

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Bernard Maurice Jones, II

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

United States District Judge for the Western District of Oklahoma

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.

William J. Holloway, Jr. United States Courthouse  
200 NW 4th Street  
Oklahoma City, Oklahoma 73102

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

1979; Oklahoma City, Oklahoma

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.

2001 – 2004, Notre Dame Law School; J.D., 2004

1997 – 2001, Southern Methodist University; B.A., 2001

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.

2015 – present

United States District Court for the Western District of Oklahoma  
William J. Holloway, Jr. United States Courthouse  
200 NW 4th Street  
Oklahoma City, Oklahoma 73102

United States Magistrate Judge

2012 – 2015

State of Oklahoma

Oklahoma Administrative Office of the Courts

2100 North Lincoln Boulevard, Suite 3

Oklahoma City, Oklahoma 73105

District Judge for Oklahoma's Seventh Judicial District

2012

Bernard M. Jones, Esq.

13409 Princeton Lane

Edmond, Oklahoma 73013

Attorney

2008 – 2012

Oklahoma City University School of Law

2301 North Blackwelder Avenue

Oklahoma City, Oklahoma 73106

Associate Dean for Admissions & External Affairs (2010 – 2012)

Assistant Dean for Admissions (2008 – 2010)

2006 – 2008

McAfee & Taft, A Professional Corporation

Tenth Floor, Two Leadership Square

211 North Robinson Avenue

Oklahoma City, Oklahoma 73102

Associate

2004 – 2006; Summer 2003

Porter Wright Morris & Arthur, LLP

Huntington Center

41 South High Street

Columbus, Ohio 43215

Associate (2004 – 2006)

Summer Associate (Summer 2003)

Summer 2002

Tony Sanchez for Governor

600 Congress Avenue, Plaza 100

Austin, Texas 78701

Summer Canvasser

2001

Southern Methodist University

Residence Life & Student Housing

3200 Binkley Avenue

Dallas, Texas 75205  
Summer Housing Leader

Other Affiliations:

2018 – present  
Leadership Oklahoma City  
730 West Wilshire Boulevard, Suite 116  
Oklahoma City, Oklahoma 73116  
Director

2017 – present  
Western District of Oklahoma Historical Society  
P.O. Box 3265  
Oklahoma City, Oklahoma 73101  
Director

2016 – present  
William J. Holloway, Jr. American Inn of Court  
c/o William J. Holloway, Jr. United States Courthouse  
200 NW 4th Street  
Oklahoma City, Oklahoma 73102  
Master/Officer

2012 – 2019  
Boy Scouts of America Last Frontier Council  
3031 NW 64th Street, Suite 100  
Oklahoma City, Oklahoma 73116  
Director

2013 – 2015  
Oklahoma County Bar Association  
119 North Robinson Avenue, Suite 240  
Oklahoma City, Oklahoma 73102  
Director

2013 – 2015  
St. John Christian Heritage Academy  
5700 North Kelley Avenue  
Oklahoma City, Oklahoma 73111  
Director

2012 – 2015  
National Urban League Council of Board Members  
120 Wall Street  
New York, New York 10005

Director

2009 – 2015

Urban League of Greater Oklahoma City  
3900 North Martin Luther King Avenue  
Oklahoma City, Oklahoma 73111  
Director

2011 – 2012

Oklahoma City Adventure District  
1 Remington Place  
Oklahoma City, Oklahoma 73111  
Director

2011 – 2012

Board of Adjustment for the City of Oklahoma City  
420 West Main, Suite 910  
Oklahoma City, Oklahoma 73102  
Board Member

2010 – 2012

Oklahoma Board on Legislative Compensation  
Office of Management and Enterprise Services  
Will Rogers Memorial Office Building  
2401 North Lincoln Boulevard, Suite 118  
Oklahoma City, Oklahoma 73105

2010 – 2012

Oklahoma Lawyers for Children  
800 North Harvey Avenue, Suite 323  
Oklahoma City, Oklahoma 73102  
Director

2010 – 2012

Sunbeam Family Services  
1100 NW 14th Street  
Oklahoma City, Oklahoma 73106  
Director

2010 – 2012

American Cancer Society  
6525 North Meridian Avenue, Suite 110  
Oklahoma City, Oklahoma 73116  
Director, High Plains Region (2010 – 2012)  
Director, Cancer Action Network (2011 – 2012)  
Director, OKC Council (2011 – 2012)

2009 – 2012  
Metro Tech Foundation  
1900 Springlake Drive  
Oklahoma City, Oklahoma 73111  
Director

2008 – 2010  
Freedom School Oklahoma City  
P.O. Box 54364  
Oklahoma City, Oklahoma 73154  
Director

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 upon turning 18.

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.

Sigma Pi Phi Boule Foundation Henry M. Minton Fellow Awardee (2017)

Oklahoma Bar Association Ada Lois Sipuel Fisher Diversity Award (2016)

Langston University Distinguished Service Award (2016)

Metropolitan Better Living Center Service Award (2014)

Boy Scouts of America Whitney M. Young, Jr. Service Award (2014)

John A. Reed, Jr. Community Service Award (2014)

Notre Dame Law BLSA Alvin J. McKenna Alumnus of the Year Award (2013)

Northeast Resource Center, Inc. Community Service Award (2013)

OCU Law Black Law Students' Association Service Award (2012)

Southern Methodist University African American History Maker Award (2012)

Leadership Oklahoma City (Class 30) (2012)

Rotary Club 29 Leadership & Dedication Award (2011)

OKCBiz 40 Under 40 Award (2011)

Urban League Life Member (2011)

Oklahoma Magazine 40 Under 40 Award (2010)

Journal Record Leadership in Law Award (2010)

Leadership Oklahoma City Paragon Award Finalist (2010)

Association of Black Lawyers Ada Lois Sipuel Fisher Diversity Award (2010)

Journal Record Achievers Under 40 Award (2009)

Leadership Oklahoma City LOYAL Program (Class 3) (2008)

Southern Methodist University M Award (2001)

Southern Methodist University John Lee Freehafer Award (2001)

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 (2015 – 2017)

Federal Bar Association (2015 – present)

Federal Magistrate Judges Association (2015 – present)

Local Civil Rules Committee, U.S. District Court for the Western District of Oklahoma  
Chair (2019 – present)

Oklahoma Access to Justice Commission (2014 – 2015)

Oklahoma Bar Association (2007 – present)

Oklahoma City Association of Black Lawyers (2010 – present)

Oklahoma County Bar Association

Member (2007 – present)

Director (2013 – 2015)

Member, Award Selection Committee (2013 – 2015)

Oklahoma County Drug Court Coordinator Board (2014 – 2015)

Oklahoma County Mental Health Court Coordinator Board (2014 – 2015)

William J. Holloway, Jr. American Inn of Court

President-Elect (2019 – present)

Vice President (2018 – 2019)

Master (2014 – 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.

Ohio, 2004

Oklahoma, 2007

There has been no lapse in my Oklahoma membership. My membership in Ohio has been inactive since 2007, as I stopped practicing law in Ohio in 2006.

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

United States District Court for the Southern District of Ohio, 2005

United States District Court for the Western District of Oklahoma, 2006

There has been no lapse in my Western District of Oklahoma membership. My admission in the Southern District of Ohio has been inactive since 2007, as I stopped practicing before that court in 2006.

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.

Downtown Club of Oklahoma City (2017 – present)

Economic Affairs Breakfast Group (2017 – present)

Economic Club of Oklahoma (2017 – present)

Notre Dame Club of Oklahoma City (2008 – present)

Ralph Ellison Foundation, Trustee (2014 – 2016)

Rotary Club of Oklahoma City (2008 – 2014)

Sigma Pi Phi Fraternity, Alpha Theta Boule, Officer (2011 – 2017)

SMU James Caswell Leadership Fellows Steering Committee (2012 – 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 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.

**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.

*Don't Forget Nonsmokers' Rights*, The Oklahoman, Apr. 5, 2008. 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.

May 8, 2019: Speaker, class trip to the William J. Holloway, Jr. United States Courthouse, Oklahoma City, Oklahoma. I hosted fourth grade students from John Rex Charter Elementary and answered questions about the judiciary and facilitated tours of the courthouse and the Western District Judicial Learning Center. I have no notes, transcript, or recording. The address of the William J. Holloway, Jr. United States Courthouse is 200 NW 4th Street, Oklahoma City, Oklahoma 73102.

April 15, 2019: Speaker, Investiture of Forest Park Mayor George Smith and council members of the Town of Forest Park, Forest Park Town Hall, Forest Park, Oklahoma. Prior to administering the oaths of office, I briefly spoke on servant leadership. I have no notes, transcript, or recording. The address of the Town of Forest Park is 4203 North Coltrane Road, Forest Park, Oklahoma 73121.

March 1, 2019: Speaker, "A Republic, If You Keep It," United States District Court for the Western District of Oklahoma Naturalization Ceremony at Casady School, Oklahoma City, Oklahoma. Copy supplied.

February 20, 2019: Speaker, Q&A with Judge Bernard M. Jones, Oklahoma City Chapter of the Federal Bar Association, Oklahoma City, Oklahoma. My remarks pertained to my experiences as a judge at both the state and federal levels. I have no notes, transcript, or recording. The address of the Federal Bar Association is 1220 North Fillmore Street, Suite 444 Arlington, Virginia 22201.

February 12, 2019: Speaker, "A Republic, If You Keep It," United States District Court for the Western District of Oklahoma Naturalization Ceremony at Rotary Club 29, Oklahoma City, Oklahoma. Copy supplied.

January 22, 2019: Speaker, Investiture of Oklahoma County District Judge Kendra Coleman at the Oklahoma County District Courthouse, Oklahoma City, Oklahoma. Copy supplied.

November 19, 2018: Speaker, Investiture of Oklahoma City Councilwoman Nikki Nice at the City of Oklahoma City Council Chamber, Oklahoma City, Oklahoma. Copy supplied.

November 7, 2018: Speaker, screening of the film "Marshall," Oklahoma City Chapter of the Federal Bar Association, Edmond, Oklahoma. I spoke on Thurgood Marshall's contribution to the advancement of civil rights in the State of Oklahoma and his relationship to the Western District of Oklahoma. I have no notes, transcript, or recording. The address of the Federal Bar Association is 1220 North Fillmore Street, Suite 444 Arlington, Virginia 22201.

October 19, 2018: Speaker, "A Republic, If You Keep It," United States District Court for the Western District of Oklahoma Naturalization Ceremony at Oklahoma State University, Stillwater, Oklahoma. Copy supplied.

October 10, 2018: Speaker, Career Day, Bishop McGuinness Catholic High School, Oklahoma City, Oklahoma. I spoke to students regarding the legal profession and the law as a vocation of service. I have no notes, transcript, or recording. The address of Bishop McGuinness High School is 801 NW 50th Street, Oklahoma City, Oklahoma 73118.

September 28, 2018: Speaker, "A Republic, If You Keep It," United States District Court for the Western District of Oklahoma Naturalization Ceremony at the William J. Holloway, Jr. United States Courthouse, Oklahoma City, Oklahoma. Copy supplied.

May 2, 2018: Speaker, "A Republic, If You Keep It," United States District Court for the Western District of Oklahoma Naturalization Ceremony at Prairie Vale Elementary School, Edmond, Oklahoma. Copy supplied.

May 1, 2017: Speaker, "Be the Help," Oklahoma City Community College, Oklahoma City, Oklahoma. Copy supplied.

January 16, 2017: Speaker, "Be the Help," Bishop McGuinness Catholic High School, Oklahoma City, Oklahoma. Copy supplied.

September 9, 2016: Speaker, "Be the Help," National Association of Blacks in Criminal Justice, Oklahoma City, Oklahoma. Copy supplied.

October 13, 2016: Speaker, "Law & Leadership in the Legal Profession," University of Oklahoma College of Law Phi Alpha Delta, Norman, Oklahoma. I spoke on lawyers as servant leaders at the organization's monthly lunch meeting. I have no notes, transcript, or recording. The address of Phi Alpha Delta is OU College of Law, 300 Timberdell Road, Norman, Oklahoma 73019.

June 17, 2016: Speaker, "Be the Help," Brown Mackie College, Oklahoma City, Oklahoma. Copy supplied.

June 29, 2016: Speaker, "All You Need to Know," Oklahoma City Chapter of the Federal Bar Association, Oklahoma City, OK. My remarks focused on my background, courtroom procedures, and judicial philosophy. I have no notes, transcript, or recording. The address of the Federal Bar Association is 1220 North Fillmore Street, Suite 444 Arlington, Virginia 22201.

May 15, 2016: Speaker, "A Call to Greatness," Millwood High School, Oklahoma City, Oklahoma. Copy supplied.

May 15, 2016: Speaker, "A Call to Greatness," Ebenezer Baptist Church, Oklahoma City, Oklahoma. Copy supplied.

March 8, 2016: Speaker, "A Legacy of Leadership," Langston University's Ira D. and Rubye Hibler Hall Endowed Heritage Lecture Series, Langston, Oklahoma. Copy supplied.

March 7, 2016: Speaker, Investiture of Millwood Public Schools Board of Education members. Prior to administering the oaths of office, I briefly spoke on servant leadership. I have no notes, transcript, or recording. The address of Millwood Public Schools is 6724 North Martin Luther King Avenue, Oklahoma City, Oklahoma 73111.

September 2015: Speaker, "A Republic, If You Keep It," United States District Court for the Western District of Oklahoma Naturalization Ceremony, Oklahoma City, Oklahoma. I would have used the same general outline that I used for the naturalization ceremonies described above.

August 17, 2015: Speaker, the Investiture of United States Magistrate Judge Bernard M. Jones, Oklahoma City, Oklahoma. Copy supplied.

Approximately February 16, 2015: Speaker, "Leadership as Your Legacy," Boeing, Oklahoma City, Oklahoma. I spoke at Boeing's Black History Month Celebration. My remarks focused on creating a legacy of leadership. I have no notes, transcript, or recording. The address of Boeing is 6001 South Air Depot Boulevard, Oklahoma City, Oklahoma 73135.

December 12, 2014: Speaker, "The Spirit of Notre Dame," Central State Troopers Association, Oklahoma City, Oklahoma. Copy supplied.

May 26, 2014: Speaker, "Be the Best You," West Nichols Hills Elementary, Nichols Hills, Oklahoma. I spoke to school-aged children about exceptionalism. I have no notes, transcript, or recording. The address of West Nichols Hills Elementary is 8400 Greystone Avenue, Nichols Hills, Oklahoma 73120.

January 20, 2014: Speaker, "Expanding the Dream," Oklahoma Natural Gas, Oklahoma City, Oklahoma. Copy supplied.

December 26, 2013: Speaker, "The Legacy of Kwanzaa," Ralph Ellison Library City-Wide Celebration, Oklahoma City, Oklahoma 73111. Copy supplied.

November 11, 2013: Speaker, "A Call to Greatness," Quayle United Methodist Church, Oklahoma City, Oklahoma 73111. Copy supplied.

October 13, 2013: Speaker, "The Virtue of Adversity," Progressive Baptist Church, Oklahoma City, Oklahoma 73121. Copy supplied.

August 28, 2013: Speaker, "Building on the Legacy," Oklahoma City celebration commemorating the 50th anniversary of the "I Have a Dream" speech, Oklahoma City, Oklahoma. Copy supplied.

August 25, 2013: Speaker, "The Virtue of Adversity," St. John Missionary Baptist Church, Oklahoma City, Oklahoma 73111. Copy supplied.

August 10, 2013: Panelist, "There is a Plan," Fairview Missionary Baptist Church All the Community for All the Children Forum, Oklahoma City, Oklahoma. I spoke on the importance of faith and family. I have no notes, transcript, or recording. The address of Fairview Missionary Baptist Church is 1700 NE 7th Street, Oklahoma City, Oklahoma 73117.

June 15, 2013: Speaker, "The Legacy of Juneteenth," Oklahoma City, Oklahoma. Copy supplied.

Approximately June 14, 2013: Speaker, "Chosen with a Purpose," Operation Truth Boot Camp, Oklahoma City, Oklahoma. I spoke on the importance of faith. I have no notes, transcript, or recording. The address of Operation Truth Boot Camp is Greater Cleaves Memorial CME Church c/o Operation Truth Boot Camp, 1609 NE 48th Street, Oklahoma City, Oklahoma 73111.

Approximately April 18, 2013: Speaker, Oklahoma City University Student Government Association officer installation, Oklahoma City, Oklahoma. Copy supplied.

October 1, 2012: Speaker, Investiture of Oklahoma County District Judge Bernard M. Jones, Oklahoma City, Oklahoma. Copy 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.

Mecca Rayne, KOCO 5 News, approximately May 26, 2016. Recording available at <https://www.youtube.com/watch?v=fP8loOiSJ8o>.

C. Scott Jones, *Bernard Jones Makes History as Oklahoma's First African-American U.S. Magistrate Judge*, Oklahoma County Bar Association Briefcase, Sept. 2015. Copy supplied.

Matt Dinger, *Oklahoma Deadbeat Parents Headed to Community Service Program*, The Daily Oklahoman, Oct. 31, 2013. Copy supplied.

Press Release, *Judge Bernard to Hold Court at Douglass HS*, National Oklahoma City Douglass High School Alumni Association, Sept. 11, 2013. Copy supplied.

Press Release, *Gov. Fallin Appoints Bernard Jones to Oklahoma County Judicial Post*, Governor Mary Fallin, Sept. 17, 2012. Copy supplied.

As I recall, between 2012 and 2015, during my tenure as a state court judge, I appeared on the Perry Publishing and Broadcasting 1140 AM *Open Mic Talk Show* in Oklahoma City, Oklahoma to discuss the role of the judiciary. I have not been able to determine exact dates or times of my four appearances, nor transcripts regarding the same.

Brian Brus, *Lawyers in Limbo: New Attorneys Face Tough Job Market*, The Journal-Record, July 1, 2011. Copy supplied.

*The Journal Record Woman of the Year 2010 — 50 Making a Different Profile: Pat Marshall*, The Journal-Record, Oct. 8, 2010. Copy supplied.

Deon Hampton, *More Looking to Law*, Tulsa World, Sept. 24, 2010. Copy supplied.

*Oklahoma Leadership in Law Profile: Bernard M. Jones*, The Journal-Record, Apr. 30, 2010. Copy supplied.

*Journal Record Nonprofit Briefs: March 4, 2010*, The Journal-Record, Mar. 4, 2010. Copy supplied.

Marie Price, *Tuition-Free Literacy, Enrichment Program to Launch Next Week in Oklahoma City*, The Journal-Record, June 9, 2009. Copy supplied.

*Achievers Under 40 Profile: Bernard M. Jones, Asst. Dean for Admissions, OCU School of Law*, The Journal-Record, May 22, 2009. Copy supplied.

Penny Cockerell, *Honeymoons Gone Bad: When Dreams Become Nightmares*, The Oklahoman, June 18, 2007. 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 October 1, 2012, I was appointed by Oklahoma Governor Mary Fallin as District Judge for Oklahoma's Seventh Judicial District. In this capacity, I exercised general subject matter jurisdiction over various civil and criminal matters arising under the Constitution and laws of the United States and the Constitution and laws of the State of Oklahoma.

Since July 31, 2015, I have served as a United States Magistrate Judge for the Western District of Oklahoma. This is an appointed position. As a magistrate judge, I am authorized to exercise powers consistent with those set forth in the Federal Magistrates Act, 28 U.S.C. § 636.

In the Western District of Oklahoma, magistrate judges conduct a wide-range of judicial proceedings to expedite the disposition of the civil and criminal caseloads of the district court including: (1) conducting most preliminary proceedings in criminal cases; (2) trial and disposition of misdemeanor cases; (3) conducting various case management, pretrial and evidentiary proceedings as delegated by the district judges of the court; (4) disposing of consent social security proceedings; and (5) trial and disposition of civil cases upon consent of the litigants.

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

During my tenure as a judge at the state and federal levels, I have presided over approximately twenty cases that were tried to verdict or judgment. Most of these matters were civil bench trials that occurred during my assignment to the family and domestic relations and civil dockets at the state court.

As a federal magistrate judge, I handle initial criminal proceedings and do not maintain a general civil docket. Consequently, absent the consent of the parties or a contested misdemeanor matter, there are very few cases over which I preside that are tried to verdict or judgment.

- i. Of these, approximately what percent were:

|                       |                         |
|-----------------------|-------------------------|
| jury trials:          | <u>25%</u>              |
| bench trials:         | <u>75%</u> [total 100%] |
| civil proceedings:    | <u>90%</u>              |
| criminal proceedings: | <u>10%</u> [total 100%] |

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



During my tenure as a trial judge at the state level, I issued hundreds of rulings and entertained motions of varying complexity. However, due in large part to the fast pace of the docket and the sheer volume of matters, I was rarely afforded an opportunity to issue written opinions. My practice was to thoroughly analyze the parties' submissions, entertain any oral argument, and then announce my ruling from the bench. The attorneys were then expected to prepare and present an order for my review and signature.

As a federal magistrate judge, the environment fosters greater deliberation and contemplation, which in turn allows for the issuance of written opinions and orders. See Appendix 13(b).

- 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.) *United States v. Nammixay*, CR-19-174-SLP (W.D. Okla. May 13, 2019). The defendant was arrested and charged via a criminal complaint for engaging in a conspiracy to distribute more than 100 kilograms of marijuana. The defendant stood accused of transporting those drugs from Colorado to Oklahoma for distribution. Following preliminary and detention hearings, I found the existence of probable cause and ordered that the defendant be bound to answer the charges as alleged. I further ordered that the defendant be detained pending trial to assure his appearance and the safety of the community. Order supplied.

Government Counsel:

Thomas B. Snyder  
U.S. Attorney's Office  
210 West Park Avenue, Suite 400  
Oklahoma City, Oklahoma 73102  
405-553-8827

Defendant's Counsel:

William P. Earley  
Federal Public Defender  
215 Dean A. McGee Avenue, Suite 109  
Oklahoma City, Oklahoma 73102  
405-609-5930

2.) *United States v. Maldonado-Passage*, CR-18-227-SLP (W.D. Okla. Oct. 4, 2018).

The defendant, a former zookeeper, was indicted on two counts of Use of Interstate Commerce Facilities in the Commission of Murder-for-Hire in violation of 18 U.S.C. § 1958(a). The defendant stood accused of hiring a person to murder

an animal sanctuary owner in Florida who had criticized the defendant's treatment of animals at the zoo he operated in Oklahoma. He appeared before me for arraignment, wherein he exercised his right to have a detention hearing to ascertain whether he should be detained, released, or released on conditions pending trial. At the hearing, the Government presented both clear and convincing evidence favoring detention. I ordered him detained pending trial. The defendant later requested the reopening of the detention hearing, and his request was denied. The defendant was later tried and found guilty and is currently awaiting sentencing. Orders supplied.

Government Counsel:

Amanda Maxfield Green  
U.S. Attorney's Office  
210 West Park Avenue, Suite 400  
Oklahoma City, Oklahoma 73102  
405-553-8700

Defendant's Counsel:

William P. Earley  
Federal Public Defender  
215 Dean A. McGee Avenue, Suite 109  
Oklahoma City, Oklahoma 73102  
405-609-5930

3.) *Starkey v. Berryhill*, CIV-17-467-BMJ, 2018 WL 703288 (W.D. Okla. Feb. 2, 2018).

The plaintiff sought judicial review of the Social Security Administration's denial of her applications for disability insurance benefits and supplemental security income. The parties consented to my jurisdiction as United States Magistrate Judge and I entered a Memorandum Opinion and Order reversing the Commissioner's decision. In particular, I found the administrative law judge had erred in rejecting a medical opinion that the plaintiff could stand and/or walk for only fifteen minutes at a time and for only one hour in an eight-hour workday. This was significant because, if such limitations should have been included the plaintiff's residual functional capacity assessment, she would likely be incapable of performing even sedentary work. On remand, the Social Security Administration reversed its decision, finding the plaintiff was disabled and entitled to an award of back disability payments.

Plaintiff's Counsel:

Gayle L. Troutman  
Darren Todd Rackley  
Troutman & Troutman PC  
1350 S Boulder, Suite 410  
Tulsa, Oklahoma 74119  
918-587-0050



Defendant's Counsel:

Pamela M. Wood  
Social Security Administration  
1961 Stout Street, Suite 4169  
Denver, Colorado 80294  
303-844-0449

4.) *Mitchell v. Allbaugh*, CIV-17-1241-R, 2018 WL 3543593 (W.D. Okla. Apr. 25, 2018), *adopted*, 2018 WL 3543494 (W.D. Okla. July 23, 2018).

The petitioner recruited teenagers to rob the Reliable Pharmacy in Oklahoma City, and pharmacist Jerome Ersland shot and killed one of the boys. The petitioner was found guilty of first degree murder and conspiracy to commit a felony, but the Oklahoma Court of Criminal Appeals reversed on grounds that Petitioner had been denied the right to represent himself at trial. The State re-tried the petitioner and he acted as his own counsel. He was again found guilty and the State appellate court affirmed. In the case before me, Petitioner sought a writ of habeas corpus under 28 U.S.C. § 2254 arguing: (1) he had not been competent to represent himself; (2) the trial court denied him the opportunity to proceed with counsel; (3) the trial court abused its discretion by not allowing standby counsel to participate fully in the trial; (4) the application of the felony murder doctrine violated his due process rights; (5) the trial court failed to properly instruct the jury; (6) the trial court committed reversible error in forcing him to wear a shock sleeve during trial; (7) evidence of the petitioner's prior convictions was improperly admitted during sentencing, resulting in excessive sentences; and (8) his life sentence, without the possibility of parole, was excessive. The action required extensive research and review of state court records. Ultimately, I found the petitioner had failed to overcome the deference federal courts give to state court decisions and recommended denying the petition. The district court agreed and adopted my recommendation. The petitioner did not appeal.

Petitioner proceeded pro se.

Respondent's Counsel:

Jennifer Blakeney Welch (formerly of Oklahoma Attorney General's Office)  
William J. Holloway, Jr. United States Courthouse  
200 NW 4th Street  
Oklahoma City, Oklahoma 73102  
405-609-5221

5.) *Chichakli v. Samuels*, CIV-15-687-D, 2017 WL 9250722 (W.D. Okla. Aug. 15, 2017), *adopted*, 2017 WL 4284564 (W.D. Okla. Sept. 27, 2017).

The plaintiff, a Jewish inmate, filed a 42 U.S.C. § 1983 action against Grady County Jail officials alleging violation of his First Amendment right to religious exercise. Specifically, he alleged denial of kosher meals and a lack of access to

religious materials. In relevant part, jail officials sought summary judgment on grounds the plaintiff failed to demonstrate: (1) the sincerity of his religious beliefs; (2) a substantial burden on his religious exercise rights; and (3) the violation of his religious exercise rights resulted from an unconstitutional policy or custom. After briefing from both parties, I found questions of material facts existed regarding the plaintiff's religious sincerity and whether the meals served to him complied with his religious requirements. I therefore recommended denying the defendants' motion for summary judgment on those claims and the district judge agreed. Eventually, the parties agreed to a settlement and the case was dismissed.

Plaintiff proceeded pro se.

Defendants' Counsel:

Chris J. Collins  
Jordan Louis Miller  
Stephen L. Gerles  
Collins Zorn & Wagner P.C.  
429 NE 50th Street, 2nd Floor  
Oklahoma City, Oklahoma 73105  
405-524-2078

6.) *Blocker v. Conoco Phillips Co.*, CIV-17-248-G (W.D. Okla. Mar. 7, 2017). This matter was referred to me for a judicial settlement conference. The plaintiffs, thirty-two homeowners, asserted public and private nuisance claims against the defendant, an oil and gas company. Specifically, the plaintiffs alleged the defendant's disposal wells and related practices from earlier decades contaminated their lands and caused great damage to their real and personal property. The negotiations were extensive and lasted months. The matter eventually settled. Order supplied.

Plaintiffs' Counsel:

Phillip G. Whaley  
Corey A. Neller  
Mark D. Coldiron  
Patrick M. Ryan  
Stephen C. Gelnar  
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7.) *United States v. Hornsby*, CR-07-251-C (W.D. Okla. Aug. 24, 2016). The Government sought revocation of the defendant's supervised release, but counsel for defendant raised questions as to his competency to stand trial. In accordance with 18 U.S.C. § 4241, I held a hearing and determined, by a preponderance of the evidence, that the defendant was mentality incompetent to appreciate the proceedings or to assist in his defense. Consequently, I deemed the defendant incompetent within the meaning of the statute and ordered additional evaluation and treatment to ascertain if defendant's competency could be restored. Order supplied.

Government Counsel:

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Defendant's Counsel:

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8.) *The Margaret Blair Trust v. Blair*, CJ-2001-8463 (Okla. Cty. Dist. Ct. Oct. 31, 2001).

This matter began in 2001 and arose from disputes involving the interpretation of a 1977 will that created six testamentary trusts for the decedent's six children. At issue was the value of the assets contained in the trusts and the plaintiffs' rights to an accounting. Following a five-day hearing, I found that while the plaintiffs were entitled to an accounting, the defendants had sufficiently accounted to the plaintiffs as required by the trust agreements. In a subsequent order, I also sustained the defendants' request for a reasonable attorney fee. The plaintiffs appealed my rulings, which were affirmed by the Oklahoma Court of Civil Appeals. See *The Margaret Blair Trust v. Blair*, 378 P.3d 65 (Okla. Civ. App. 2016). Order supplied.

Plaintiffs' Counsel:

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Defendants' Counsel:

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9.) *Tudor v. Se. Okla. State Univ.*, CIV-15-324-C (W.D. Okla. Mar. 30, 2015). This matter was referred to me for a judicial settlement conference. The plaintiff, a transgender woman and college professor, sued her former employer for gender discrimination in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.* While I was not involved in any substantive aspect of the litigation, the complexity of the factual and legal issues, as well as the diverging short and long-term interests of the parties, required the devotion of great time and creativity to bring about a resolution. The matter did not settle. The case was tried to verdict in the plaintiff's favor and is now on appeal. Judgment supplied.

Plaintiff's Counsel:

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Defendants' Counsel:

Dixie L. Coffey  
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313 NE 21st Street  
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405-521-3921

10.) *Indep. Sch. Dist. No. 1-89 of Okla. Cnty., Okla. v. Okla. Secondary School*

*Activities Ass'n*, CV-2014-2235 (Okla. Cty Dist. Ct. Dec. 11, 2014).

This matter involved an Oklahoma school district and the state high school athletic association of which the district was a member. The district sought injunctive relief and an order permitting the replaying of the last sixty-four seconds of a state quarter final football game, which the district believed its students would have won, but for a referee's decision to take away a touchdown. Although skeptical of the plaintiff's legal analysis and ability to prevail, I heard the emergency motion and determined that the plaintiff had met its initial burden, granted its request for a restraining order, and set the matter for hearing on the plaintiff's request for temporary injunction. Following an extensive hearing, I denied the motion and dissolved the temporary restraining order, finding that the plaintiff was unlikely to succeed on the merits, and even if it had succeeded, the public policy concerns in granting such an extraordinary relief far outweighed the need to order the replaying of the last sixty-four seconds or any portion of the football game. Order supplied.

Plaintiff's Counsel:

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405-528-2800

Defendant's Counsel:

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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.) *Gilyard v. Chrisman*, CIV-14-1110-R, 2015 WL 7424776 (W.D. Okla. Oct. 30, 2015), *adopted*, 2015 WL 7432880 (W.D. Okla. Nov. 20, 2015), *cert. of appealability denied*, 644 F. App'x 863 (10th Cir. 2016), *cert. denied*, 137 S. Ct. 572 (2016).

Petitioner proceeded pro se.

Respondent's Counsel:

Diane L. Slayton  
Oklahoma Attorney General's Office  
313 NE 21st Street

Oklahoma City, Oklahoma 73105  
405-521-3921

2.) *Le v. Aldridge*, CIV-15-1002-M, 2017 WL 2312955 (W.D. Okla. Apr. 5, 2017), *adopted*, 2017 WL 2312927 (W.D. Okla. May 26, 2017), *cert. of appealability denied*, 731 F. App'x 763 (10th Cir. 2018), *cert. denied*, 139 S. Ct. 337 (2018).

Petitioner's Counsel:

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Respondent's Counsel:

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3.) *West v. Bryant*, CIV-16-931-C, 2018 WL 1442976 (W.D. Okla. Feb. 28, 2018), *adopted*, 2018 WL 1440984 (W.D. Okla. Mar. 22, 2018), *appeal dismissed*, 763 F. App'x 652 (10th Cir. 2019), *petition for cert. filed*, No. 19-5248 (July 22, 2019).

Petitioner proceeded pro se.

Respondent's Counsel:

Ashley L. Willis  
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4.) *Dopp v. Martin*, CIV-18-520-D, 2019 WL 3071984 (W.D. Okla. Feb. 28, 2019), *adopted*, 2019 WL 1952693 (W.D. Okla. May 2, 2019), *appeal docketed*, No. 19-6089 (May 30, 2019).

Petitioner proceeded pro se.

Respondent's Counsel:

Ammon J. Brisolara  
Gary L. Elliott  
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5.) *Wonsch v. Garner*, CIV-17-77-F, Doc. No. 55 (Report and Recommendation) (W.D. Okla. Nov. 22, 2017), *adopted*, Doc. No. 56 (W.D. Okla. Jan. 2, 2018).  
Copy supplied.

Plaintiff proceeded pro se.

Defendants were not represented as the complaint was dismissed before service was permitted.

6.) *Mosley v. Martin*, CIV-18-668-C, 2018 WL 7350601 (W.D. Okla. Dec. 18, 2018), *adopted*, 2019 WL 654315 (W.D. Okla. Feb. 14, 2019), *cert. of appealability denied*, 772 F. App'x 747 (10th Cir. 2019).

Petitioner proceeded pro se.

Respondent's Counsel:

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7.) *Huff v. Lincoln Cty. Sheriff's Office*, CIV-18-683-C, 2019 WL 3430121 (W.D. Okla. Mar. 22, 2019), *adopted*, 2019 WL 2435682 (W.D. Okla. June 11, 2019).

Plaintiff proceeded pro se.

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8.) *Meeks v. Berryhill*, CIV-18-675-BMJ, 2019 WL 1519310 (W.D. Okla. Apr. 8, 2019).

Plaintiff's Counsel:

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Defendants' Counsel:

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9.) *Farris v. Berryhill*, CIV-16-359-HE, 2017 WL 2303531 (W.D. Okla. May 25, 2017) (order adopting and incorporating report and recommendation).

Plaintiff's Counsel:

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Defendants' Counsel:

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10.) *Walker v. Aldridge*, CIV-18-382-HE (W.D. Okla. May 30, 2018), *adopted*, 2018 WL 3240965 (W.D. Okla. July 3, 2018). Copy supplied.

Petitioner's Counsel:

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Respondent's Counsel:

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

*Gilyard v. Chrisman*, CIV-14-1110-R, 2015 WL 7424776 (W.D. Okla. Oct. 30, 2015), *adopted*, 2015 WL 7432880 (W.D. Okla. Nov. 20, 2015), *cert. of*

*appealability denied*, 644 F. App'x 863 (10th Cir. 2016), *cert. denied*, 137 S. Ct. 572 (2016).

*Cleveland v. Sharp*, CIV-13-1281-F, 2016 WL 4708249 (W.D. Okla. July 28, 2016), *adopted*, 2016 WL 4705580 (W.D. Okla. Sept. 8, 2016), *cert. of appealability denied*, 672 F. App'x 824 (10th Cir. Dec. 5, 2016), *reh'g denied* (10th Cir. Dec. 21, 2016), *cert. denied*, 137 S. Ct. 2166 (2017).

*Martin v. Bear*, CIV-16-1170-D, 2016 WL 7324149 (W.D. Okla. Nov. 30, 2016), *adopted*, 2016 WL 7335678 (W.D. Okla. Dec. 15, 2016), *appeal dismissed*, 683 F. App'x 729 (10th Cir. 2017), *cert. denied*, 138 S. Ct. 142 (2017), *reh'g denied* 138 S. Ct. 536 (2017).

*Christian v. Farris*, CIV-13-1325-C, 2017 WL 1088371 (W.D. Okla. Jan. 13, 2017), *adopted*, 2017 WL 1082473 (W.D. Okla. Mar. 22, 2017), *cert. of appealability denied*, 701 F. App'x 717 (10th Cir. 2017), *cert. denied*, 138 S. Ct. 742 (2018).

*Ray v. McCollum*, CIV-15-306-R, 2017 WL 1753521 (W.D. Okla. Mar. 21, 2017), *adopted*, 2017 WL 1740468 (W.D. Okla. May 3, 2017), *cert. of appealability denied*, 727 F. App'x 517 (10th Cir. 2018), *cert denied*, 139 S. Ct. 183 (2018), *reh'g denied* 139 S. Ct. 587 (2018).

*Le v. Aldridge*, CIV-15-1002-M, 2017 WL 2312955 (W.D. Okla. Apr. 5, 2017), *adopted*, 2017 WL 2312927 (W.D. Okla. May 26, 2017), *cert. of appealability denied*, 731 F. App'x 763 (10th Cir. 2018), *cert. denied*, 139 S. Ct. 337 (2018).

*West v. Bryant*, CIV-16-931-C, 2018 WL 1442976 (W.D. Okla. Feb. 28, 2018), *adopted*, 2018 WL 1440984 (W.D. Okla. Mar. 22, 2018), *appeal dismissed*, 763 F. App'x 652 (10th Cir. 2019), *petition for cert. filed*, No. 19-5248 (July 22, 2019).

*Lay v. Okla. Dep't of Corr.*, CIV-17-1224-D, Doc. No. 18 (Report and Recommendation denying IFP (W.D. Okla. Jan. 3, 2018), *adopted*, Doc. No. 27 (W.D. Okla. Jan. 31, 2018), *aff'd*, 746 F. App'x 777 (10th Cir. 2018), *motion to extend cert. deadline granted*, No. 18A404 (Oct. 12, 2018) (*cert. never filed*, deadline expired Jan. 1, 2019).

- 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.

*Gray v. GEO Group, Inc.*, CIV-17-0137-F, 2017 WL 9477756 (W.D. Okla. Apr. 12, 2017), *adopted*, 2017 WL 1954939 (W.D. Okla. May 11, 2017), *aff'd in part, rev'd in part*, 727 F. App'x 940 (10th Cir. 2018).

In this civil rights case, the plaintiff alleged generally that: (1) he had been denied physical and mental health treatment; (2) officials ignored or rejected his grievances in violation of due process and the First Amendment; (3) he had been denied access to programs in violation of due process and his equal protection rights; (4) various defendants filed "bogus" misconduct reports against him to either cover their own violations or in retaliation; (5) various defendants promulgated an unconstitutional 10:00 P.M. lights-out policy; and (6) various defendants failed to protect him from inmate assault. After screening the complaint, I recommended dismissal of all the claims, and in relevant part, recommended dismissal of the retaliation claims with prejudice. The district judge adopted my recommendations and dismissed the inmate's complaint and denied the plaintiff's motion to amend. On appeal, the Tenth Circuit: (1) affirmed the dismissal of the retaliation claims but held the dismissal should have been without prejudice, (2) reversed the dismissal of the plaintiff's claims related to his mental health and injured knee and (3) affirmed the dismissal of the remaining claims. The circuit also found the district court erred in not allowing the inmate to amend his complaint. The case was remanded to this court and remains ongoing.

*Sawyers v. West*, CIV-17-052-HE, Doc. No. 84 (Report and Recommendation) (W.D. Okla. Jan. 22, 2018), *declined*, Doc. No. 87 (Order) (W.D. Okla. Mar. 5, 2018).

In this Report and Recommendation, I found the plaintiff had failed to rebut evidence that he had not submitted proper documentation during the inmate grievance process and I recommended granting the defendants' summary judgment motion on that ground. The district court disagreed, finding that while it was true the plaintiff had not provided any evidence, his allegations created a question of fact as to whether he exhausted his administrative remedies. The case was remanded back to me and eventually judgment was entered for the defendants on other grounds. Copy supplied.

*Dopp v. Martin*, CIV-18-520-D, Doc. No. 6 (Report and Recommendation) (W.D. Okla. June 11, 2018), *declined*, Doc. No. 8 (Order) (W.D. Okla. July 11, 2018).

In this 28 U.S.C. § 2241 petition, the inmate alleged due process violations in past prison disciplinary convictions. On screening, I found that the petitioner's statute of limitations began running when he finished exhausting his remedies and then recommended dismissal based on untimeliness. The district court disagreed, finding the statute of limitations was instead triggered when the petitioner first learned how officials were calculating his sentence after his life sentence was commuted to one for thirty years. The case was remanded back to me and eventually the petitioner's habeas petition was granted in part and denied in part. The petitioner's appeal to the Tenth Circuit, No. 19-6089 (filed May 30, 2019) is still pending. Copy supplied.

*Stevens v. Colvin*, CIV-14-0148-M, 2015 WL 5333506 (W.D. Okla. Sept. 1, 2015), *declining to adopt*, 2015 WL 5334026 (W.D. Okla. Sept. 11, 2015), *on remand*, 2015 WL 6621621 (W.D. Okla. Sept. 17, 2015), *adopted*, 2015 WL 6674872 (W.D. Okla. Oct. 30, 2015).

I recommended reversing the Commissioner's decision denying social security benefits on grounds the administrative law judge ignored medical findings included in a psychiatric review technique form. The district judge disagreed, holding that because the administrative law judge considered the medical findings in the medical residual functional assessment section, he did not error in failing to discuss the psychiatric review technique form. The case was remanded back to me and I ultimately recommended affirming the action. The district judge agreed and entered judgment for the Commissioner.

*Miskovsky v. Dep't of Corr.*, CIV-15-787-HE, 2015 WL 13741830 (W.D. Okla. Sept. 29, 2015), *adopted in part, rejected in part*, *Miskovsky v. Jones*, 2016 WL 899505 (W.D. Okla. Mar. 9, 2016).

The plaintiff filed suit in State court and the defendants removed the action to federal court. The plaintiff then moved to remand the case back to State court. I recommended denying his motion to remand because the plaintiff had raised both federal and state claims. After I entered my recommendation, the plaintiff filed an amended complaint omitting any reference to the federal constitution as a basis for his claims. Because the plaintiff made clear to the district court that he did not wish to pursue any federal constitutional claims, the district judge accepted my recommendation in part but granted the plaintiff's motion to remand the action to State court.

*Oliver v. Barresi*, CV-2013-2072, Journal Entry of Judgment (Okla. Cty. Dist. Ct. Sept. 10, 2014), *rev'd*, *Oliver v. Hofmeister*, 368 P.3d 1270 (Okla. 2016).

In this matter, the plaintiffs sought a determination of whether it was constitutional for the state—through a statutory scholarship program—to provide public funds to religious schools. I found that the program did not violate the United States Constitution along with many provisions of the Oklahoma Constitution. However, feeling bound by restrictive precedent and finding no clear precedent that had expressly expanded the use of state funds in the context before me, I ruled that the program, to the extent public funds were used to pay for eligible students to attend private sectarian schools, violated Article II, Section 5 of the Oklahoma Constitution. I stayed my ruling pending clarity from an appellate court. The Oklahoma Supreme Court later determined that because the parents of the eligible students directed the funds to the private school of their choice—either sectarian or non-sectarian—the state was not directing monetary support to a particular sectarian institution and thus the provision of the Oklahoma Constitution was not violated. Copy supplied.

*Young v. Station 27, Inc.*, CJ-2014-3958, Orders Granting Motions to Dismiss (Okla. Cty. Dist. Ct. Oct. 21, 2014), *rev'd*, 404 P.3d 829 (Okla. 2017).

In this matter, a plaintiff sued two entities alleging she was terminated in retaliation for filing a workers' compensation claim. I entered an order dismissing one defendant because it was not the plaintiff's employer. I entered a second order dismissing the other defendant because the plaintiff was terminated from employment after the effective date of a statute requiring retaliation claims to be tried to the Workers' Compensation Commission. I also found the statute to be constitutional pursuant to the Oklahoma Constitution. The Oklahoma Supreme Court affirmed my order dismissing the first defendant because it was not the plaintiff's employer. The other order was reversed, as the court found that the date of the plaintiff's underlying physical injury was the operative date for determining which statute to apply. Therefore, the plaintiff was allowed to bring her action in the state district court pursuant to the repealed statute. Although the Oklahoma Supreme Court did not determine whether the statute was constitutional in this case, it later found the statute to be constitutional. *See Southon v. Okla. Tire Recyclers, LLC*, 443 P.3d 566 (Okla. 2019). Copy supplied.

*Padilla v. Chacon*, FD-2007-322, Court Minute (Okla. Cty. Dist. Ct. Jan. 24, 2014), *rev'd*, 346 P.3d 451 (Okla. Civ. App. 2015).

In this matter, a different trial judge granted a dissolution of marriage by default in 2007. In 2013, I denied a petition to vacate the decree of divorce, which contested issues related to the attempt of service. The Oklahoma Court of Civil Appeals reversed the denial because the trial judge in 2007 did not conduct any inquiry into the facts concerning the methods of diligence the wife used to find her husband prior to obtaining default. As a result, the trial judge did not have jurisdiction over the husband to enter a divorce decree. Copy supplied.

*Tinker Fed. Credit Union v. AAAA Wrecker Serv., Inc.*, CJ-2013-4382, Order (Okla. Cty. Dist. Ct. Aug. 22, 2014), *rev'd*, 377 P.3d 153 (Okla. Civ. App. 2016). In this matter, a credit union and a wrecker service argued about their lien priority related to a damaged automobile. In my order granting summary judgment to the credit union, I determined that a particular statute applied to the wrecking company's lien. The wrecking company appealed, and the Oklahoma Court of Civil Appeals determined that a different statute applied to the wrecking company's lien based on the capacity in which the wrecking company operated when it towed the automobile. Copy supplied.

*Bank of Am., N.A. v. Ash*, CJ-2013-693, Final Journal Entry of Judgment (Okla. Cty. Dist. Ct. June 13, 2014), *rev'd*, 358 P.3d 951 (Okla. Civ. App. 2015).

In this foreclosure action, I granted summary judgment in favor of the plaintiff. The Oklahoma Court of Civil Appeals reversed, noting that there remained a disputed question of material fact because the evidentiary materials submitted with plaintiff's motion did not settle the threshold question of whether the plaintiff was entitled to enforce the note secured by the mortgage. Copy supplied.



*Andrew v. Depani-Sparkes*, CJ-2009-10713, Amended Order (Okla. Cty. Dist. Ct. June 6, 2015), *aff'd*, SD-114082, Opinion (Okla. Civ. App. Jan. 8, 2016), *rev'd*, 396 P.3d 210 (Okla. 2017).

In this medical negligence action, I granted summary judgment in favor of the hospital defendant. The Oklahoma Court of Civil Appeals affirmed my decision. The Oklahoma Supreme Court reversed, finding the testimony of the plaintiff's expert along with other evidence created a question of fact as to whether an employee of the hospital contributed to the causation of the injuries to the plaintiff's child. The court also found that findings in a *Daubert* determination could not be used to support summary judgment where the motion for summary judgment was granted prior to the trial court's *Daubert* findings. Copy supplied.

*Ritter v. Joe Cooper Ford of Midwest City, LLC*, CJ-2007-5339, Journal Entry Regarding Motion for Judgment N.O.V. and Journal Entry Regarding Motion for New Trial (Okla. Cty. Dist. Ct. Feb. 20, 2015), *rev'd*, DF-113733, Opinion (Okla. Civ. App. Mar. 17, 2017).

In this case, the plaintiff sued an auto dealer for violating a duty to hire a competent contractor and negligently entrusting vehicles to independent contractors who were unlicensed, drove recklessly, and caused physical injury to the plaintiff. This matter went to jury trial, where the jury found in favor of the plaintiff. At trial, I denied the defendants' motions for judgment notwithstanding the verdict and for new trial. The Oklahoma Court of Civil Appeals reversed, finding there was insufficient evidence to find the defendant breached its duty to hire a competent contractor or negligently entrusted their vehicle to the contractor. The appellate court further found that a person is not under a legal duty to procure proof of a contractor's valid driver's license before entrusting him or her with a vehicle. The matter was remanded with directions to enter judgment in favor of the plaintiff. Copy supplied.

*Potter v. Tex. Roadhouse Holdings, L.L.C.*, CJ-2014-2701, Journal Entry of Judgment Granting Defendants' Summary Judgment (Okla. Cty. Dist. Ct. Nov. 17, 2014), *rev'd*, SD-113488, Opinion (Okla. Civ. App. Mar. 3, 2016).

In this matter, the plaintiff alleged she tripped and fell on pavement outside of a restaurant. I granted summary judgment in favor of the defendants. In a 2-1 decision, the Oklahoma Court of Civil Appeals reversed, finding the photographs used as evidence in the summary judgment proceedings did not undisputedly show that irregularities in the pavement were open and obvious and that circumstantial evidence demonstrated the existence of a material dispute as to the cause of the plaintiff's fall. Copy supplied.

*Theis v. Newview Okla. Inc.*, CJ-2013-2986, Journal Entry and Order of Dismissal (Okla. Cty. Dist. Ct. May 15, 2015), *rev'd*, SD-114021, Opinion (Okla. Civ. App. Aug. 9, 2016).

In this matter, an employee sued his employer for injuries sustained at work. The plaintiff asserted the defendant knew the injuries would be substantially likely to occur because it allowed him—a blind individual—to use a radial saw. Based on

changes to the law limiting this type of claim to those where the employer intended to injure an employee, I granted the defendant's motion to dismiss because the injury was covered by the Workers' Compensation Code. The Court of Civil Appeals acknowledged the changes to the law, but nevertheless found that the allegations made in the petition could state a claim under the new standard. Copy supplied.

*Investrust, N.A. v. Ellison*, CV-2013-1796, Order (Okla. Cty. Dist. Ct. Feb. 27, 2015), *aff'd in part, rev'd in part*, SD-113792, Opinion (Okla. Civ. App. July 14, 2016).

This matter involved a dispute between a trustee and individuals who expected to be beneficiaries of the trust. The parties filed motions for summary judgment, and I determined that the trustee validly exercised her general power of appointment, but that she did not validly exercise a special power of appointment. The Oklahoma Court of Civil Appeals affirmed my finding with regard to the general power of appointment but reversed my finding with regard to the special power of appointment. Copy supplied.

*Smith v. Wayne Griffiths Homes, Inc.*, CJ-2010-2529, Journal Entries (Okla. Cty. Dist. Ct. Oct. 15, 2014), *aff'd in part, rev'd in part*, DF-113331, Opinion (Okla. Civ. App. Feb. 5, 2016).

After a jury trial tried by a different district judge resulted in a verdict in favor of the plaintiffs, the plaintiffs moved for attorney's fees and costs. I granted the motion and awarded attorney's fees and costs. The Oklahoma Court of Civil Appeals affirmed the award of costs but reversed the award of attorney's fees because the damages were merely collateral to, rather than directly arising from, a breach of an agreement to render labor and services. Copy supplied.

*Wells Fargo Bank, N.A. v. Marshall*, CJ- 2013-3234, Order on July 31, 2014, Hearing (Okla. Cty. Dist. Ct. Sep. 10, 2014), Order Sustaining Motion for Default Judgment as to Counterclaim (Okla. Cty. Dist. Ct. Mar. 16, 2015), Journal Entry (June 15, 2015), *aff'd in part, rev'd in part*, SD-115117, Opinion (Okla. Civ. App. Mar. 15, 2017).

In this matter, I granted the defendant's motion for default because the plaintiff did not respond as had been ordered. I also denied the plaintiff's motion to reconsider and vacate the order. Further, I denied the plaintiff's motion for summary judgment. The Oklahoma Court of Civil Appeals reversed because the plaintiff had procured the defendant's agreement not to object to a late reply. The appellate court affirmed the portion of my order refusing to strike the defendant's amended answer and counterclaims as well as my order denying the plaintiff's motion for summary judgment. Copy supplied.

*City of Bethany v. Fraternal Order of Police Lodge No. 161*, CV-2014-1048, Journal Entry of Judgment (Okla. Cty. Dist. Ct. Jan. 6, 2015), *aff'd in part, vacated in part*, SD-113565, Opinion (Okla. Civ. App. Sep. 2, 2015).



In this appeal of an arbitration decision regarding the employment status of a police officer, I determined that the arbitrator acted within the scope of his authority, but that reinstating the officer as a Captain would violate state public policy. As such, I entered an order vacating the arbitration decision. The Court of Civil Appeals agreed that the arbitrator acted within the scope of his authority. The appellate court determined that it did not violate public policy to have a police officer currently charged with ten drug-related felonies return to employment. Thus, the Court of Civil Appeals did not reverse the portion of the arbitrator's decision returning the officer to employment, but modified the portion of the arbitrator's decision requiring the officer be returned to active duty. Copy supplied.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

The decisions of magistrate judges are rarely published. For this reason, 100% of my reports and recommendations and consent opinions are unpublished. These are filed via the electronic case management system and Westlaw.

- 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.

*Heath v. Guardian Interlock Network, Inc.*, CJ-2014-4903, Journal Entry (Okla. Cty. Dist. Ct. May 12, 2015), *aff'd* 369 P.3d 374 (Okla. 2016). Copy supplied.

*Oliver v. Barresi*, CV-2013-2072, Journal Entry of Judgment (Okla. Cty. Dist. Ct. Sept. 10, 2014), *rev'd Oliver v. Hofmeister*, 368 P.3d 1270 (Okla. 2016). Copy supplied.

*Chichakli v. Samuels*, CIV-15-687-D, 2017 WL 9250722 (W.D. Okla. Aug. 15, 2017), *adopted*, 2017 WL 4284564 (W.D. Okla. Sept. 27, 2017).

*West v. Bryant*, CIV-16-931-C, 2018 WL 1442976 (W.D. Okla. Feb. 28, 2018), *adopted*, 2018 WL 1440984 (W.D. Okla. Mar. 22, 2018), *appeal dismissed*, 763 F. App'x 652 (10th Cir. 2019), *petition for cert. filed*, No. 19-5248 (July 22, 2019).

*Mitchell v. Allbaugh*, CIV-17-1241-R, 2018 WL 3543593 (W.D. Okla. Apr. 25, 2018), *adopted*, 2018 WL 3543494 (W.D. Okla. July 23, 2018).

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

I have not sat by designation on a federal court of appeals.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

The Western District of Oklahoma has instituted an automated system to assist judges in identifying conflicts of interest. I update and review this information as needed and further evaluate the potential for conflicts when cases are assigned. Also, it is my practice to recuse from matters over which I previously presided as a state court judge, matters involving individuals with whom I have a meaningful personal relationship, and matters on which I or any member of my staff previously provided legal representation. To the extent there is uncertainty about any matter, I consult the Code of Conduct for United States Judges and all available resources offered through the Administrative Office of Courts to ascertain whether disqualification is warranted.

While no formal system existed during my tenure as a state court judge, I evaluated potential conflicts in a similar manner.

To that end, I recall the following:

In *Gage v. Rashidzada*, CIV-18-1000-R (W.D. Okla.), a pro se prisoner brought a civil rights action against, among others, my friend and personal physician. I sua sponte entered my recusal to avoid the appearance of conflict.

In *Cramer, v. Okla. Cnty. Board of Comm'rs*, CIV-18-179-G (W.D. Okla.), several plaintiffs brought a civil rights action against the Oklahoma County Board of Commissions and others. Upon determining that I had a personal relationship with one of the plaintiffs and that she had previously discussed this matter with me, I sua sponte recused to avoid the appearance of conflict.

In *Alamiin v. Allbaugh*, CIV-19-106-G (W.D. Okla.), a pro se prisoner brought a civil rights action against various prison officials and the matter was referred to me to conduct initial proceedings. Although initially ruling on the plaintiff's in forma pauperis application, I vacated that order and sua sponte entered my recusal upon discovering that one of my law clerks had previously represented the plaintiff.

In *Johnson v. Mitchell*, CIV-16-1137-M (W.D. Okla.), a pro se prisoner brought an action naming as defendants, among others, two magistrate judges from the Western District of Oklahoma. I sua sponte entered my recusal to avoid the appearance of a conflict.

In *Fryer v. Mohan*, CIV-14-662-D (W.D. Okla.), a prisoner filed a petition for writ of habeas corpus challenging 2011 conviction in Logan County, Oklahoma. I was intimately aware of the crime of which the petitioner had been convicted and had previously advised potential witnesses who lived next door to the petitioner. I, therefore, sua sponte entered my recusal to avoid the appearance of a conflict.

In *Ledesma v. Ledesma*, FD-2011-4284 (Okla. Cty. Dist. Ct. Nov. 4, 2011), the parties sought modification of their agreed divorce decree. Having previously represented the defendant in this matter, I sua sponte entered my recusal to avoid the appearance of a conflict.

In *McFee v. Hammons*, CJ-2014-998 (Okla. Cty. Dist. Ct. Feb. 20, 2014), the plaintiff sued defendants for automobile negligence. Upon determining that the defendant and I were related, I sua sponte entered my recusal to avoid the appearance of any conflict.

I also recall, but have been unable to identify supporting documentation, a case wherein an attorney filed a motion seeking my removal because I sustained opposing counsel's motion to vacate an order that the attorney had presented as an agreed order. Opposing counsel, however, was neither aware of the order nor had authorized the use of her signature. Following a hearing on the matter, the attorney in question admitted that she had taken the signature blocks from a prior order and affixed them to the order she presented for my signature. Despite her admission of wrongdoing, the attorney expressed concern as to my ability to be impartial because of my decision to vacate her order. Given the facts and circumstances of this case, and the attorney's failure to comply with the local court rules, her request was denied by myself and the chief judge who entertained 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.

Oklahoma Board on Legislative Compensation (2010 – 2012)  
Appointment; Hon. Mary Fallin, Governor of Oklahoma

Board of Adjustment for the City of Oklahoma City (2011 – 2012)  
Appointment; Hon. Mick Cornett, Mayor of Oklahoma City

Oklahoma Access to Justice Commission (2014 – 2015)  
Appointment; Justices of the Oklahoma Supreme Court

- 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.

During the summer of 2002, I was a canvasser for the Tony Sanchez for Governor Campaign in Dallas, Texas wherein I polled prospective voters.

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 law clerk.

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

From April 2012 to October 2012, prior to my appointment as a district judge for Oklahoma's Seventh Judicial District, I was a solo practitioner and worked from home: 13409 Princeton Lane, Edmond, Oklahoma 73013.

- 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.

2004 – 2006  
Porter Wright Morris & Arthur, LLP  
Huntington Center

41 South High Street  
Columbus, OH 43215  
Associate

2006 – 2008  
McAfee & Taft, A Professional Corporation  
Tenth Floor, Two Leadership Square  
211 North Robinson Avenue  
Oklahoma City, Oklahoma 73102  
Associate

- 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 not served as 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 2004 to 2008, my legal practice was devoted to representing private and public entities in various federal, state, and administrative proceedings involving commercial litigation and labor and employment law.

From 2008 to 2012, while a member of the administrative faculty at Oklahoma City University School of Law, on occasion, I volunteered with Oklahoma Lawyers for Children, providing pro bono representation to abused and neglected children.

From April of 2012 to October 2012, in addition to my work with Oklahoma Lawyers for Children, I also advised and represented individuals in various family law and commercial litigation matters.

Since assuming the bench in October 2012, I have not practiced law.

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

I represented and advised public and private entities, small businesses, nonprofits, and individuals at varying points in my legal career.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

i. Indicate the percentage of your practice in:

- |                             |            |
|-----------------------------|------------|
| 1. federal courts:          | <u>30%</u> |
| 2. state courts of record:  | <u>60%</u> |
| 3. other courts:            | <u>0%</u>  |
| 4. administrative agencies: | <u>10%</u> |

ii. Indicate the percentage of your practice in:

- |                          |            |
|--------------------------|------------|
| 1. civil proceedings:    | <u>95%</u> |
| 2. criminal proceedings: | <u>5%</u>  |

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 approximately three cases to verdict or final decision. I served as associate counsel in one jury trial and one bench trial. I also served as sole counsel in a matter before an Oklahoma administrative agency.

i. What percentage of these trials were:

- |              |            |
|--------------|------------|
| 1. jury:     | <u>33%</u> |
| 2. non-jury: | <u>67%</u> |

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.



Considerable time has lapsed since I was actively engaged in the practice of law. Nevertheless, I have identified matters of which I was an attorney of record and provided my best recollection of my contribution to the same.

1. *Founder's Tower Condos., LLC v. Queen Ann Cafeteria, Inc.*, SC-2006-24670 (Okla. Cty. Dist. Ct. Nov. 8, 2006).

Dates of Representation: 2006 – 2007

Hon. Glenn M. Jones; Oklahoma County District Court

My firm represented the plaintiff in a forcible entry and detainer action involving a commercial real estate tenant. As the associate assigned to the matter, I drafted motions, coordinated discovery, and assisted lead counsel at various stages of the litigation. This matter was tried and resulted in a favorable decision for my client.

Co-Counsel:

Jeff L. Todd  
McAfee & Taft, A Professional Corporation  
Tenth Floor, Two Leadership Square  
211 North Robinson Avenue  
Oklahoma City, Oklahoma 73102  
405-235-9621

Opposing Counsel:

William F. Collins, III  
Collins Law Firm P.C.  
4323 North Classen Boulevard, #101  
Oklahoma City, Oklahoma 73118  
405-606-8745

2. *Nudeal Enters., LLC, v. Founder's Tower Condos., LLC*, CJ-2007-2454 (Okla. Cty. Dist. Ct. Mar. 26, 2007).

Dates of Representation: 2007 – 2008

Hon. Daniel L. Owens; Oklahoma County District Court

My firm represented the defendants in a dispute involving a commercial real estate tenant who had accused my clients of fraud and constructive fraud. As the associate assigned to this matter, I drafted motions, coordinated discovery, made appearances on my clients' behalf, participated in trial, and engaged in various post-trial proceedings. Although the jury returned a verdict in favor of the plaintiffs, we requested and received a new trial due to juror misconduct. My representation concluded prior to the matter's retrial.



Co-Counsel:

Jeff L. Todd  
McAfee & Taft, A Professional Corporation  
Tenth Floor, Two Leadership Square  
211 North Robinson Avenue  
Oklahoma City, Oklahoma 73102  
405-235-9621

Opposing Counsel:

Robert D. Tomlinson  
Jefferson I. Rust  
Tomlinson McKinstry, P.C.  
Two Leadership Square, Suite 450  
211 North Robinson  
Oklahoma City, Oklahoma 73102  
405-606-3350

3. *Htc Realty v. Lisa McMurrain*, CS-2007-9948 (Okla. Cty. Dist. Ct. Dec. 4, 2007).

My firm represented the plaintiff in a forcible entry and detainer action involving a commercial real estate tenant. I initiated the lawsuit, coordinated discovery, drafted motions, made appearances on behalf of my client, engaged in settlement negotiations, and executed post judgment remedies. The matter resolved itself and resulted in a favorable outcome for my client.

Dates of Representation: 2007 – 2008

Hon. Roma McElwee; Oklahoma County District Court

Defendant proceeded pro se

4. *Higgs v. CoxCom, Inc.*, CIV-06-559-T (W.D. Okla. May 19, 2006).

My firm represented the defendant in this employment discrimination matter involving its former employee, the plaintiff. The plaintiff asserted disability and race discrimination claims in violation of federal and state law. As an associate assigned to the matter, I assisted in the drafting of various motions. The parties eventually reached an agreement and the matter was dismissed with prejudice.

Dates of Representation: 2006 – 2008

Hon. Ralph G. Thompson; U.S. District Court for the Western District of Oklahoma

Co-Counsel:

Michael F. Lauderdale  
Bradley Donnell  
Natalie K. Ramsey  
McAfee & Taft, A Professional Corporation  
Tenth Floor, Two Leadership Square  
211 North Robinson Avenue  
Oklahoma City, Oklahoma 73102  
405-235-9621

Opposing Counsel:

Hon. Aletia Haynes Timmons (formerly at Timmons, Rhone & House)  
Oklahoma County District Judge  
Oklahoma County District Court  
320 Robert S. Kerr, Room 201  
Oklahoma City, Oklahoma 73102

5. *Kosted v. Hillman Group, Inc.*, CIV-06-113-W (W.D. Okla. Feb. 2, 2006).

My firm represented the defendant, a distributor of a pet engraving system and tags, in this breach of contract action. I was the associate assigned to this matter and was responsible for drafting motions, conducting discovery, and negotiating a favorable settlement.

Dates of Representation: 2006 – 2007

Hon. Lee R. West; U.S. District Court for the Western District of Oklahoma

Co-Counsel:

James R. Webb (formerly at McAfee & Taft, A Professional Corporation)  
Executive Vice President & General Counsel  
Chesapeake Energy Corporation  
P.O. Box 18496  
Oklahoma City, Oklahoma 73154  
405-848-3000

Opposing Counsel:

Michael C. Bigheart  
202 West Broadway  
Enid, Oklahoma 73701  
580-234-5114

6. *Eapen v. Dell Mktg. USA, LP*, CIV-07-277-F. (W.D. Okla. Mar. 6, 2007).

My firm represented the defendant in this matter. The plaintiff, a former

employee, asserted race discrimination claims under Title VII and Oklahoma law. As the associate assigned to this matter, I drafted pleadings, conducted discovery, and worked with opposing counsel to reach a settlement.

Dates of Representation: 2007 – 2008

Hon. Stephen P. Friot; U.S. District Court for the Western District of Oklahoma

Co-Counsel:

Sam R. Fulkerson (formerly at McAfee & Taft, A Professional Corporation)  
Ogletree Deakins  
The Heritage Building  
621 North Robinson Avenue, Suite 400  
Oklahoma City, Oklahoma 73102  
405-546-3774

Opposing Counsel:

Mark E. Hammons  
Amber L. Hurst  
Hammons Gowens Hurst & Associates  
325 Dean A. McGee Avenue  
Oklahoma City, Oklahoma 73102  
405-235-6100

7. *Mildren v. Olshan Found. Repair Co. of Tulsa, LLC*, CJ-2007-60 (Rogers Cty. Dist. Ct. Jan. 29, 2007).

Dates of Representation: 2007 – 2008

Hon. Dynda R. Post; Rogers County District Court

My firm represented the defendant in a breach of contract or warranty dispute that arose from repairs done to the foundation of the plaintiff's home. I drafted motions, conducted discovery, and made appearances on my client's behalf. Resolution of the matter came well after my withdrawal as one of the attorneys of record.

Co-Counsel:

James R. Webb (formerly at McAfee & Taft, A Professional Corporation)  
Executive Vice President & General Counsel  
Chesapeake Energy Corporation  
P.O. Box 18496  
Oklahoma City, Oklahoma 73154  
405-848-3000

Defendant proceeded pro se

8. *Crane v. Eskridge Auto Group, Inc.*, CIV-05-1390-R (W.D. Okla. Dec. 6, 2006).

My firm represented the defendant, an automobile dealer, who had been accused by the plaintiff, a former employee, of age discrimination. As an associate assigned to this matter, I assisted in the drafting of pleadings and in the development of case strategy. The matter settled prior to trial.

Dates of representation: 2006

Hon. David L. Russell; U.S. District Court for the Western District of Oklahoma

Co-Counsel:

Elizabeth Scott Wood  
McAfee & Taft, A Professional Corporation  
Tenth Floor, Two Leadership Square  
211 North Robinson Avenue  
Oklahoma City, Oklahoma 73102  
405-235-9621

Opposing Counsel:

Michael D Denton, Jr.  
Denton Law Firm PC  
925 West State Highway 152  
Mustang, Oklahoma 73064  
405-376-2212

9. *Asset Acceptance, LLC v. Maura Randle*, CS-2007-8926 (Okla. Cty Dist. Ct. Nov. 2, 2007).

I represented and advised the defendant in a collections action. I drafted motions, made appearances, and engaged in settlement negotiations. The parties reached an agreement and the matter was resolved with the filing of a release and satisfaction of judgment. My involvement in this matter terminated upon my appointment to the bench in October 2012.

Dates of Representation: 2012

Hon. James B. Croy; Oklahoma County District Court

Opposing Counsel:

Shanda McKenney  
Love, Beal & Nixon P.C.

P.O. Box 32738  
Oklahoma City, Oklahoma 73123

10. *Ledesma v. Ledesma*, FD-2011-4284 (Okla. Cty. Dist. Ct. Nov. 4, 2011).

I represented the petitioner in a divorce proceeding involving a minor child. I drafted and argued motions, conducted discovery, made appearances on my client's behalf, and worked with opposing counsel to present an executed agreed divorce decree for the court's approval.

Dates of Representation: 2012

Hon. Thomas Prince; Oklahoma County District Court

Opposing Counsel:  
Heather Buchberger  
Michael L. Loyd & Associates  
3810 North Peniel  
Bethany, Oklahoma 73008  
405-787-9950

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.)

During my tenure as a state court judge, I routinely held court in local middle and high schools. This experience allowed the students to gain a better understanding of and appreciation for our legal system, the judiciary, and the role they play in helping to preserve the rule of law.

Equally significant is my work in overseeing judicial settlement conferences. Notwithstanding the complexity of the matters, what I appreciate greatly is being able to assist parties in developing creative solutions to their problems—solutions that do not involve further intervention of the court.

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 never taught a course.

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

I have no deferred income arrangement.

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 do not currently have any plans, commitments, or agreements to pursue outside employment, with or without compensation, 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).

When my nomination is formally submitted to the Senate, I will file my mandated Financial Disclosure Report and will supply a copy to this Committee.

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.

As a United States Magistrate Judge, I follow the Code of Conduct for United States Judges. The Western District of Oklahoma has instituted an automated system to assist judges in identifying conflicts of interest. I update and review this information as needed and further evaluate the potential for conflicts when cases are assigned. If confirmed, I will continue this practice of reviewing the list and would also continue recusing myself in any matter involving a family member, close friends, and my own financial interests. I will also evaluate matters that would give rise to an appearance of conflict to determine if appropriate action or recusal is warranted.

- 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 will continue using the automated system in the Western District of Oklahoma to identify potential conflicts. I will also continue evaluating matters upon assignment. To the extent there is uncertainty about any matter, I will consult the Code of Conduct for United States Judges and all available resources offered through the Administrative Office of Courts.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

In addition to my prior service as a volunteer attorney for Oklahoma Lawyers for Children and my work with the Oklahoma Access to Justice Commission, I routinely volunteer at the annual "Make a Will Sunday" event, which is designed to educate and assist low income individuals in estate planning. Working with local churches, law schools, attorneys, and legal service providers, the event has assisted hundreds of families preserve wealth through the preparation of wills, trusts, and other estate planning materials.

26. **Selection Process:**

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

On February 15, 2019, I submitted my application for the vacancy in the Western District of Oklahoma. On March 28, 2019, I interviewed with a committee organized by Senator Inhofe and Senator Lankford to recommend potential candidates. On May 3, 2019, I interviewed with Senator Lankford. On May 13, 2019, I interviewed with staff members for Senator Inhofe. On June 6, 2019, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice Office of Legal Policy in Washington, D.C. Since July 24, 2019, I have been in contact with officials from the Office of Legal Policy at the Department of Justice.



- 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.

# 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         |  | 18  | 675 | Notes payable to banks-secured (auto)            |    | 78  | 812 |
| U.S. Government securities        |  |     |     | Notes payable to banks-unsecured                 |    | 15  | 000 |
| Listed securities – see schedule  |  | 8   | 534 | Notes payable to relatives                       |    |     |     |
| Unlisted securities               |  |     |     | Notes payable to others                          |    |     |     |
| Accounts and notes receivable:    |  |     |     | Accounts and bills due                           |    | 46  | 000 |
| Due from relatives and friends    |  |     |     | Unpaid income tax                                |    |     |     |
| Due from others                   |  |     | 500 | Other unpaid income and interest                 |    |     |     |
| Doubtful                          |  |     |     | Real estate mortgages payable – see schedule     |    | 262 | 120 |
| Real estate owned – see schedule  |  | 315 | 000 | Chattel mortgages and other liens payable        |    |     |     |
| Real estate mortgages receivable  |  |     |     | Other debts-itemize:                             |    |     |     |
| Autos and other personal property |  | 83  | 000 | Student Loans                                    |    | 199 | 000 |
| Cash value-life insurance         |  | 5   | 410 |                                                  |    |     |     |
| Other assets itemize:             |  |     |     |                                                  |    |     |     |
| Thrift Savings Plan               |  | 90  | 335 |                                                  |    |     |     |
| Oklahoma Teachers Retirement      |  | 71  | 000 |                                                  |    |     |     |
| Oklahoma 529 College Plans        |  | 13  | 471 | Total liabilities                                |    | 600 | 932 |
| TIAA-CREF                         |  | 8   | 100 | Net Worth                                        |    | 13  | 093 |
|                                   |  |     |     |                                                  |    |     |     |
| Total Assets                      |  | 614 | 025 | Total liabilities and net worth                  |    | 614 | 025 |
| 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

Fidelity Freedom 2040

\$ 8,534

Total Listed Securities

\$ 8,534

#### Real Estate Owned

Personal residence

\$310,000

Undeveloped land

5,000

Total Real Estate Owned

\$315,000

#### Real Estate Mortgages Payable

Personal residence – mortgage

\$262,120

Total Real Estate Mortgages Payable

\$262,120

AFFIDAVIT

I, Bernard Maurice Jones, do swear  
that the information provided in this statement is, to the best  
of my knowledge, true and accurate.

9/26/19

(DATE)

Bernard M. Jones

(NAME)



[Signature]

(NOTARY)