

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Jeffrey Uhlman Beaverstock

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

United States District Judge for the Southern District of Alabama

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

Burr Forman, LLP  
11 North Water Street  
Suite 22200  
Mobile, Alabama 36602

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

1968; Waterbury, Connecticut

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.

2016, U.S. Army Judge Advocate General's Corps Administrative Law for Military Organizations Course

2014, U.S. Army Judge Advocate General's Corps Contract Attorney Course

2010 – 2012, U.S. Army Command and General Staff College, Intermediate Level Education, 2012

2006, U.S. Army Judge Advocate General's Corps Advanced Course

1995 – 1998, The University of Alabama School of Law; J.D., 1998

1992, U.S. Army Infantry Officer's Basic Course

1987 – 1991, The Citadel; B.A., 1991

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.

2008 – present  
Burr Forman, LLP  
11 North Water Street, Suite 22200  
Mobile, AL 36602  
Partner

2012 – present  
377<sup>th</sup> Theater Sustainment Command  
400 Russell Avenue, NAS-JRB New Orleans  
Belle Chasse, LA 70143  
Chief of Contract and Administrative Law

2010 – 2012  
U.S. Army Reserve Legal Command  
8791 Snouffer School Road  
Gaithersburg, MD 20879-1624  
Operations Officer, G-3/5/7

2007 – 2010  
154<sup>th</sup> Legal Support Organization, U.S. Army Trial Defense Service  
6901 Telegraph Road  
Alexandria, VA 22310  
Deputy Regional Defense Counsel/S-3

2003 – 2008  
Bowron, Latta & Wasden, PC  
41 North Beltline, Suite 400  
Mobile, AL 36608  
Partner

2001 – 2007  
213<sup>th</sup> Legal Support Organization  
1650 Corey Boulevard  
Decatur, GA, 30032-4864  
Senior Client Services Officer

1998 – 2003

Pierce, Ledyard, Latta, Wasden & Bowron, PC  
41 North Beltline, Suite 400  
Mobile, AL 36608  
Associate

1998 – 1999

Battle Projection Group, 1<sup>st</sup> Brigade, 87<sup>th</sup> Division (Training)  
1400 Golden Acorn Drive  
Birmingham, AL 35244  
Deputy Commandant

Summer 1997

Huie, Fernambucq & Stewart, LLP  
2801 US-280, Suite 200  
Birmingham, AL 35223  
Summer Law Clerk

Summer 1997

Janecky Newell, PC  
107 St. Francis Street, Suite 3300  
Mobile, AL 36602  
Summer Law Clerk

Summer 1996

The University of Alabama School of Law  
Research Assistant to Professor Francis McGovern  
101 Paul Bryant Drive  
Tuscaloosa, AL 35487

1994 – 1995

B Co, 1/8<sup>th</sup> Infantry Regiment, 3<sup>rd</sup> Brigade, 4<sup>th</sup> Infantry Division  
6001 Wetzel Ave.  
Ft. Carson, CO 80913  
Rifle Company Executive Officer

1993 – 1994

HHC, 1/8<sup>th</sup> Infantry Regiment, 3<sup>rd</sup> Brigade, 4<sup>th</sup> Infantry Division  
6001 Wetzel Avenue  
Ft. Carson, CO 80913  
Mechanized Infantry Support Platoon Leader

1992 – 1993

A Co, 1/8<sup>th</sup> Infantry Regiment, 3<sup>rd</sup> Brigade, 4<sup>th</sup> Infantry Division  
6001 Wetzel Avenue  
Ft. Carson, CO 80913  
Rifle Platoon Leader

1991 – 1992

U.S. Army Infantry School  
1 Karker Street, McGinnis-Wickam Hall  
Ft. Benning, GA 31905  
Student Officer

Other Affiliations (Uncompensated):

2012 – present

Ransom Ministries, Inc.  
PO Box 851854  
Mobile, AL 36685  
President of Board

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 served in the U.S. Military and have registered for selective service. I presently serve as a Lieutenant Colonel in the Judge Advocate General's Corps of the U.S. Army Reserve. I served on Active Duty from 1991 to 1995 and received an Honorable Discharge when I left Active Duty. I have served in the Army Reserve from 1995 through the present.

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.

American Legion School Award, The Citadel, 1991

Armed Forces Reserve Medal, U.S. Army, 2011

Army Achievement Medal with three Oak Leaf Clusters, U.S. Army, 2010, 2009, 1994,  
1991

Army Commendation Medal with three Oak Leaf Clusters, U.S. Army, 2012, 2008, 2006,  
2002

Army Meritorious Service Medal with Oak Leaf Cluster, U.S. Army, 2013, 2010

Army Reserve Components Achievement Medal, U.S. Army, 2006

Army Reserve Components Overseas Training Ribbon, U.S. Army, 2006

Army Service Ribbon, U.S. Army, 1991

Commandant's List, Infantry Officer's Basic Course, U.S. Army, 1992

Distinguished Military Graduate, The Citadel, 1991  
 Eagle Scout, Boy Scouts of America, 1985  
 Expert Infantryman Badge, U.S. Army, 1993  
 Managing Editor, Alabama Law Review, University of Alabama School of Law, 1997-98  
 National Defense Service Medal, U.S. Army, 1991, 2001  
 National Sojourners' Award, The Citadel, 1990  
 Parachutist Badge, U.S. Army, 1991  
 Pathfinder Badge, U.S. Army, 1992  
 Ranger Tab, U.S. Army, 1992  
 Superior Army Cadet, The Citadel, 1991  
 Vigil Honor, Boy Scouts of America, 1987

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

Alabama State Bar Association, Construction Law Committee, Military Law Committee  
 (1998 – present)  
 Mobile County Bar Association, Federal Practice Committee (1998 – present)  
 American Bar Association (1998 – present)  
 Alabama Defense Lawyers Association (1998 – 2005)  
 Defense Research Institute (1998 – 2004)  
 Florida State Bar Association, Out of State Practitioners Division, Florida Trial Lawyers  
 Section, Real Property, Probate and Trust Law Section (2000 – present)  
 Escambia-Santa Rosa County (FL) Bar Association (2000 – present)

10. **Bar and Court Admission:**

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

Alabama (1998)  
 Florida (2000)

There have been no lapses in membership.

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

United States Court of Appeals for the Eleventh Circuit, 1998  
 United States District Court for the Northern District of Florida, 2000  
 United States District Court for the Southern District of Alabama, 1998  
 United States District Court for the Middle District of Alabama, 1998  
 Supreme Court of Alabama, 1998

United States Veteran's Administration, 2015

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.

Boy Scout Troop 85, Treasurer (2015 – present)  
Christ United Methodist Church (1998 – present)  
    Chairman, Administrative Board (2012 – 2014)  
    Finance Committee (2012 – 2014)  
    Staff/Parish Relations Committee (2008 – 2012)  
    Chairman (2011)  
    Sunday School Teacher (2004 – present)  
The Citadel Alumni Association (1991 – present)  
Cub Scout Pack 147, Den Leader (2006 – 2015)  
Outback America (2010 – present)  
    Retreat Leader (Fall 2014)  
    Retreat Coach/Volunteer (2011 – present)  
Ransom Ministries, Inc. (2012 – present)  
    President of Board (2013 – present)

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

The Citadel is a military college, which admitted only men until 1995. To my knowledge, none of the remaining organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion or natural 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.

Comment, *Learning to Get Along: Alabama, Georgia and Florida and the Chattahoochee River Compact*, 49 ALA. L. REV. 993 (1998). Copy supplied.

With C. William Daniels, *A Proactive Liability Checklist: Minimizing Risk in Condominium Projects*, 44 For the Def., Dec. 2002 at 29. Copy supplied.

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

None.

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

None.

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

The following represents my best efforts, through searches of my files, records, calendars and internet databases to identify occasions on which I made public remarks.

February 9, 2017: Speaker, "Alabama Lien Law and Timely Payments to Contractors Act," Mobile Chapter of the Associated General Contractors, Mobile, Alabama. Slides supplied.

November 6, 2015: Speaker, "Most Common Ethical Pitfalls that have trapped Engineers: A 10 year Survey," Alabama Society of Professional Engineers, Spanish Fort, Alabama. Slides supplied.

May 17, 2012: Speaker, "Law of Construction Defects and Failures," Halfmoon, LLC Continuing Education Seminar, Mobile, Alabama. Jack G. Kowalski, C. William Daniels, Jr., and I spoke at a continuing education seminar on construction law. I have no notes, transcript or recording. The address of Halfmoon, LLC, is P.O. Box 278, Altoona, WI 54720.

March 13, 2009: Speaker, "Construction Liens: Protecting your Right to be Paid," White-Spunner Construction, Inc., Mobile, Alabama. Notes supplied.

January 30, 2007: Speaker, "Legal Implications of Building Code Compliance," Lorman Education Services, Mobile, Alabama. I spoke at a Lorman Education Services continuing education seminar on construction law. I have no notes, transcript or recording. The address of Lorman Education Services is P.O. Box 509, Eau Claire, WI 54702.

June 8, 2006: Speaker, "Resolving Problems and Disputes in Construction Projects in Alabama," National Business Institute, Mobile, Alabama. I spoke at a National Business Institute continuing education seminar on (1) taking action when you have a defective bid and (2) managing contract changes. I have no notes, transcript or recording. The address of the National Business Institute is P.O. Box 3067, Eau Claire, WI 54702.

June 21, 2005: Speaker, "The Fundamentals of Construction Contracts: Understanding the Issues," Lorman Education Services, Mobile, Alabama. I spoke at a Lorman Education Services continuing education seminar on construction law. I have no notes, transcript or recording. The address of Lorman Education Services is P.O. Box 509, Eau Claire, WI 54702.

May 11, 2005: Speaker, "AIA Contracts," Lorman Education Services, Mobile, Alabama. I spoke at a Lorman Education Services continuing education seminar on the topics of (1) indemnity obligations, (2) additional insured issues, and (3) waiver of subrogation issues. I have no notes, transcript or recording. The address of Lorman Education Services is P.O. Box 509, Eau Claire, WI 54702.

August 14, 2004: Speaker, "Solving Water Intrusion and Mold Problems in Alabama," Lorman Education Services, Mobile, Alabama. I spoke at a Lorman Education Services continuing education seminar on issues relating to (1) defense of mold claims generally, (2) preservation of evidence, and (3) use of expert



witnesses. I have no notes, transcript or recording. The address of Lorman Education Services is P.O. Box 509, Eau Claire, WI 54702.

April 23, 2002: Speaker, "Indoor Air Quality: Issues and Answers," Mobile Gas Services Corporation, Mobile, Alabama. I presented a lunch-and-learn presentation to the engineers of Mobile Gas Service Corporation. I have no notes, transcript or recording. The address of Mobile Gas Services Corporation is 2828 Dauphin Street, Mobile, AL 36606.

Between 2004 and 2012: Lecturer, Contract Law, Mobile County Homebuilders Association, Mobile, Alabama. I taught a continuing education class on contract law for the Mobile County Homebuilders Association training program for new members. This class would typically be offered twice a year. I have no notes, transcripts or recordings. The address of the Mobile County Homebuilders Association is 1613 South University Boulevard, Mobile, AL 36609.

- 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.

Brendan Kirby, *Three Mobile lawyers recommended for soon-to-be-vacant District Court judgeship*, AL.COM (May 29, 2013). Copy supplied.

Casandra Andrews, *The Army's legal eagles*, MOBILE REGISTER, Apr. 3, 2003. Copy supplied.

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

I have not held judicial office.

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

- i. Of these, approximately what percent were:

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

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

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

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
  - d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
  - e. Provide a list of all cases in which certiorari was requested or granted.
  - f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
  - g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
  - h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
  - i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an “automatic” recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held judicial office.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;

- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

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

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

I have never been a candidate for or held an elective public office, nor have I had any unsuccessful nominations for appointed public 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 held office in, or rendered 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 did not serve 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.

1998 – 2003  
Pierce, Ledyard, Latta, Wasden & Bowron, PC

41 North Beltline, Suite 400  
Mobile, AL 36608  
Associate

2003 – 2008  
Bowron, Latta & Wasden, PC  
41 North Beltline, Suite 400  
Mobile, AL 36608  
Partner

2008 – Present  
Burr Forman, LLP  
11 North Water Street, Suite 22200  
Mobile, AL 36602  
Partner

- 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 in alternative Dispute Resolution hearings.

b. Describe:

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

My private practice has consisted primarily of general civil defense litigation in the state and federal courts of Alabama and Florida. Most of my practice is dedicated to construction law, which involves working with general contractors to address their litigation needs, contract review, and general business advice. Typical litigation involves construction defects, liens and bond claims under the Miller Act as well as various states' "Little Miller" acts. I practice maritime law as local correspondent for several international maritime Protection & Indemnity Clubs. I also currently handle mortgage foreclosures and Fair Credit Reporting Act cases. Additionally, over the years, my practice has included municipal liability, insurance defense, products liability, premises liability, and personal injury cases.

As an Army lawyer, the early part of my practice involved legal assistance (primarily encompassing preparation of estate planning documents) and representation of the Army in matters brought under the Uniform Code of Military Justice, as well as claims prosecuted under the Federal Tort Claims Act and the Military Claims Act. Between 2006 and 2010, I

served as Senior and Deputy Regional Defense Counsel for the U.S. Army Trial Defense Service, representing Army Reserve soldiers in judicial and non-judicial proceedings. From 2010 until 2012, I served as an operations officer on the staff of the U.S. Army Legal Command, where I was responsible for planning and executing training for Army Reserve lawyers across the U.S. Army Reserve, ensuring that they were fully prepared to execute their mission as Judge Advocates upon mobilization. I currently serve as Chief of Contract and Administrative Law for the 377th Theater Sustainment Command, headquartered in New Orleans, Louisiana. In addition to mentoring young attorneys, I am responsible for the legal review of procurement actions as well as direct supervision of administrative law matters faced by the Commander of the single largest unit in the U.S. Army Reserve, consisting of approximately 37,000 troops spread throughout the United States.

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

As a general litigator, I have represented a variety of clients including individuals, trucking companies, product manufacturers, retailers, restaurant owners, and construction companies. For the last 12 years, my typical clients have been general contractors, subcontractors, sureties, construction material suppliers, and property owners in conjunction with construction defect, contracting and payment dispute litigation.

- 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.

Throughout my litigation practice I have appeared in court frequently. During the time I was assigned to the Army Trial Defense Service (154<sup>th</sup> LSO, 2010-2012) the portion of my practice before administrative agencies was higher. Also during that time I would consider about 15% of my court time to have been in the nature of criminal proceedings.

- i. Indicate the percentage of your practice in:

- 1. federal courts: 15%
- 2. state courts of record: 75%
- 3. other courts: 0%
- 4. administrative agencies: 10%

- ii. Indicate the percentage of your practice in:

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

- d. State the number of cases in courts of record, including cases before

administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have tried 23 cases to verdict in courts of record. I was sole or lead counsel on seventeen of those cases.

i. What percentage of these trials were:

- |              |     |
|--------------|-----|
| 1. jury:     | 48% |
| 2. non-jury: | 52% |

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

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

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

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

1. *White-Spunner Construction, Inc. v. Construction Completion Co.*, 103 So.3d 781 (Ala. 2012).

From approximately 2009 to 2012, I defended a general contractor in a contract dispute with a subcontractor before the Mobile County Circuit Court and the Alabama Supreme Court. In the *Construction Completion* matter, the general and subcontractor had entered into a contract requiring the subcontractor to provide supervisors and framers for the construction of student housing at Auburn University. Both the general and subcontractor were duly licensed, and the contract between them was valid. The subcontractor, however, entered into a separate subcontract with an unlicensed company to actually perform the work. During the course of the project, the general contractor disputed certain amounts being charged by the subcontractor. Although the general contractor eventually paid most of the subcontractor's invoices, the general contractor

refused to pay a portion of the charges. The subcontractor filed suit for the unpaid invoices.

Notwithstanding substantial evidence that the unlicensed contractor's employees were acting as framers and supervisors, rather than simply performing menial labor, the trial court concluded that the unlicensed contractor acted as a mere "labor broker." In other words, the trial court held that the unlicensed contractor simply loaned "workers" who were supervised by the subcontractor and, as such, that it was exempted from the licensing statute. Such an exception to the licensing statute had never been recognized by Alabama law. The trial court entered judgment in favor of the subcontractor. The case was heard and decided by Circuit Judge Roderick Stout.

The general contractor appealed the trial court's adverse ruling to the Alabama Supreme Court. After briefing the case, the Supreme Court ruled that since the licensing statute was a legislative exercise of police power concerning public safety, and not merely a revenue measure, contracts which violate the Statute are void and subject to challenge by non-parties. The Court emphasized here that the subcontractor's claims stemmed from, or were based "in whole or in part" on, its contract with the unlicensed contractor. The Supreme Court then rejected the trial court's finding that the unlicensed contractor was acting as a mere "labor broker," and its conclusion that it was therefore exempted from the licensing statute. The Supreme Court's ruling reversed a seven-figure award. I represented the General Contractor in the trial court and wrote substantial portions of the brief on appeal.

Counsel for Plaintiff:

E.J. Saad

Matthew Andrews

E.J. Saad Law firm

6207 Cottage Hill Rd., Ste. G

Mobile, AL 36609-3113

(251) 660-0888

2. *Crown Financial Services v. Cleveland, et al.*, No. 2013CA000444 (Fla. 1st Cir. Ct.); 183 So. 3d 1206 (Fla. Dist. Ct. App. 2016) (reversing and remanding with instructions); 2017 WL 808121 (Fla. Dist. Ct. App. Mar. 1, 2017) (reversing Order granting new trial to plaintiff).

From 2013 to 2017, I represented personal guarantors on a business debt during the trial and two subsequent appeals. Plaintiff sought to enforce a Texas default judgment in a foreclosure action in Walton County, Florida. Defendants disputed the amount sought by plaintiff at trial based on the maximum-security language of the note involved. Acting Circuit Judge David W. Green heard the case, ultimately entering judgment in the amount requested by plaintiff. On behalf of my client, I appealed the lower court's decision to the First District Court of Appeal, which reversed and remanded with instructions to recalculate the amount of the judgment based on the language of the mortgage in question. 183 So. 3d 1206 (Fla. Dist. Ct. App. 2016). Once the trial court entered an

amended judgment, plaintiff filed a motion for new trial based on purportedly new evidence. Judge Green granted the plaintiff's request over defendants' objection. On appeal for the second time, the First District Court of Appeals reversed the new trial order and remanded the case because plaintiff could not articulate any facts that could support the trial court's order granting a new trial. 2017 WL 808121(Fla. Dist. Ct. App. Mar. 1, 2017).

Counsel for Plaintiff (trial):  
Richard Johnson  
Richard S. Johnson and Associates, P.A.  
107 Partin Drive North  
Niceville, FL 32578-2035  
(850) 279-6868

Counsel for Plaintiff (appeal):  
Robert J. Powell  
Clark Partington Hart Larry Bond & Stackhouse, P.A.,  
One Pensacola Plaza, Suite 800  
125 West Romana Street  
Pensacola, FL 32502  
(850) 343-9200

3. *Newman v. Strategic Restaurant Acquisition Co.*, No. 2009CA000937 (Fla. 1st Cir. Ct.); 80 So. 3d 1026 (Fla. Dist. Ct. App. 2012) (affirming without opinion).

From approximately 2009 to 2012, I represented a restaurant owner in a premise liability case. This case involved a claim of negligent security against a restaurant owner arising from a fight between two rival groups of teenagers that left one young man dead. I handled the pretrial work and tried the case with one of my partners. Plaintiff attempted to use expert testimony to create a duty based on evidence of other crimes in a very broad area of the city of Pensacola, Florida. The data relied upon by plaintiff's expert was highly suspect and plaintiff was unable to establish the foreseeability of the events which culminated in gunfire. After a multi-day trial, the jury returned a defense verdict. Circuit Judge Paul Rasmussen presided over the trial.

Counsel for Plaintiff:  
Samuel Bearman  
Law Office of Samuel W. Bearman, L.C.  
820 N. 12th Ave.  
Pensacola, FL 32501-3303  
(850) 438-1000

Co-Counsel for Defendant  
John P. Kavanagh  
Burr Forman, LLP  
11 North Water Street, Suite 22200



Mobile, AL 36602

4. *Milan v. Colony Homes, LLC*, No. 05-CV-2015-901398.00 (Cir. Ct. Ala. Nov. 16, 2015).

From approximately 2015 to 2016, I represented the plaintiffs, a family who contracted with a homebuilder who encountered financial difficulties during construction of their home. As part of the contract, the family made a substantial deposit with the homebuilder. After the homebuilder breached the contract, I helped the family place the homebuilder in contractual default and file a pre-suit discovery petition before Circuit Judge Joseph L. Floyd in the Circuit Court of Baldwin County, Alabama. I was able to secure a significant settlement in this case that allowed the family to move forward with a new homebuilder.

Counsel for Defendants:  
Jordan Gerheim  
Starnes Davis Florie LLP  
PO Box 1548  
Mobile, AL 36633-1548  
(251) 433-6049

5. *J&J Land Development, Inc. v. White-Spunner Construction, Inc., et al.*, No. 02-CV-2011-000799.00 (Cir. Ct. Ala. Jan. 7, 2011).

From approximately 2011 to 2017, I represented a general contractor and a “Little Miller Act” payment bond surety in a lawsuit based on unpaid claims for extra compensation. A dispute existed concerning plaintiff’s compliance with contract requirements for making claims for extra compensation under the terms of the contract. The case turned on the court’s interpretation of the language of the general contractor’s interim and final releases and claim waiver forms. After a three-day trial the court held that the general contractor had waived its claim waivers and allowed recovery by the plaintiff. The court also ruled in favor of the general contractor on numerous deductive change orders, which changed the ultimate amount of the contract. Circuit Judge Michael Youngpeter heard and decided the case. The Alabama Supreme Court subsequently affirmed without opinion the trial court’s decision.

Counsel for Plaintiff:  
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PO Box 2069  
Opelika, AL 36803-2069  
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6. *L&J Dirt v. Troendle*, No. 05-CV-2009-901447 (Cir. Ct. Ala. Dec. 9, 2009).

From approximately 2009 to 2014, I represented property owners in a lien claim and quasi-contract suit brought by a subcontractor who was unpaid by the construction project's general contractor. Plaintiff claimed a lien and brought a quasi-contract claim against the project owner and a breach of contract claim against the general contractor. The general contractor declared bankruptcy and eventually the case proceeded against the owners. After a three-day jury trial the owners received a defense verdict on the lien claim and plaintiff prevailed on the quasi-contract claim. Circuit Judge Joseph Norton presided over the trial. The case was appealed to the Alabama Supreme Court where the result was affirmed with no opinion.

Counsel for Plaintiff:  
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Satterwhite Law Firm LLC  
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Mobile, AL 36604-2121  
(251) 432-8120

7. *MJ Deaton, Inc. v. White-Spunner Construction, Inc., et al.*, No. 58-CV-2011-900132.00 (Cir. Ct. Ala. Feb. 16, 2011).

I represented defendants White-Spunner Construction, Inc. and Hartford Fire Insurance Company in a case filed by plaintiff MJ Deaton, Inc., alleging it was due additional payments for extra work completed and delays during construction of a dormitory building on the campus of the University of Montevallo. After litigation and discovery, I concluded that plaintiff had procedural defects in its "Little Miller Act" notices to the surety, resulting in a favorable settlement for my clients. Circuit Judge William Bostic presided over the litigation.

Counsel for Plaintiff:  
Larry S. Logsdon  
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Birmingham, AL 35253-0910  
(205) 870-0555

8. *Julie Jablonski v. Swift Transportation, Inc. and Daniel Jaso*, No. 2004CA000310 (Fla. 1st Cir. Ct.).

This case arose from a motor vehicle accident between the plaintiff's automobile and the defendant's eighteen wheeler. The plaintiff sued the trucking company as well as the operator involved in the accident. From approximately 2004 to 2006, I represented only Swift Transportation in this matter, as the facts of the case necessitated that separate counsel be retained for the vehicle operator. My client had serious concerns about the effect that certain unfavorable information about the operator might have on the jury. By admitting liability at trial, the defendants were able to keep such unfavorable information concerning the operator from being admitted into evidence. The jury ultimately returned

a verdict in favor of plaintiff, but one that was within our pretrial projections. Circuit Judge Kelvin Wells presided over the case.

Counsel for Plaintiff:

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Brannon & Brannon  
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(850) 659-2252

Counsel for Co-Defendant:

James T. Cowan  
4961 Elea Calle Lane  
Gulf Breeze, FL 32563-8205  
(850) 723-7417

9. *Johnson v. Southern Energy Homes, Inc.*, No. Civ. A. 03-0641-CG-L (S.D. Ala.); 391 F. Supp. 2d 1118 (S.D. Ala. 2006) (granting summary judgment).

From approximately 2003 to 2006, I was part of a team representing Southern Energy Homes in this case alleging claims of breach of home warranty and personal injury arising from water intrusion into a mobile home. Plaintiffs filed suit against Southern Energy in Alabama state court. The case was then removed to the U.S. District Court for the Southern District of Alabama. Following discovery Southern Energy filed a motion for summary judgment. The trial court granted summary judgment, holding that the statute of limitations in a breach of warranty claim relating to a manufactured home began to run upon delivery of the home. The court also found that Alabama's one-year statute of limitations applied to plaintiffs' claims because the Complaint alleged that plaintiffs were injured based upon inhalation of toxic mold growing inside the manufactured home. The trial court granted summary judgment in favor of Southern Energy. United States District Judge Ginny Granade presided over the matter.

Counsel for Plaintiff:

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Law Office of John W. Parker  
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Daphne, AL 36526  
(251) 621-2216

Co-Counsel for Defense:

C. William Daniels, Jr.  
Burr Forman, LLP  
11 North Water Street, Suite 22200  
Mobile, AL 36602  
(251) 344-5151

10. *In re Harris Concrete Products, LLC*, No. 08-30272 (Bankr. M.D. Ala.); 2009 WL 1940540 (Bankr. M.D. Ala. 2009) (granting summary judgment).

From approximately 2008 to 2009, I represented a general contractor and its principal where a debtor-material supplier sought to recover an outstanding account receivable from my clients. The general contractor was building a hotel in northwest Florida, and its masonry subcontractor had previously purchased materials from the debtor. After the materials and invoices were delivered to the project, the debtor tried unsuccessfully to collect payment from the subcontractor. Later, the general contractor, through its principal, demanded copies of the invoices and amounts outstanding, and agreed to pay the subcontractor's obligation to the debtor.

The court found that the general contractor and its principal were not liable for the subcontractor's debts. The court also found that the general contractor did not become liable as a surety of the debt because there was no written agreement to do so. Finally, the court found that the general contractor could not have become primarily liable for its subcontractor's debt because there was no consideration, and the principal's offer to pay the obligation of the subcontractor was an example of past consideration as all the referenced material had already been delivered to the project. Consequently, the court entered summary judgment in favor of the general contractor and its principal. Bankruptcy Judge Dwight Williams, Jr. heard and decided the case.

Debtor's Counsel:  
Von G. Memory  
Memory & Day  
469 S McDonough Street  
Montgomery, AL 36104  
(334) 834-8000

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 attorney, I regularly review and prepare contracts on behalf of my clients, particularly in the construction field and related industries. Frequently, this involves actually negotiating and revising terms in conjunction with other parties and/or their counsel. I have also often provided advice to clients on the operation of their businesses and compliance with applicable state and federal regulations.

As part of my practice, I regularly represent vessel owners and operators as a local correspondent for maritime Protection and Indemnity companies. As a local correspondent I have handled cargo claims, personal injury claims, vessel arrests and attachments, maritime liens, collisions, salvage, and immigration matters.

As an Army attorney, I have presented numerous legal briefings to units and groups of soldiers concerning the Servicemembers Civil Relief Act, the Law of War, the Army Fraternization Policy and other mandated Army policy briefings required for soldiers on an annual basis. Much of my current work involves the legal review of investigations conducted pursuant to Army Regulation 15-6 as well as advice to my commander regarding the same. I have also served as Legal Advisor to Administrative Boards of Officers. A Legal Advisor makes evidentiary rulings and advises the President of a Board regarding legal procedures as they apply to hearings and the Board's findings. I have served in this capacity on five occasions.

I have reviewed federal procurement actions to ensure they comply with applicable regulations. I have acted as a legal assistance officer providing legal services to soldiers and their family members in the Active, Reserve and National Guard components of the U.S. Army as well as members of the U.S. Navy and U.S. Coast Guard.

I have never performed lobbying activities for any client or organization.

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

I have not taught any courses.

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

The only future benefit I expect to receive is my retirement compensation from the U.S. Army. I have no deferred income arrangements from any business relationships, former employers, clients, customers, or professional services.

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.

I am currently eligible to serve in the U.S. Army Reserve for two more years before I reach my mandatory retirement date. In a permissible manner of service could be arranged, I would like to continue to serve. I do not owe the Army any mandatory service obligations and I have no other plans, commitments, or agreements to pursue outside employment during my service with the court.

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 that any family member might pose conflicts of interest, and I am not aware of any associations of mine or of the members of my family that would present a conflict. I will take very seriously any actual or potential conflicts-of-interest and recuse myself as appropriate.

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

If confirmed, I would closely follow 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, as well as any related advisory opinions issued by the ethics committee of the Judicial Conference to avoid all actual or potential conflicts and to avoid the appearance of impropriety.

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.

I have always had an interest in supporting and honoring servicemembers and veterans. Throughout my practice I have tried to provide pro bono services to veterans and servicemembers whenever I could identify a need. Since the attacks of September 11, 2001, the deployment of servicemembers in local Army Reserve and National Guard units has become much more commonplace. Although these servicemembers are entitled to legal assistance through the military, this system does not work well when there is not a military base staffed with government attorneys located nearby. As units prepare to

deploy, I have made it a priority to counsel and assist servicemembers and their families with their estate planning, as well with the preparation of necessary legal documents to allow their family members to conduct any necessary legal actions during a deployment. Family members often also require assistance during a deployment with a wide range of issues from powers of attorney to assistance with financial matters protected by the Servicemembers Civil Relief Act.

Many remotely located reserve service members are unaware of the legal assistance they are entitled to receive, or convinced it would be too difficult to travel to a military base to seek such legal assistance. Moreover, I have learned that many veterans are not aware they are even entitled to government benefits or are unaware that they can petition the Armed Forces Board for the Correction of Military Records to upgrade their discharge status and thus upgrade their entitlement to veteran's benefits. My partners and I have attempted to answer this need in our community. In this way, I have visited and assisted clients in my office, at their places of work, in the hospital or even in their home while they are on hospice. As a result, I have prepared more than 100 wills, powers of attorney, and advanced health care directives. It has been my honor to assist those servicemembers, veterans, and their families, who literally put their lives on hold to serve our country.

I provide legal support to organizations serving the disadvantaged, particularly to the homeless in Mobile. I regularly provide legal representation to Ransom Ministries, an organization helping to meet the basic needs of the homeless community including food, showers, laundry, haircuts, employment training and mentoring. I also provide legal support to my church, Christ United Methodist Church. I regularly assist these organizations, and the people they serve, with general legal advice and counsel.

I have not attempted to keep records of the hours devoted to the matters described above.

**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 February 2017, I became aware that potential candidates for the vacancy in the Southern District of Alabama were being considered. In conjunction with this process, I spoke with Senator Shelby's Chief of Staff, as well as then-Senator Jeff Sessions. On February 7, 2017, Senator Sessions informed me know that he was going to submit my name to the White House as a candidate for the District Court

bench.

Since February 7, 2017, I have been in contact with officials from the White House Counsel's Office. On March 13 and 14, 2017, I interviewed with attorneys from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice in Washington, DC. On September 7, 2017, 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.