010: Sermon to the congregation of King Solomon Baptist Church, Memphis, Tennessee. The theme was "Building a Strong Family and Keeping it Together." A copy of my notes is supplied.

April 22, 2010: Presentation to the Germantown Kiwanis Club meeting. I spoke about ways to reduce crime, with an emphasis on jobs and quality education and personal involvement with youth. I have no notes, transcripts, or recordings. The address of the Kiwanis Club is P.O. Box 38383, Germantown, Tennessee 38183.

April 20, 2010: Keynote Speaker at the Memphis Bar Association Memorial Service held at Calvary Episcopal Church, Memphis, Tennessee. I joined with family, friends and members of the legal community in remembering and mourning the loss of legal professionals over the past year. A copy of my notes is supplied.

March 6, 2010: Address at the Men's Breakfast Meeting of King Solomon Baptist Church, Memphis, Tennessee. The theme was "Building a Strong Family and Keeping it Together." I used the same notes as those supplied for the July 18, 2010 event.

November 7, 2009: Presentation to the Trustees, Magnolia First Baptist Church. I spoke about the importance of strong positive male figures in the life of young people. I have no notes, transcripts or recordings. The address of the church is 1518 South Cooper Street, Memphis, Tennessee 38114.

September 19, 2009: Presentation entitled "After God's Heart," a talk about King David, his strengths and weaknesses and God's forgiveness. My talk was presented at Christ the King Lutheran Church in Memphis, Tennessee. A copy of my notes is supplied.

July 24, 2009: Keynote Speaker at the 26th Annual National Black Prosecutors Association Conference Banquet. I spoke about the impact that Dr. King has had on our society, and the importance of remembering that his work is not finished. I have no notes, transcripts, or recordings. The address of the NBPA is 1507 East 53rd Street, Suite 108, Chicago, Illinois, 60615.

February 24, 2009: Presentation entitled "The Civil Rights Movement – The Last 40 Years." My talk was presented at the Johnson & Johnson Black History Month celebration, Memphis, Tennessee. I spoke about the changes and

evolution of the civil rights movement, and its impact on our society. A copy of my notes is supplied.

September 10, 2008: Panel discussion entitled "Crime: From All Sides – A Look at Crime and Criminal Justice in Memphis from Every Angle," MPACT Issue Forum. The discussion centered on local problems and solutions. I have no notes, transcripts, or recordings. The address of MPACT Memphis is 506 South Main, #101, Memphis, Tennessee 38103.

June 15, 2008: 15th Annual Juneteenth Freedom and Heritage Festival. I made brief comments to the festival crowd, who were celebrating the emancipation of slaves during the civil war. I have no notes, transcripts, or recordings. The festival does not have a physical address.

June 14, 2008: Father's Day Celebration Speech for the Hickory Hills Neighborhood Association, Memphis, Tennessee. The theme was "What About Me Daddy?" I spoke about fathers' relationships with daughters, mothers and wives. A copy of my notes is supplied.

May 25, 2008: Presentation entitled "Servant Leadership" at the Germantown United Methodist Church, Germantown, Tennessee. It was part of the larger Memorial Day program. I spoke about the importance of all citizens performing some type of civic duty. A copy of my notes is supplied.

May 24, 2008: Memphis Democratic Club political forum, Lemoyne-Owen College. I participated in this forum with my opponents for the Division 6 Criminal Court judgeship. All candidates spoke about their qualifications for the position. I have no notes, transcripts, or recordings. The MDC does not have a physical address.

April 2008: Met with visiting group of judges and prosecutors from the Middle East, U.S. Patent & Trademark Office. I have no notes, transcript or recording, but press coverage is supplied. The address of the U.S. Patent & Trademark Office is Madison Buildings, 600 Dulany Street, Alexandria, Virginia 22314.

February 13, 2008: Presentation entitled "Servant Leadership, an Open Door" at the Second Congregational Church, Memphis, Tennessee. The talk was to college age students about preparing for the future, and in later years becoming leaders and mentors in their communities. A copy of my notes is supplied.

December 19, 2007: Keynote Speaker at the Shelby County Sheriff's graduating recruit class about challenges facing law enforcement and the need for professionalism and integrity. A copy of my notes is supplied.

November 11, 2007: Keynote speaker at the LINKs Incorporated 43rd Founder's Day Celebration. The celebration identified and encouraged promising young

men to set high goals and work hard to attain them. I have no notes, transcripts, or recordings, but press coverage is supplied. The address of LINKs Incorporated is 1200 Massachusetts Avenue NW, Washington, DC 20005.

September 28, 2007: Investiture Ceremony of Judge John Fowlkes in Memphis, Tennessee. I gave thanks to those who helped me attain my judgeship, and publicly committed that everyone in my courtroom would be treated with respect, fairness and integrity. A copy of my notes is supplied.

May 4, 2007: Panel discussion on satisfying ethical requirements of participation in pro bono activities, Memphis Bar Association, Annual Bench Bar Conference. I spoke and answered questions regarding opportunities and limits on governmental lawyers' ability to participate in pro bono activities. I have no notes, transcripts, or recordings. The address of the MBA is Brinkley Plaza, 80 Monroe, Suite 220, Memphis, Tennessee 38103.

July 12, 2006: Remarks at a brief ceremony commemorating the opening of a stretch of Canada Road from U.S. 64 to I-40, in an unincorporated area of Shelby County, Tennessee. Members of the public and governmental representatives of state, county, and local road and transportation departments were present. I have no notes, transcripts, or recordings, but press coverage is supplied.

July 2, 2006: Remarks at a Founder's Day celebration commemorating the 141st anniversary of Lemoyne-Owen College. The ceremony was held at the Metropolitan Baptist Church, Memphis, Tennessee. I spoke about the long term impact the college has made on the surrounding community. A copy of my notes is supplied.

May 8, 2006: Keynote speaker to the recruit graduation class of the Shelby County Correctional Center. I spoke about the importance of professionalism and teamwork. A copy of my notes is supplied.

April 26, 2006: Welcoming Remarks at the Tennessee Personnel Management Association Conference held at the Cook Convention Center, Memphis, Tennessee. The theme of the conference was "Human Resources Today and in the Future." A copy of my notes is supplied.

April 26, 2006: Keynote speaker at the Shelby County Correctional Center Volunteer Appreciation and Awards Banquet. I thanked the volunteers for their work and interaction with the correctional center inmates. I have no notes, transcripts or recordings. The address of the center is 1045 Mullins Station Road, Memphis, Tennessee 38134.

April 25, 2006: Addressed Leadership Bartlett, a leadership training organization, in Memphis, Tennessee. I gave the class the "County Perspective" on the role of

county government and relations with area municipalities. A copy of my notes is supplied.

January 9, 2006: Keynote Speaker, graduating class of "Building for the Future," a Shelby County Correctional Center program designed to train young offenders in carpentry and home building. I talked to the graduates about the importance of planning for the future, staying out of trouble and using the skills they had obtained. A copy of my notes is supplied.

August 28, 2005: Presentation at Cross of Calvary Lutheran Church, Memphis, Tennessee, as part of its 10th anniversary celebration. The theme was "A New Season," and I spoke about the importance of growing a church on solid ground. A copy of my notes is supplied.

April 15, 2005: Keynote Speaker, Graduation Class, Shelby County Correctional Center. Ceremony held in the Shelby County Board of Commissioners Chambers, Memphis, Tennessee. I spoke about the importance of professionalism and teamwork. My outline was essentially the same as that supplied for the May 8, 2006 event.

November 20, 2004: Panel Discussion, "The American South, Then and Now" Symposium, University of Mississippi. The panel discussed "The Urban South," and the impact of poverty, crime, race and politics on large southern cities. I have no notes, transcripts or recordings. The address of the university is 1848 University Circle, University, Mississippi 38677.

October 14, 2004: Participated in "Principal for A Day," A. Maceo Walker Middle School. It was a program of the Memphis City School System where citizens shadow school principals during a routine day of work and interaction with students. I have no notes, transcripts or recordings. The address of the school is 1900 East Raines Road, Memphis, Tennessee 38116.

November 20, 2003: Speaker at the neighborhood outreach center and gymnasium dedication ceremony of Brinkley Heights Baptist Church, Memphis, Tennessee. I represented county government in thanking church leaders and members for becoming so deeply involved in bettering the surrounding community. A copy of my notes is supplied.

June 27, 2003: Keynote Speaker at the National Client Council Regional Banquet, Memphis, Tennessee. I spoke about the importance of teaching young people the importance of self sufficiency and independence. A copy of my notes is supplied.

February 11, 2003: Addressed Leadership Bartlett, a leadership training organization, in Memphis, Tennessee. I gave the class the "County Perspective" on the role of county government and relations with area municipalities. I used the same notes as supplied for the April 25, 2006 event.

October 27, 2002: Keynote Speaker, Men and Women's Day Services, Friendship United Methodist Church, Millington, Tennessee. The theme of the service was "The Role of The Christian Man and The Christian Woman." A copy of my notes is supplied.

September 27, 2002: Presentation entitled "Federal Prosecution of Identity Theft," presented to several criminal justice classes at the University of Tennessee at Martin. I spoke about the importance of protecting personal identity information, and how investigators and prosecutors go about prosecuting an identity theft case. I have no notes, transcripts, or recordings. The address of the university is Martin, Tennessee 38238.

2001 – 2002: Presentations entitled "Use of Informants," delivered on at least six occasions to federal, state and local law enforcement officers in Memphis, Tennessee and Jackson, Tennessee. It was a training review for drug and gang investigations. A copy of my outline is supplied.

October 31, 2001: Presentation entitled "Juvenile Prosecution: One Successful Case," presented to prosecutors and investigators at the OCDETF regional conference, New Orleans, Louisiana. A copy of my outline is supplied.

September 25, 2001: Presentation entitled "Gang Violence: Federal Gang Prosecution," Tennessee Gang Investigators Association (TNGIA) Conference, Jackson, Tennessee. A copy of my outline is supplied.

June 8, 2001: Presentation entitled "Youth Gangs and Gang Violence," Tennessee Juvenile Court Services Association, Annual West Tennessee Mini Conference, Bolivar, Tennessee. A copy of my outline is supplied.

April 12, 2000: Panel Discussion at a forum on racial profiling, Black Law Students Association and the Tennessee Civil Liberties Union, University of Memphis. I answered questions about the legality and negative impact of racial profiling. I have no notes, transcripts, or recordings, but press coverage is supplied. The address of the BLSA is 1505 Cumberland Avenue, Knoxville, Tennessee 37996. The address of the TCLU is P.O. Box 120160, Nashville, Tennessee 37212.

March 20, 1998: Presentation entitled "Impact of the United States Sentencing Guidelines: Departures," Memphis Bar Association, Annual Bench and Bar Conference, Hot Springs, Arkansas. A copy of my outline is supplied.

June 1997: Father's Day Speech entitled "Celebration" at the Unity Christian Church, Memphis, Tennessee. A copy of my notes is supplied.

May 8, 1997: Presentation entitled, "The Bail Reform Act (From a Prosecutor's Eyes)." I presented a review of the Federal Bail Reform Act at a federal practice seminar in Hot Springs, Arkansas. A copy of my outline is supplied.

February 28, 1997: Presentation entitled "Constitutional Issues, Fourth Amendment Questions, and Motions to Suppress," Federal Practice Seminar, Memphis, Tennessee. A copy of my outline is supplied.

1996 – 1997: Instructor for the Advanced Trial Advocacy Course, Office of Legal Education, National Advocacy Center. I have no notes, transcripts, or recordings. The address of the NAC is 1620 Pendleton Street, Columbia, South Carolina 29201.

February 16, 1996: Presentation entitled "Fourth Amendment Questions and Motions to Suppress," Federal Practice Seminar, Memphis, Tennessee. A copy of my outline is supplied.

September 21, 1995: Presentation entitled "Admission of Evidence in Federal Court," Memphis Bar Association, Trial Practice Workshop, Memphis, Tennessee. A copy of my outline is supplied.

May 6, 1994: Participated in "Teach for a Day," a program of the Memphis City School System where citizens teach a class at a local school. It gives students an opportunity to learn about career options. I have no notes, transcripts, or recordings. The address of the Memphis City Schools is 2597 Avery Avenue, Memphis, Tennessee 38112.

1993: Instructor for the Basic Trial Advocacy Course, Office of Legal Education, Department of Justice. I have no notes, transcripts, or recordings. The address of the Department of Justice is 950 Pennsylvania Avenue, NW, Washington, DC 20530.

August 1, 1992: Panel Discussion at a forum hosted by the Tennessee Task Force on the African American Male, Memphis, Tennessee. I have no notes, transcripts, or recordings, but press coverage is supplied. The task force does not have a physical address.

1988 – 1989: Presentations entitled "Sexual Assault Evidence (A Brief Review)," presented during training conferences for sexual assault investigators, nurse clinicians and state prosecutors on at least four occasions at the Shelby County District Attorney General's Office, Memphis, Tennessee. A copy of my outline is supplied.

2007-2011: Presided over many ceremonial events such as investitures and weddings. I have no notes, transcripts or recordings of these events.

2005-2011: Judged regional and state rounds of the Tennessee State High School Mock Trial Championship Tournament. I have no notes, transcripts or recordings of these events.

I also gave a speech on Mother's Day on several occasions, but I have been unable to recall or identify when and to which organizations. Outline supplied.

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.

Bartholomew Sullivan, *Obama Chooses Fowlkes for Bench*, Commercial Appeal, Dec. 17, 2011. Copy supplied.

Lauren Lee, *Analyzing Media Impact on Noura Jackson Case*, nourajacksoncase.weebly.com, Apr. 7, 2011. Copy supplied.

Interview discussing cameras in the courtroom, video available at http://www.youtube.com/watch?v=p8hBF3GZOw0, 2011.

Halley Johnson, *Killing Crime*, Memphis Flyer, May 20, 2010. Copy supplied.

Alex Coleman, *Police Battle Urban Terrorists Better Known as Criminal Repeat Offenders*, WREG, July 20, 2009. Copy supplied.

Bill Dries, *Fowlkes Seeks Better Way to Treat Criminals in System*, Daily News (Memphis), Sept. 19, 2008. Copy supplied.

Lawrence Buser, *4 Vie for Criminal Court Judgeship*, Commercial Appeal, Aug. 6, 2008. Copy supplied.

Wiley Henry, *Who Wants to be the Judge?*, Tri-State Defender, July 10, 2008 – July 16, 2008. Copy supplied.

Jody Callahan, *Forum Airs Local Views on Violence*, Commercial Appeal, Mar. 12, 2008. Copy supplied.

Press release, *Judge John Fowlkes Focuses on the 3 R's*, Judge Fowlkes Election Campaign, 2008. Copy supplied.

Nicole Grida, *Judge John Fowlkes*, Memphis Lawyer, Dec. 2007. Copy supplied.

Lawrence Buser, *No Easy Caseload for New Judge*, Commercial Appeal, Aug. 27, 2007. Copy supplied.

Kontji Anthony, *County Commissioners Vote to Invest in Fiber Optics Company*, WMC-TV, Aug. 13, 2007. Copy supplied.

Sybil C. Mitchell, *Year of 'Jubilee' at Cross of Calvary*, Tri-State Defender, Aug. 9-15, 2007. Copy supplied.

Press release, *Governor Appoints Fowlkes to Criminal Court Bench*, Office of Governor Phil Bredesen, Aug. 9, 2007 (quotes re-printed in multiple outlets). Copy supplied.

Jacinthia Jones, *'Draft A C' Buzz Grows*, Commercial Appeal, July 12, 2007. Copy supplied.

Interview with NBC 5 on the Draft AC Wharton campaign, July 11, 2007. A transcript of the news story referencing my interview is supplied.

Michael Erskine, *Panel OK's Living Wage – Commission Democrats Prevail to Pass Ordinance*, Commercial Appeal, May 22, 2007. Copy supplied.

Michael Erskine, *Proponents Hope for More Local Contracts*, Commercial Appeal, Feb. 18, 2007. Copy supplied.

Kontji Anthony, *County Answers Tough Questions about Fireman Accused of Drug Trafficking*, WMC-TV, Feb. 7, 2007. Copy supplied.

Kontji Anthony, *Firefighter Arrested for Meth Trafficking*, WMC-TV, Feb. 5, 2007. Copy supplied.

Jane Roberts, *Arresting Development; FBI Chief Honored for Communication Skills That Unify, Clarify*, Commercial Appeal, Jan. 11, 2007. Copy supplied.

Jody Callahan, *County Chastises Director in Bugging Case Handling*, Commercial Appeal, Nov. 29, 2006. Copy supplied.

November 28, 2006: Press conference about investigation of bugs found in a Homeland Security office. Summaries of news stories and press coverage supplied.

Michael Erskine, *Suspension Follows Bugging*, Commercial Appeal, Oct. 28, 2006 (re-printed in multiple outlets). Copy supplied.

October 27, 2006: Press conference about suspected bugging of a local Homeland Security office. Summaries of news stories and other press coverage of the conference supplied.

Interviews about the Shelby County sick day policy, ABC 24 and UPN 30, Feb. 28, 2006. Press coverage of my remarks is supplied.

Interview about FBI investigation of Michael Hooks, CBS 3, Jan. 23, 2006. News story referencing my remarks supplied.

David Williams, *Griz Clause May Haunt Coliseum*, Commercial Appeal, Dec. 17, 2005. Copy supplied.

David Williams, *Coliseum Gets 'Buy' Offer*, Commercial Appeal, Dec. 9, 2005. Copy supplied.

Interview with NBC 5 on Shelby County debt, Nov. 15, 2005. News story referencing my remarks supplied.

Interview with CBS 3 about medical waste, Nov. 14, 2005. News story referencing my remarks supplied.

David Williams, *Coliseum Needs a Comeback*, Commercial Appeal, Nov. 14, 2005. Copy supplied.

Michael Erskine, *Jail Privatizing Still Alive – Two Firms Must Answer Tough Remaining Questions*, Commercial Appeal, Aug. 25, 2005. Copy supplied.

Michael Erskine, *E-Cycle Never Got County Eye – Proposal Came in Late, Didn't Fit with Policy*, Commercial Appeal, June 3, 2005. Copy supplied.

David Williams, *Grizzlies Come with Hearts and Clause – Million-Dollar Giving Has Brought Smiles, But Then There's That Noncompete Thing*, Commercial Appeal, Oct. 25, 2004. Copy supplied.

Michael Erskine, *Sandridge Facing Discipline – Hearing to Weigh Sanctions for Absences*, Commercial Appeal, Oct. 14, 2004. Copy supplied.

David Williams, *Officials Consider Options for Developing Memphis, Tenn., Fairgrounds*, Commercial Appeal, Oct. 13, 2004. Copy supplied.

Michael Erskine, *County Altering Fallback Rights – Prompted by Case of Mayoral Aide Jones*, Commercial Appeal, Oct. 7, 2004. Copy supplied.

Michael Erskine, *County Writes Up 2 Over Pension – 'Poor Judgment' in Jones Affair*, Commercial Appeal, Aug. 25, 2004. Copy supplied.

From Cheesy to Sleazy, Memphis Flyer, Aug. 19-25, 2004. Copy supplied.

Friends in High Places, Commercial Appeal, Aug. 18, 2004. Copy supplied.

Was Wharton Out of the Loop?, Memphis Flyer, Aug. 12-18, 2004. Copy supplied.

Michael Erskine, *2 Top Aides Quit in Pension Flap – Investigation Finds They Helped Reinstate Jones*, Commercial Appeal, Aug. 12, 2004 (quotes re-printed in multiple outlets). Copy supplied.

Restore the Trust in Local Government, Commercial Appeal, Aug. 11, 2004. Copy supplied.

Michael Erskine, *Pension Boost Prompts Inquiry – Rout Ex-Aide Jones Got Overpayments*, Commercial Appeal, Aug. 10, 2004. Copy supplied.

Michael Erskine, *Head Start Pick No Longer in Running*, Commercial Appeal, July 10, 2004. Copy supplied.

Michael Erskine, *Head Start Nominee Scrutinized – Dupree's 2 Degrees Not from Accredited University*, Commercial Appeal, June 30, 2004. Copy supplied.

Michael Erskine, *Rout-Era Pension Dealings Probed – Investments Draw Grand Jury's Notice*, Commercial Appeal, June 26, 2004. Copy supplied.

Michael Erskine, *Wharton Intends to Sell Oakville Nursing Home*, Commercial Appeal, May 27, 2004. Copy supplied.

Tom Charlier, *She Wasn't Sneezing at this Offer – City's Top Air-Pollution Official Will Breathe Easier in Arizona Job*, Commercial Appeal, May 21, 2004. Copy supplied.

Tom Charlier, *Emissions Testing Doesn't Excite Suburban Mayors as Fix for Smog*, Commercial Appeal, Mar. 2, 2004. Copy supplied.

Michael Erskine, *School in Southeast Could Be First Up*, Commercial Appeal, Feb. 23, 2004. Copy supplied.

Lawrence Buser, *Wharton Seeks to Ax Dr. Smith – Medical Examiner Out as Murder Trial Witness*, Commercial Appeal, Sept. 25, 2003 (quotes re-printed in multiple outlets). Copy supplied.

Lance Allan, *County Seeks Major Government Conference*, Daily News (Memphis), Sept. 11, 2003. Copy supplied.

Arthur L. Webb, *Shelby County Administration Challenges Headstart, Inc.*, Tri-State Defender, Aug. 27, 2003. Copy supplied.

Arthur L. Webb, *Headstart, Inc./Cultural Connection Dispute Still Unresolved*, Tri-State Defender, Aug. 27, 2003. Copy supplied.

Aimee Edmondson, *Head Start Group Appeals Termination*, Commercial Appeal, July 22, 2003. Copy supplied.

Sherri Drake, *County Told to Fix Up Head Start – Wharton Wants Plan by Friday*, Commercial Appeal, July 10, 2003 (quotes re-printed in multiple outlets). Copy supplied.

Shirley Downing, *Happy Fourth! – Celebrate Our Long-Ago Break from . . . France?*, Commercial Appeal, July 4, 2003. Copy supplied.

Michael Erskine, *County to Boost Internal Auditing Staff – Department Will Go from One Auditor to at Least Five*, Commercial Appeal, Feb. 20, 2003. Copy supplied.

Michael Erskine, *Audit Finds Control Was Lax Over County Credit, Travel*, Commercial Appeal, Feb. 19, 2003. Copy supplied.

Michael Erskine, *County Litigation Taxes Voted Down by Budget Panel*, Commercial Appeal, Feb. 6, 2003. Copy supplied.

Michael Erskine, *Wharton's Card Plan Has Holder Responsible*, Commercial Appeal, Jan. 9, 2003. Copy supplied.

Marc Perrusquia, *Williams Denies Trips for Pleasure*, Commercial Appeal, Dec. 8, 2002. Copy supplied.

Michael Erskine, *Rout, Aides 'Off-Limits,' Auditor Tells Commissioners – Ex-Mayor Denies It: 'I'm Not So Dumb,'* Commercial Appeal, Nov. 16, 2002. Copy supplied.

Michael Erskine & Bartholomew Sullivan, *Wharton Chief Aide Choice is Fowlkes*, Commercial Appeal, Sept. 28, 2002. Copy supplied.

Tom Bailey, Jr., *Exonerated Felon Still Under the Gun*, Commercial Appeal, May 10, 2002. Copy supplied.

James W. Brosnan, *Senators Have 3 Choices So Far for Gibbons Seat*, Commercial Appeal, May 6, 2002. Copy supplied.

Chris Conley, *'Overseer' Convicted as Feds Hit Heart of Gang*, Commercial Appeal, Oct. 28, 2000. Copy supplied.

Lawrence Buser, *Informing Gets Former Gang Leader Lighter Term*, Commercial Appeal, Dec. 18, 1999. Copy supplied.

Dewanna Lofton, *Businesses Fleeing Inner City Missing Out, Survey Suggests*, Commercial Appeal, Mar. 12, 1999. Copy supplied.

John Semien, *Officer Pleads Not Guilty in Drug Case*, Commercial Appeal, Apr. 7, 1998. Copy supplied.

FBI Lab Errors May Be Damaging to 50 Prosecutions, Justice Dept. Says, Commercial Appeal, Feb. 14, 1997. Copy supplied.

John Semien, *Brother of Tiger Coach Finch Pleads Guilty in Cocaine Distribution Case*, Commercial Appeal, Nov. 22, 1996. Copy supplied.

Toni Lepeska, *Colombians Plead Guilty in Drug Case*, Commercial Appeal, Sept. 4, 1996. Copy supplied.

Toni Lepeska, *3 Men Sentenced*, Commercial Appeal, Jan. 6, 1996. Copy supplied.

Chris Conley, *Judge Gives Life Sentence to Calloway in Hijacking*, Commercial Appeal, Aug. 12, 1995. Copy supplied.

Pilot Who Tried to Hijack Plane Gets Life in Prison, Associated Press, Aug. 11, 1995. Copy supplied.

Chris Conley, *Jury Rules Calloway Sane, Guilty*, Commercial Appeal, Mar. 31, 1995. Copy supplied.

Chris Conley, *Lawyers Mum on Navigator Defense*, Commercial Appeal, May 3, 1994. Copy supplied.

Tom Charlier, *FedEx Crew Never Lost Control, Official Says*, Commercial Appeal, Apr. 12, 1994. Copy supplied.

Chris Conley, *Motive is Elusive as Charges Are Filed in Hammer Attack on FedEx Plane Crew*, Commercial Appeal, Apr. 9, 1994. Copy supplied.

Federal Express Pilot Charged with Air Piracy, Reuters, Apr. 8, 1994 (re-printed in multiple outlets). 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.

On September 28, 2007, I was appointed by the Governor of the State of Tennessee to be Criminal Court Judge for Division VI of the 30th Judicial District at Memphis, Tennessee. In 2008, I was elected to a full term. In 2011, I was elected by judges of the 30th Judicial District to serve as presiding judge. I have jurisdiction over state felony and misdemeanor cases in the district.

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

Since being sworn in as a criminal court judge, I have presided over 85 jury trials.

i. Of these, approximately what percent were:

jury trials:	100%
bench trials:	0%
civil proceedings:	0%
criminal proceedings:	100%

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

I have not written any opinions. However, I have drafted several orders that have been dispositive of the cases. These orders are not published and cannot be found in any official reporter or commercially-available database.

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) *State v. Dickerson*, No. 04-02309 (Tenn. Crim. Ct. 2009), *aff'd*, 2009 Tenn. Crim. App. LEXIS 456 (Tenn. Crim. App. 2009). The defendants were charged with murder in the second degree for shooting and killing two victims after an altercation in a nightclub. The trial began on my first day on the criminal court bench. Dickerson was convicted of two counts of murder in the second degree and sentenced to concurrent terms of 22 years confinement. The codefendant, Harris, was convicted of reckless homicide and voluntary manslaughter and sentenced to four years and six years to be served concurrently. The judgments and sentences were affirmed on appeal.

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(2) *State v. Fielder*, No. 08-03221 (Tenn. Crim. Ct. 2009), *aff'd*, 2011 Tenn. Crim. App. LEXIS 663 (Tenn. Crim. App. 2011). Defendant Fielder was accused and convicted of especially aggravated robbery and especially aggravated kidnapping and received concurrent sentences of 20 years confinement. The case involved "a drug deal gone bad." Fielder, along with two co-defendants, beat, robbed and tortured the victim. The other defendants testified against Fielder and ultimately received lesser sentences. The primary issues were whether the proof was sufficient to show the victim suffered serious bodily injury and if the sentence imposed was excessive. The conviction and sentence were upheld by the Court of Appeals.

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(3) *State v. Ifabiyi*, No. 07-01795 (Tenn. Crim. Ct. 2009). The defendant was charged with theft of property over $10,000 and falsification of state tax returns. This case involved a trial of state tax fraud, which is rarely seen in State Criminal Court. The defendant was found not guilty of theft, but guilty of the tax violation. Ultimately, the defendant was placed on probation and ordered to make restitution to the State of Tennessee.

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(4) *State v. Jones*, No. 08-05720 (Tenn. Crim. Ct. 2009), *aff'd*, 2011 Tenn. Crim. App. LEXIS 179 (Tenn. Crim. App. 2011). The defendant, an off duty Shelby County Sheriff's Deputy, was convicted of murder in the second degree, attempted murder in the second degree and possession of a firearm during the commission of a dangerous felony, and sentenced to 27 years confinement. After an argument, Jones fired several shots inside a crowded restaurant, striking the victims and endangering many other patrons and employees as they ran from the establishment. The primary trial issue was whether the defendant acted in self defense. Also, there were several evidentiary issues. The convictions and sentences were affirmed by the Court of Appeals.

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(5) *State v. Smith*, No. 08-02796 (Tenn. Crim. Ct. 2009), *aff'd*, 2011 Tenn. Crim. App. LEXIS 397 (Tenn. Crim. App. 2011). After trial, the defendant was convicted of kidnapping and rape and received concurrent sentences of ten years confinement. The primary question at trial was credibility of the victim and sufficiency of the evidence. The defendant also appealed the trial court's denial of *Batson v. Kentucky* objections, arguing that the state abused its use of preemptory challenges by eliminating jurors based on race or gender. Ultimately, the convictions and sentences were upheld by the Court of Appeals.

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(6) *State v. Dorsey*, No. 08-01634 (Tenn. Crim. Ct. 2009), *aff'd*, 2011 Tenn. Crim. App. LEXIS 466 (Tenn. Crim. App. 2011). The defendant was convicted of murder in the first degree, and received a sentence of life imprisonment without the possibility of parole. The question on appeal was sufficiency of the evidence at trial and sufficiency of the evidence supporting the aggravating circumstances where the evidence introduced at trial was purely circumstantial. The conviction and sentence were upheld by the Court of Appeals.

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(7) *State v. Taylor*, No. 09-02218 (Tenn. Crim. Ct. 2010). The defendant was charged with murder in the first degree and especially aggravated robbery. The victim was found in his residence stabbed multiple times. Several items of personal property as well as the victim's automobile were missing from the scene. Later, several individuals were arrested in possession of stolen items belonging to the victim. Subsequently, the defendant gave a statement to law enforcement officers admitting possession of stolen items and being with the victim on the day the murder took place. The defendant was convicted of murder in the first degree and robbery. However, because of credibility problems with the officer who took the statement of admission from the defendant, I granted the defense Motion to Set Aside the Jury Verdict. The State of Tennessee elected not to appeal that decision. Later, the defendant entered a guilty plea to the offense of voluntary manslaughter and aggravated robbery and received a 12-year sentence on each.

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(8) *State v. Coleman*, No. 09-03572 (Tenn. Crim. Ct. 2011). The defendant, a real estate broker, was charged and convicted of murder in the second degree and aggravated assault and received concurrent sentences of 17 years and 6 years respectively. The defendant, a local businessman, became involved in an argument with the victim over parking spaces outside a local restaurant. When the defendant and his wife arrived, the victim was actually vandalizing the defendant's car. The defendant argued with the victim, and then retrieved his firearm from his vehicle. Even though several bystanders urged the defendant to break off the incident, he threatened, and then shot the victim to death. The matter is presently on appeal.

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(9) *State v. Moody*, No. 09-06207 (Tenn. Crim. Ct. 2011). The defendant was charged and convicted of murder in the second degree and aggravated assault, and received concurrent sentences of confinement for 20 years and 8 years respectively. The defendant armed himself with a handgun, and got into an argument with a woman inside a residence. In an attempt to protect the woman, the victim moved between her and the defendant. The defendant pulled the handgun and threatened the victim as well as the other witnesses. A struggle began and ultimately, the defendant shot the victim. The incident took place in front of many witnesses and a small child. The matter is presently pending before the Court of Appeals.

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(10) *State v. Blake*, No. 08-06637 (Tenn. Crim. Ct. 2010), *aff'd in part and vacated in part*, 2011 Tenn. Crim. App. LEXIS 733 (Tenn. Crim. App. 2011). The victim in this case was a 5 year old girl. The child died from internal injuries caused by beatings inflicted by the defendant, who was the live-in boyfriend of the child's mother. The defendant was convicted of felony murder and received a life sentence. He appealed his conviction citing as error my denial of his motion

to suppress his statement and admission of prejudicial photos. The conviction was affirmed on appeal.

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d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

(1) *State v. Starks*, No. 10-01052, Order Denying Motion for New Trial. Order supplied.

Counsel for the State:
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Counsel for the Defense:
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(2) *Guevara v. State*, No. 94-05661, Order Denying Petition for Post-Conviction Relief. Order supplied.

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(3) *Lambert v. State*, No. P-34560, Order Granting Petition for Writ of Habeas Corpus. Order supplied.

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Counsel for the Defense:
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(4) *State v. Carter*, No. 09-02185, Order Denying Motion and Supplemental Motion to Dismiss Indictment. Order supplied.

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(5) *State v. Smith*, No. 09-01132-33, Order Denying In Part and Granting In Part Motion to Suppress Evidence. Order supplied.

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(6) *State v. Clark*, No. 08-05909, Order Denying Motion to Suppress Statements. Order supplied.

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(7) *Himes v. State*, Nos. 07-00800 and 06-08492, Order Denying Petition for Post-Conviction Relief. Order supplied.

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(8) *State v. Small*, No. 01-00912-29, Order Denying Motion to Dismiss for Speedy Trial Violation. Order supplied.

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(9) *State v. Warren*, No. 08-01717, Order Denying Motion to Suppress Evidence. Order supplied.

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(10) *State v. Galtelli and Gardner*, No. 04-06282, Order (Relative to Abuse of Prosecutorial Discretion). Order supplied.

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

None.

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.

(1) *State v. Blake*, No. 08-06637 (Tenn. Crim. Ct. 2010), *aff'd in part and vacated in part*, 2011 Tenn. Crim. App. LEXIS 733 (Tenn. Crim. App. 2011). All of the issues raised by the defense were denied and the judgment was affirmed. However, even though the sentences were ordered to be served concurrently, the Court of Appeals remanded the case to effectuate the merger of the convictions into one judgment.

(2) *Williams v. State*, No. 01-08325-33 (Tenn. Crim. Ct. 2010), *rev'd*, 2011 Tenn. Crim. App. LEXIS 694 (Tenn. Crim. App. 2011). Petitioner appealed entry of an order denying his Petition for Post-conviction Relief. The trial court had barred two individuals from the courtroom during defendant's trial, and I denied post-conviction relief. The Court of Appeals upheld my determination that the defendant had waived that issue, but remanded for findings on his claim of ineffective assistance of counsel.

(3) *State v. Mosby*, No. 08-04742 (Tenn. Crim. Ct. 2009), *remanded*, 2011 Tenn. Crim. App. LEXIS 54 (Tenn. Crim. App. 2011). The case was remanded for resentencing due to a misapplication of a sentencing factor. On resentencing, I found that the defendant had been a model prisoner while serving his sentence, and his sentence was adjusted accordingly.

(4) *Tappan v. State*, No. 05-01325 (Tenn. Crim. Ct. 2010), *aff'd in part and rev'd in part*, 2010 Tenn. Crim. App. LEXIS 728 (Tenn. Crim. App. 2011). Petitioner appealed entry of my order denying his petition for post-conviction relief. The Court of Appeals reversed that decision and remanded the case for further proceedings, holding that the trial court's failure to charge the jury on circumstantial evidence prejudiced the petitioner.

(5) *State v. Williams*, No. 04-05980 (Tenn. Crim. Ct. 2009), 2009 Tenn. Crim. App. LEXIS 906 (Tenn. Crim. App. 2009). I revoked the defendant's probation after finding probable cause that he had committed another offense. The Court of Appeals reversed and remanded, finding that the wrong standard had been applied at the revocation hearing. On remand, the proper standard was applied and the defendant's probation was revoked.

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.

I handle a typical criminal court caseload in a large urban city. It is necessary that cases be handled in an organized and efficient manner. Thus, the vast majority of decisions are made orally on the record. Normally, written orders are entered when the issues are unusual or more complex and additional research is necessary. Consequently, written orders are entered in less than 3% of the cases. An exception is in the number of written orders entered in post-conviction matters. My general practice is to enter an order in all post conviction cases.

All written orders are stored internally in my chambers by case name.

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.

State v. Starks, No. 10-01052, Order Denying Motion for New Trial. Opinion supplied in response to 13(d).

Guevara v. State, No. 94-05661, Order Denying Petition for Post-Conviction Relief. Opinion supplied in response to 13(d).

Lambert v. State, No. P-34560, Order Granting Petition for Writ of Habeas Corpus. Opinion supplied in response to 13(d).

State v. Carter, No. 09-02185, Order Denying Motion and Supplemental Motion to Dismiss Indictment. Opinion supplied in response to 13(d).

State v. Smith, No. 09-01132-33, Order Denying In Part and Granting In Part Motion to Suppress Evidence. Opinion supplied in response to 13(d).

State v. Clark, No. 08-05909, Order Denying Motion to Suppress Statements. Opinion supplied in response to 13(d).

Himes v. State, Nos. 07-00800 and 06-08492, Order Denying Petition for Post-Conviction Relief. Opinion supplied in response to 13(d).

State v. Small, No. 01-00912-29, Order Denying Motion to Dismiss for Speedy Trial Violation. Opinion supplied in response to 13(d).

State v. Warren, No. 08-01717, Order Denying Motion to Suppress Evidence. Opinion supplied in response to 13(d).

State v. Galtelli and Gardner, No. 04-06282, Order (Relative to Abuse of Prosecutorial Discretion). Opinion supplied in response to 13(d).

i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

I have 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 rescued without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;

b. a brief description of the asserted conflict of interest or other ground for recusal;

c. the procedure you followed in determining whether or not to recuse yourself;

d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

The basis by which I assess the necessity or propriety of recusal involves consideration of the facts giving rise to the question, and the law governing such situations. The first step is to address the matter openly on the record to ensure transparency. The facts must be developed so that the question is clear. I always consider the Tennessee Code of Judicial Conduct and case law, as well as my colleagues' experiences. The question usually is whether a reasonable person with knowledge of the facts would conclude that the judge's impartiality might reasonably be questioned. If the answer is yes, then recusal is mandated.

I am involved in two recusal situations:

(1) Recently, the General Sessions Court Clerk was indicted for political misdeeds. The Clerk and his assistants handle criminal cases and prepare information that ultimately appears in Criminal Court. All of the criminal judges have been recused.

(2) I recently became aware that a pro se defendant has filed a motion asking that I recuse myself from his case. He alleges that I am "Active in concert with the prosecutor

over this matter, and the District Attorney has committed a multitude of constitutional and criminal violations to obtain a wrongful conviction on illegal and void indictments...." The matter was heard on November 21, 2011, and the defendant was given an opportunity to present evidence and argue the merits of his motion. He had nothing to add to his written allegations, and I denied the motion.

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 was appointed by Mayor A.C. Wharton to serve as the Chief Administrative Officer for Shelby County, a position I held from November 2002 to August 2007. I have had no unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

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

I have not been a member or officer of, or rendered any services to, any political party or election committee. I have not held a position or played a role in a political campaign.

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

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

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

I have not served as a clerk to a judge.

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

I have not practiced law alone.

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

1978
Memphis Area Legal Services
Claridge House Building
109 North Main, Suite 200
Memphis, Tennessee 38103
Law Clerk

1978 – 1979
Shelby County Public Defender's Office
201 Poplar Avenue, Suite 201
Memphis, Tennessee 38103
Assistant Public Defender

1979 – 1989
Shelby County District Attorney's Office
201 Poplar Avenue, Suite 301
Memphis, Tennessee 38103
Assistant District Attorney General

1989 – 2002
U.S. Attorney's Office for the Western District of Tennessee
167 North Main Street, Suite 800
Memphis, Tennessee 38103
Assistant United States Attorney (1989 – 1993; 1997 – 2001)
First Assistant United States Attorney (1993 – 1997; 2001 – 2002)

2002 – 2007
Shelby County Government
160 North Main Street
Memphis, Tennessee 38103
Chief Administrative Officer

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.

From 1978 to 1979, I was an Assistant Public Defender. I represented indigent persons who were accused of committing crimes. This required

me to be involved in all stages of the defense, including the investigations, motion practice and jury trial.

From 1979 to 1989, I was an Assistant District Attorney in the Shelby County District Attorney General's Office. During that time, I handled all types of state criminal matters such as homicides, assaults, child and adult sex offense, robberies, burglaries. During the ten years I was with the District Attorney General's Office, I tried nearly 150 jury trials. Also, I was a member of the Multiple Violators Unit, Director of the Child Sexual Abuse Unit and was advisor to the Rape Crisis Center.

From 1989 to 2002, I was an Assistant United States Attorney. I was heavily involved in motion practice, jury trials and associated appellate practice. During those years, I tried over 100 jury trials and handled all associated appellate work. I was an OCDETF attorney and the district gang prosecutor. My years of litigation experience required that I develop a team approach to addressing problems. Thus, I became effective in combating crime by pulling together investigative units made up of representatives of all law enforcement agencies. I also taught investigative techniques and trial advocacy to law enforcement officers and lawyers. Also, during my time in the United States Attorney's office, I became First Assistant, which required me to direct the day to day operations of the office.

From November 2002 to August 2007, I was Chief Administrative Officer for the Shelby County Government. I did not practice law or appear in court during that time.

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

As an Assistant Public Defender, I represented indigent defendants that had been charged with committing a variety of criminal offenses.

As an Assistant District Attorney General, I represented the people of Shelby County, Tennessee. I was a member of the Multiple Violators Unit, where I represented the state in prosecuting offenders with long and violent criminal records. Later, I became leader of the office's Child Sexual Abuse Unit, where I supervised a unit of prosecutors and investigators.

As an Assistant United States Attorney, I specialized in the prosecution of criminal organizations on behalf of the United States. More particularly, in the early 1990's when I was an Organized Crime Drug Enforcement Task Force (OCDETF) attorney, I led teams of federal, state and local law enforcement officers in the investigation and prosecution of large multi-

state drug organizations. In the late 1990's, I continued to lead investigative teams in the prosecution of violent street gangs throughout the Western District of Tennessee. Over the decade, several hundred drug and gang offenders were prosecuted in federal court.

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.

With the exception of my time as the First Assistant U.S. Attorney and Chief Administrative Officer, I appeared in court regularly. While First Assistant, I handled fewer cases, and appeared in court only occasionally.

i. Indicate the percentage of your practice in:

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

ii. Indicate the percentage of your practice in:

1. civil proceedings: 5%
2. criminal proceedings: 95%

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

I estimate that I tried over 250 cases to verdict, all of which were jury trials. I was sole counsel in at least 95% of these cases.

i. What percentage of these trials were:

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

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:

a. the date of representation;

b. the name of the court and the name of the judge or judges before whom the case was litigated; and

c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

(1) *United States v. Brown*, No. 99CR20244 (W.D. Tenn. 2000), *aff'd*, 54 Fed. Appx. 201 (6th Cir. 2002). The case involved federal prosecution of four individuals for drug, firearm and homicide violations. The head of this organization sent the two victims to Houston, Texas to obtain several kilograms of cocaine. The victims returned to Memphis with no cocaine after losing the money entrusted to them. As a result, the head of the organization ordered the execution of the victims. The matters were severed and three were tried and convicted. The fourth changed his plea to guilty and received a 25 year sentence. Although tried separately, the cases were joined for appeal. All convictions and sentences were affirmed. I tried the cases, wrote the briefs and argued the matters before the Court of Appeals for the Sixth Circuit. The matters were tried before Judge Julia Smith Gibbons, and heard on appeal before Judges Boyce Ficklen Jr., James L. Ryan and Avern Cohn.

Counsel for the Defense:
Howard Manis
8245 Tournament Drive
Memphis, Tennessee 38125
(901) 746-6350

Robert Brooks
100 North Main Street
Memphis, Tennessee 38103
(901) 763-2832

Robert Irby
4345 East Mallory Avenue
Memphis, Tennessee 38111
(901) 682-7775

(2) *United States v. Calloway*, No. 94CR20112 (W.D. Tenn. 1995), *aff'd in part and vacated in part*, 116 F.3d 1129 (6th Cir. 1997). The defendant was charged in a two-count indictment with attempted aircraft piracy and interference with flight crew members. The defendant, a Federal Express Airline engineer, attempted to commandeer a Federal Express DC 10 aircraft after it had taken off from the Memphis International Airport. When the aircraft reached an altitude of 20,000 feet, the defendant attacked the

flight crew, and a fight occurred on board during the entire time the aircraft returned to the airport. The defendant was convicted of both counts of the indictment after presenting an insanity defense during trial, which was rejected by the jury. The trial court granted my motion for an upward departure from Mr. Calloway's recommended guideline sentence and imposed a sentence of life imprisonment for each count of the indictment. The Court of Appeals for the Sixth Circuit affirmed the conviction and sentence in count I, but vacated count II. I tried the case, wrote the appellate brief and argued it before the Sixth Circuit. The case was tried before Judge Julia Smith Gibbons, and heard on appeal before Judges David A. Nelson, Pierce Lively, and James L. Ryan.

Counsel for the Defense:
Mayor A.C. Wharton
160 North Main Street, Suite 850
Memphis, Tennessee 38103
(901) 576-6016

Robert Brooks (on appeal)
100 North Main Street
Memphis, Tennessee 38103
(901) 763-2832

(3) *United States v. Talley*, No. 99CR10064 (W.D. Tenn. 2000), *rev'd and remanded*, 275 F.3d 560 (6th Cir. 2001). Mr. Talley was one of several individuals prosecuted as part of a larger OCDETF conspiracy. The district judge granted Mr. Talley's Motion to Suppress Evidence, and the government appealed. The Court of Appeals for the Sixth Circuit reversed the District Court, which allowed Talley's prosecution to continue. Ultimately, Talley and co-defendant Ellis changed their pleas to guilty and were sentenced to terms of imprisonment. I handled the Motion to Suppress, wrote the appellate brief and argued the case before the Sixth Circuit. The matter was heard before Judge James Todd, and on appeal was heard before Judges Cornelia G. Kennedy, Damon J. Keith, and Alice M. Batchelder.

Counsel for the Defense:
G. William Hymers III
112 West Baltimore Street
Jackson, Tennessee 38301
(731) 427-5560

(4) *United States v. Finch*, No. 92CR20340 (W.D. Tenn. 1994), *aff'd*, 1995 U.S. App. LEXIS 589 (6th Cir. 1995). This case was part of a multi-district OCDETF investigation that involved a federal prosecution for money laundering. A used car dealership owner was helping local drug dealers launder their drug proceeds through the sale of luxury automobiles. It is believed to be the first money laundering trial in the Western District of Tennessee. The convictions and sentences were later affirmed by the Court of Appeals for the Sixth Circuit. I tried the case, wrote the appellate brief and argued the case before the Sixth Circuit. The case was tried before Judge Odell Horton (now deceased), and

heard on appeal before Judges Cornelia G. Kennedy, Eugene E. Siler Jr., and James P. Churchill.

Counsel for the Defense:
Stephen Shankman
200 Jefferson Avenue, Suite 200
Memphis, Tennessee 38103
(901) 544-3895

(5) *United States v. A.R.*, No. 99CR10011 (W.D. Tenn. 1999), *aff'd*, 203 F.3d. 955 (6th Cir. 1999). In 1999, a total of eight individuals, five of whom were juveniles, were prosecuted in federal court for gang-related crimes. As a result of this case, several of these individuals cooperated with law enforcement. This directly resulted in the prosecution and conviction in federal court of nearly 50 additional gang members. A.R. was a juvenile who was part of a gang that had committed Hobbs Act robberies of restaurants. A.R. challenged the District Court's finding that he should be prosecuted as an adult. The Court of Appeals for the Sixth Circuit affirmed the District Court's findings. A.R. later changed his plea to guilty and was sentenced to a term of imprisonment. I handled the remand hearings, wrote the appellate brief and argued the case before the Sixth Circuit. The case was heard at the trial level before Judge James D. Todd and heard on appeal before Judges Nathaniel R. Jones, Danny J. Boggs, and Ransey G. Cole Jr.

Counsel for the Defense:
David Camp
403 North Parkway, Suite 101
Jackson, Tennessee 38305
(713) 664-4499

(6) *United States v. Harris*, Nos. 89-20132, 89-20209 (W.D. Tenn. 1990), *aff'd*, 1991 U.S. App. LEXIS 20586 (6th Cir. 1991). This case involved federal prosecution of two defendants for attempting to kill a federal informant. The defendants had been charged with federal drug offenses. After being released on bail, the defendants and others forced entry into the informant's residence, kidnapped the informant and took him to a secluded area in order to murder him. Prior to leaving the informant's residence, one of the defendants raped the informant's wife. The informant was able to free his hands and obtain a weapon. After firing several shots and killing one of the kidnappers, the informant escaped. The two defendants were later apprehended, tried and convicted of the offenses. Their convictions were affirmed on appeal. I tried the case before the District Court, wrote the appellate briefs and argued the matter before the Sixth Circuit. The matter was tried before Judge Julia Smith Gibbons, and heard on appeal before Judges Boyce F. Martin Jr., David A. Nelson, and Harry W. Wellford.

Counsel for the Defense:
Mayor A.C. Wharton
160 North Main Street, Suite 850

Memphis, Tennessee 38103
(901) 576-6016

(7) *United States v. Jones*, No. 91CR20055 (W.D. Tenn. 1992), *aff'd*, 1993 U.S. App. LEXIS 31449 (6th Cir. 1993). The defendant was identified by federal drug agents based in Los Angeles, California as a buyer of large quantities of cocaine. Mr. Jones entered into an agreement to buy approximately six kilograms of cocaine from undercover federal agents. Upon completing the deal, the defendant was arrested. He proceeded to trial, claiming that he was entrapped into participating in the drug transaction. Ultimately, the defendant was convicted of attempt to possess with intent to distribute six kilograms of cocaine. His conviction and sentence were upheld by the Court of Appeals for the Sixth Circuit. I tried the case, wrote the appellate brief and argued the case before the Sixth Circuit. The case was tried before Judge Julia Smith Gibbons, and heard on appeal before Judges Danny J. Boggs, Bailey Brown, and Richard F. Suhrheinrich.

Counsel for the Defense:
William Massey
3074 East Street
Memphis, Tennessee 38128
(901) 384-4004

(8) *United States v. Barnes*, 910 F.2d 1342 (6th Cir. 1990). In the late 1980's, it became known to federal authorities that two national motorcycle gangs were involved in a violent gang war. In an effort to stop the violence, the Bureau of Alcohol, Tobacco and Firearms investigators began prosecuting gang members for federal offenses. The defendant, a member of one of the gangs, was arrested and charged with a firearms offense. The defendant pleaded guilty to being a convicted felon in possession of a firearm. However, the defendant appealed the District Court's denial of his Motion to Suppress and upward departure from the sentencing guidelines. The Court of Appeals for the Sixth Circuit held that the police officers made a valid *Terry* traffic stop when they pulled the defendant over based on information the officers received from several federal law enforcement agents, and that the upward departure was appropriate. I handled the matter before the District Court, wrote the appellate brief and argued the case before the Sixth Circuit. The matter was tried before Judge Jerome Turner (now deceased), and heard on appeal before Judges Ralph B. Guy Jr., James L. Ryan, and Albert J. Engel.

Counsel for the Defense:
Honorable William Anderson
201 Poplar Avenue, LL56
Memphis, Tennessee 38103
(901) 545-5190

(9) *State v. Harbin*, No. 88-07380 (Tenn. Crim. Ct. 1989), *aff'd*, 1990 Tenn. Crim. App. LEXIS 609 (Tenn. Crim. App. 1990). After being convicted at trial, the defendant appealed his ten-year sentence for second degree murder. The defendant was driving at a

high rate of speed a vehicle he knew to have defective brakes in an area frequented by small children. He struck and killed the five-year old victim and injured her eight-year old brother as they, and other children, walked home from school. The Court of Appeals affirmed the jury verdict and sentence imposed by the trial court. I tried the case before Judge L.T. Lafferty, and it was heard on appeal before Judges Lyle Reid, Joe D. Duncan and Gary R. Wade.

Counsel for the Defense
Ed M. Hurley
3540 Summer Avenue
Memphis, Tennessee 38122
(901) 525-8766

(10) *United States v. Robertson*, No. 00CR10010 (W.D. Tenn. 2000), *aff'd in part and vacated in part*, 40 Fed. Appx. 933 (6th Cir. 2002). This case involved the prosecution and trial of three individuals for violating federal drug conspiracy statutes. The leader of the group was a quadriplegic who used others to sell drugs for him. A search warrant was served at his residence which produced a large quantity of cocaine and cocaine base. All three defendants were convicted at trial, and appealed. Two defendants' convictions were affirmed, but the third was remanded with instructions to inquire further about representation at the trial level. I was lead counsel at the trial. Assistant United States Attorney Tu Pham, now a United States Magistrate Judge, was co-counsel at trial, wrote the appellate briefs and argued the matter before the Court of Appeals for the Sixth Circuit. The case was tried before Judge James Todd, and heard on appeal before Judges James G. Carr, Alice M. Batchelder, and Eric L. Clay.

Co-Counsel for the United States:
Honorable Tu Pham
United States Magistrate Judge
167 North Main Street
Memphis, Tennessee 38103
(910) 495-1351

Counsel for the Defense:
Russell Larson
211 East Main Street
Jackson, Tennessee 38301
(731) 422-3344

Kemper Durand
40 South Main, 29th Floor
Memphis, Tennessee 38103
(901) 525-8721

Mary Jermann
200 Jefferson Avenue, Suite 200

Memphis, Tennessee 38103
(901) 544-3895

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

As an Assistant District Attorney General from 1987 to 1989, I was assigned to several divisions of Criminal Court as a regularly assigned assistant district attorney general, and then was assigned to the Multiple Violators Unit, a unit that prosecuted repeat offenders. Afterwards, I became director of the district attorney general's Child Sexual Abuse Unit. As director, I reviewed all child sexual abuse cases for prosecution and assigned the cases to unit prosecutors. In addition, I developed investigative techniques and case development protocols for prosecutors, investigators and rape crisis center nurse clinicians. As a direct result of my duties as director of the unit, I became the district attorney general's office liaison with the Memphis and Shelby County Rape Crisis Center. I became an advisor to the center and was involved in the training of their staff.

As an Assistant United States Attorney, I was assigned to the Organized Crime Drug Enforcement Task Force (OCDETF) from 1991 to 1994. As an OCEDTF attorney, I developed expertise in the investigation and prosecution of multi-district drug organizations. This required me to head investigations involving most federal, state and local law enforcement agencies. The investigations resulted in convictions of high, medium and low level conspiracy members in the States of Tennessee, California, Arizona, Texas, Louisiana and Florida. These investigations resulted in convictions of approximately 100 conspiracy members.

From 1998 to 2001, I was the Gang Prosecutor of the United States Attorney's Office for the Western District of Tennessee. During this time, I approached all federal, state and local law enforcement agencies in Shelby County, Tennessee and Madison County, Tennessee and developed multi-agency gang investigative units. These investigative units targeted large and violent gang organizations throughout the District. The result was the prosecution and conviction of approximately 200 gang members for various federal offenses. During this time, I was instrumental in training the investigative units on proper techniques of gathering evidence, interrogating suspects and potential cooperators, and delivering testimony in court proceedings.

From 1993 to 1997 and 2001 to 2002, I was the First Assistant United States Attorney for the Western District of Tennessee. I had overall management responsibility for all units of the United States Attorney's Office. It was my responsibility to supervise and review the performance of all United States Attorney staff. I also continued to investigate and prosecute criminal organizations.

I am a member of the American Bar Association, the Tennessee Bar Foundation, the Memphis Bar Association, the Memphis Bar Foundation and the National Bar Association. I am also on the Board of Memphis Area Legal Services. I pay dues, make financial donations to further bar activities and participate in bar activities. I also maintain membership in, and remain active in several community not-for-profit agencies.

I have never been a lobbyist and I have never performed any lobbying activities.

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 at institutions of higher learning.

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 expect to receive retirement benefits from the State Judges' Retirement System and the Federal Employees Retirement System.

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

    None.

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

    See attached Financial Disclosure Report.

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

    See attached Net Worth Statement.

24. **Potential Conflicts of Interest**:

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

I do not anticipate any such conflicts of interest. In the event that such conflicts should arise, I would resolve them in accordance with the Code of Conduct for United States Judges.

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

In my present position, when a conflict of interest question arises, I always review the Tennessee Code of Judicial Conduct and applicable statutes and case law. In addition, I confer with other judges regarding how they have addressed conflict or recusal issues in the past. Similar to recusal, the facts of a potential conflict must be developed and discussed on the record. Disqualification is necessary when a judge's impartiality might reasonably be questioned.

If confirmed for this position, I will observe the same practice by fully considering the facts, conferring with colleagues and applying the Code of Conduct for United States Judges.

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.

Memphis and surrounding cities have a large percentage of poor and disadvantaged citizens. Although members of the judiciary are somewhat limited by the Code of Judicial Conduct, I have tried to satisfy my ethical obligations, by being active on boards of directors, neighborhood groups and school activities. I have been a member of the Board of Memphis Area Legal Services for nearly ten years, and commit over 50 hours of service annually. Also, I speak at many school, church and neighborhood functions about commitment to excellence, work ethic, and crime. Most recently, I spoke at the "Freedom From Unnecessary Negatives (FFUN)" picnic, and "Career Day" for Oakville Elementary School. Each such appearance requires an average commitment of two to four hours. Over the years, I have also been actively involved with coaching and judging students at all levels of mock trial and moot court competition. For many years, I coached high school age students as part of the Boy Scouts of America Explorer Program, which exposes young men and women to potential career options. I started the United States Attorney's Office law-related explorer post, and coached the office mock trial team. Also, for many years I helped coach the mock trial team sponsored by our

local power company, Memphis Light, Gas and Water. I continue to judge law school, undergraduate and high school mock trial and moot court competitions. If appointed, it is my intention to continue involvement in community activities.

26. **Selection Process**:

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

In the summer of 2010, it became public knowledge that United States District Court Judge Bernice Donald was being seriously considered to fill a vacancy on the Sixth Circuit Court of Appeals. In September 2010, I wrote a letter to Congressman Steve Cohen seeking consideration for a potential vacancy in the U.S. District Court for the Western District of Tennessee. Several weeks later, I attended an interview with Congressman Cohen and members of his staff. In the spring of 2011, I was contacted by Congressman Cohen's office about an appearance before a committee formed by the Congressman to vet potential candidates. I appeared before the committee on May 27, 2011. In September 2011, Congressman Cohen's office informed me that he was recommending me to the White House for consideration.

Since September 27, 2011, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On October 26, 2011, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. On December 16, 2011, the President submitted my nomination to the Senate.

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

No.

AO 10
Rev. 1/2011

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)	2. Court or Organization	3. Date of Report
Fowlkes, John T.	U.S. District Court	12/16/2011
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)	**5a. Report Type (check appropriate type)**	**6. Reporting Period**
U.S. District Court Judge	☑ Nomination, Date 12/16/2011 ☐ Initial ☐ Annual ☐ Final 5b. ☐ Amended Report	1/01/2010 to 12/16/2011
7. Chambers or Office Address	**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.**	
Criminal Justice Complex 201 Poplar Avenue, Suite 519 Memphis, Tennessee 38103	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.)*

	POSITION	NAME OF ORGANIZATION/ENTITY
1.	Treasurer	Tennessee Judicial Conference
2.	Commissioner	Shelby County Public Records Committee
3.	Board of Directors	Economic Club of Memphis
4.	Board of Directors	Memphis in May International Festival, Inc.
5.	Board of Directors	Memphis Ten Point Coalition, Inc.
6.	Board of Directors	Memphis Area Legal Services, Inc.
7.	Board of Directors	Memphis Business Academy
8.	Board of Directors	National Bar Association, Ben F. Jones Chapter
9.	Board of Directors	Memphis Shelby Crime Commission
10.	Board of Directors	Lifeblood, Inc.

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

☑ NONE *(No reportable agreements.)*

	DATE	PARTIES AND TERMS
1.		

Name of Person Reporting	Date of Report
Fowlkes, John T.	12/16/2011

2.

3.

Name of Person Reporting	Date of Report
Fowlkes, John T.	12/16/2011

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.)*

	DATE	SOURCE AND TYPE	INCOME (yours, not spouse's)
1.	2011	State of Tennessee, Salary	$147,000.00
2.	2010	State of Tennessee, Salary	$145,008.00
3.	2009	State of Tennessee, Salary	$144,159.00
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.)*

	DATE	SOURCE AND TYPE
1.	2011	Memphis Shelby Crime Commission, Salary
2.	2010	Memphis Shelby Crime Commission, Salary
3.	2010	Save The Children Federation, Salary
4.		

IV. REIMBURSEMENTS – *transportation, lodging, food, entertainment.*

(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)

☐ NONE *(No reportable reimbursements.)*

	SOURCE	DATES	LOCATION	PURPOSE	ITEMS PAID OR PROVIDED
1.	Exempt				
2.					
3.					
4.					
5.					

Name of Person Reporting	Date of Report
Fowlkes, John T.	12/16/2011

V. GIFTS. *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*

☐ NONE *(No reportable gifts.)*

	SOURCE	DESCRIPTION	VALUE
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.)*

	CREDITOR	DESCRIPTION	VALUE CODE
1.	Citi Bank	Credit Card	J
2.	Shelby County Credit Union	Credit Line	K
3.			
4.			
5.			

Name of Person Reporting	Date of Report
Fowlkes, John T.	12/16/2011

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 (1) Amount Code 1 (A-H)	B. (2) Type (e.g., div., rent, or int.)	C. Gross value at end of reporting period (1) Value Code 2 (J-P)	C. (2) Value Method Code 3 (Q-W)	D. Transactions during reporting period (1) Type (e.g., buy, sell, redemption)	D. (2) Date mm/dd/yy	D. (3) Value Code 2 (J-P)	D. (4) Gain Code 1 (A-H)	D. (5) Identity of buyer/seller (if private transaction)
1. Alliance Berstein Global Thematic Growth		None	J	T	Exempt				
2. DFA International Value Portfolio		None	J	T	Exempt				
3. Fidelity Contrafund		None	J	T	Exempt				
4. Fidelity International Discovery Fund		None	J	T	Exempt				
5. Fidelity OTC Portfolio		None	J	T	Exempt				
6. Fidelity Spartan 500 Index Fund		None	J	T	Exempt				
7. Fidelity Stock Selector Cap		None	J	T	Exempt				
8. Vanguard Institutional Index Fund		None	J	T	Exempt				
9. Vanguard Total Bond Fund		None	J	T	Exempt				
10. America Funds Investment Company of America	A	Interest	K	T	Exempt				
11. YWCA 401 (A) Retirement Fund Cash Equivalent Account	C	Interest	L	T	Exempt				
12. FDIC Insured Deposit CRBS Citizens IRA Cash Equivalent Acct.		None	K	T	Exempt				
13. Shelby County Retirement-Fixed Account	A	Dividend			Exempt				
14. Principal Financial Group	A	Dividend			Exempt				
15. Shelby County Credit Union Accounts	A	Interest	J	T	Exempt				
16. Regions Bank Account		None	J	T	Exempt				
17. Suntrust Bank Account		None	J	T	Exempt				

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
B =$1,001 - $2,500
C =$2,501 - $5,000
D =$5,001 - $15,000
E =$15,001 - $50,000
F =$50,001 - $100,000
G =$100,001 - $1,000,000
H1 =$1,000,001 - $5,000,000
H2 =More than $5,000,000
I =$15,000 or less
K =$15,001 - $50,000
L =$50,001 - $100,000
M =$100,001 - $250,000
N =$250,001 - $500,000
O =$500,001 - $1,000,000
P1 =$1,000,001 - $5,000,000
P2 =$5,000,001 - $25,000,000
P3 =$25,000,001 - $50,000,000
P4 =More than $50,000,000
Q =Appraisal
R =Cost (Real Estate Only)
S =Assessment
T =Cash Market
U =Book Value
V =Other
W =Estimated

Name of Person Reporting	Date of Report
Fowlkes, John T.	12/16/2011

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 (1) Amount Code 1 (A-H)	B. (2) Type (e.g., div., rent, or int.)	C. Gross value at end of reporting period (1) Value Code 2 (J-P)	C. (2) Value Method Code 3 (Q-W)	D. Transactions during reporting period (1) Type (e.g., buy, sell, redemption)	D. (2) Date mm/dd/yy	D. (3) Value Code 2 (J-P)	D. (4) Gain Code 1 (A-H)	D. (5) Identity of buyer/seller (if private transaction)
18. Federal Building Credit Union Accounts		None	J	T	Exempt				

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
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M =$100,001 - $250,000
N =$250,001 - $500,000
O =$500,001 - $1,000,000
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Q =Appraisal
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T =Cash Market
U =Book Value
V =Other
W =Estimated

Name of Person Reporting	Date of Report
Fowlkes, John T.	12/16/2011

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

Name of Person Reporting	Date of Report
Fowlkes, John T.	12/16/2011

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		11	500	Notes payable to banks-secured (autos)		18	000
U.S. Government securities				Notes payable to banks-unsecured		13	000
Listed securities – see schedule		47	575	Notes payable to relatives			
Unlisted securities				Notes payable to others			
Accounts and notes receivable:				Accounts and bills due		4	000
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable – personal residence		290	000
Real estate owned – personal residence		270	000	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		55	000				
Cash value-life insurance							
Other assets itemize:							
Thrift Savings Plan		319	932				
Retirement Accounts (cash)		120	933				
				Total liabilities		325	000
				Net Worth		499	940
Total Assets		824	940	Total liabilities and net worth		824	940
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor				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	
AllianceBernstein Global Thematic Growth Fund	$1,004
American Funds Investment Company of America	22,417
DFA International Value Portfolio	1,737
Fidelity Contrafund	2,994
Fidelity International Discovery Fund	3,203
Fidelity OTC Portfolio	1,018
Fidelity Puritan Fund	878
Fidelity Spartan 500 Index Fund	4,557
Fidelity Stock Selector Cap	1,881
Vanguard 500 Index Fund	854
Vanguard Institutional Index Fund	3,665
Vanguard Total Bond Fund	2,694
Medco Health Solutions stock	281
Merck & Company Inc stock	392
Total Listed Securities	$47,575

AFFIDAVIT

I, JOHN T. FOWLKES, JR., do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

12/19/20 (DATE)

(NAME)

(NOTARY)

JANIS DUMAVANT NOTARY PUBLIC STATE OF TENNESSEE SHELBY CO., TN

My Commission Expires [illegible]/2018