

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Loretta Copeland Biggs
(Loretta Yvonne Copeland)

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

United States District Court Judge for the Middle District of North Carolina

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.

Office: Allman Spry Davis Leggett & Crumpler, P.A.
380 Knollwood Street, Suite 700
Winston-Salem, North Carolina 27103

Residence: Lewisville, North Carolina

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

1954; Atlanta, Georgia

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.

1976 – 1979, Howard University School of Law; J.D. (with honors), 1979

1972 – 1976, Spelman College; B.A (*cum laude*), 1976

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.

May 2014 – present
Allman Spry Davis Leggett & Crumpler, P.A.

380 Knollwood Street, Suite 700
Winston-Salem, North Carolina 27103
Partner

2003 – May 2014
Davis Harwell & Biggs, P.A.
380 Knollwood Street, Suite 720
Winston-Salem, North Carolina 27103
Managing Shareholder

2001 – 2002
North Carolina Court of Appeals
901 Corporate Center Drive
Raleigh, North Carolina 27607
Associate Judge

1994 – 2001
U.S. Attorney's Office
Middle District of North Carolina
101 South Edgewood Street
Greensboro, North Carolina 27401
Assistant United States Attorney (1994 – 1997)
Executive Assistant United States Attorney (1997 – 2001)

1987 – 1994
21st Judicial District, Forsyth County
200 North Main Street
Winston-Salem, North Carolina 27101
State District Court Judge

1984 – 1987
21st Judicial District, Forsyth County
200 North Main Street
Winston-Salem, North Carolina 27101
Assistant District Attorney

1984 – 1987
Wake Forest School of Law
1834 Wake Forest Road
Winston-Salem, North Carolina 27109
Adjunct Law Professor (uncompensated)

1979 – 1982, Summer 1978
The Coca-Cola Company
One Coca-Cola Plaza
Atlanta, Georgia 30303

Staff Counsel (1979 – 1982)
Summer Intern (Summer 1978)

Other affiliations (uncompensated):

2013 – present
Academy of Matrimonial Lawyers
150 North Michigan Avenue, Suite 1420
Chicago, Illinois 60601
North Carolina Chapter Secretary

2013 – March 2014
United Way of Forsyth County
301 North Main Street, Suite 1700
Winston-Salem, North Carolina 27101
Board Member

2005 – 2009, 1999 – 2001
Winston-Salem State University Board of Trustees
601 South Martin Luther King Jr. Drive
Winston-Salem, North Carolina 27110
Trustee (2005 – 2009, 1999 – 2001)
Vice Chair (2007 – 2009)

1999 – 2001
Forsyth County Juvenile Justice Council (now Forsyth Futures)
301 North Main Street, Suite 1700
Winston-Salem, North Carolina 27101
Chair

1991 – 1998
Wake Forest University Law Board of Visitors
1834 Wake Forest Road
Winston-Salem, North Carolina 27109
Board Member

1994 – 1997
Salem College and Academy Board of Visitors
601 South Church Street
Winston-Salem, North Carolina 27101
Board Member

1996 – 1998
Joseph Branch Inn of Court, Wake Forest University School of Law
1834 Wake Forest Road

Winston-Salem, North Carolina 27109
Master

Approximately 1984 – 1986
Forsyth County Advisory Board, Wachovia Bank and Trust
100 North Main Street
Winston-Salem, North Carolina 27101
Board Member

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 United States Military. I was not required to register for Selective Service.

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

Fellow, American Academy of Matrimonial Lawyers (2013 – present)

Listed in NC Super Lawyers (2006 – present)

Listed in the Best Lawyers in America (2006 – present)

Rated AV Preeminent by Martindale-Hubbell (2006 – present)

Top 50 Women Lawyers in the NC Super Lawyers Magazine (2007)

Common Ground Community Award, Search For Common Ground (2000)

The Attorney General's Award for Outstanding Contributions to Public Safety (1999)

YMCA Public Leadership Award (1999)

Visionworks Humanitarian Award, Visionworks Youth Services (1999)

Nurturing Our Community Award, Black Law Students Association of Wake Forest University School of Law (1998)

Outstanding Service Award, Black Law Students Association of Wake Forest University (1998)

Dream Catchers Award, Tarheel Triad Girl Scouts Council (1998)

Community Service Award, Family Services of Forsyth County (1997)

Salute to Excellence (Law), National Women of Achievement (1997)

Master, Joseph Branch Inn of Court, Wake Forest University School of Law (1996)

Strong, Smart and Bold Award, Salvation Army Girl's Club, Forsyth County (1993, 1994)

State Youth Services Award, Southeastern Network of Youth and Family Services (1994)

Woman of the Year Award, Winston-Salem Chronicle (1994)

Best Choice Center "Wall of Fame" Recipient (1993)

Deputy Articles Editor of the Law Journal, Howard University School of Law, Law Journal (1978)

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.

Forsyth County Bar Association (1984 – present)

National Bar Association (2011 – present)
Appellate Section

North Carolina Association of Black Lawyers (1995 – present)

North Carolina Association of Women Attorneys (2002 – present)

North Carolina Bar Association (2002 – present)
Family Law and Appellate Sections

Winston-Salem Bar Association (1984 – present)
President-Elect (1986)

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.

North Carolina, 1984
Georgia, 1979 (inactive)

There have been no lapses in membership although as indicated, my membership in Georgia is inactive.

- 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.

Supreme Court of the United States, 2002

All North Carolina courts, 1994

United States Court of Appeal for the Fourth Circuit, 1994

United States District Court for the Middle District of North Carolina, 1994

There have been no lapses in membership.

11. **Memberships:**

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

American Academy of Matrimonial Lawyers (2012 – present)

Fellow (2013 – present)

Secretary for the North Carolina Chapter (2013 – present)

Board of Examiners for the North Carolina Chapter (2013 – present)

Secretary

Board of Managers for the North Carolina Chapter (2013 – present)

Secretary

Diversity Committee (2013 – present)

Law Office Management Committee (2012 – 2013)

Public Service and Education Committee (2012 – present)

Commission for Judicial Campaign Finance Reform (2006)

Forsyth County Juvenile Justice Council (now Forsyth Futures) (1999 – 2001)

Chair

Governor's Task Force on Youth Violence and Community Safety (1997 – 1999)

Joseph Branch Inn of Court, Wake Forest University School of Law

(1996 – 1998)

Master

Mayor's Violence Reduction Task Force (1993 – 1995)

Military Academy Selection Board for the Fifth Congressional District
(2000 – 2006)

North Carolina Innocence Inquiry Commission (2007 – 2010)
Alternate for Discretionary Member 1

North Carolina State Advisory Council on Juvenile Justice and Delinquency
Prevention (1999 – 2000)
Co-chair

North Carolina State Board of Elections Advisory Council for Public Campaign
Fund (2006)
Member

North Carolina Chief Justice's Commission on Professionalism (2004 – 2006)

Partnership For A Drug Free North Carolina (1995 – 1997)
Co-Chair

Salem College and Academy (1994 – 1997)
Board of Visitors

State Legislative Council to Revise the Juvenile Code (1994)

United Way of Forsyth County (2013 – 2014)
Board Member

Wachovia Bank and Trust (approximately 1984 – 1986)
Forsyth County Advisory Board

Wake Forest University Law (1991 – 1998)
Board of Visitors

Winston-Salem State University (2005 – 2009; 1999 – 2001)
Board of Trustees (2005 – 2009, 1999 – 2001)
Vice Chair (2007 – 2009)

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

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

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

12. Published Writings and Public Statements:

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

Divorce Value: Standards Of Value For Professional Practices And Closely Held Businesses, published on the website of The American Academy of Matrimonial Lawyers, posted September 9, 2010. Copy supplied.

Open Letter from Judge Biggs, "Thank You For Allowing Me To Serve", Winston-Salem Chronicle, July 7, 1994 (reprinted in multiple outlets). 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.

During the years that I served on the Winston-Salem State University Board of Trustees, from 1999 to 2001 and from 2005 to 2009, I participated in board meetings focused on matters pertaining to Winston-Salem State University's management and development. The board's role was to serve as an advisor to the North Carolina Board of Governors, which oversees all of the state's public colleges and universities. I have no notes, transcript, or recordings of these meetings, but the university's annual reports during this period summarized various measures on which I voted. The annual reports and publications that I have identified are available at: <http://www.wssu.edu/about/publications/annual-reports.aspx> and <http://www.wssu.edu/about/publications/archway-archive.aspx>.

- 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.

I have done my best to identify transcripts or recordings of all speeches or talks delivered, including through a review of my personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials I have been unable to identify, find or remember. I have identified the following:

As an alternate appointee for Discretionary Member 1 on the North Carolina Innocence Inquiry Commission from 2007 to 2010, I participated in quarterly meetings focused on investigating and evaluating post-conviction claims of factual innocence. I have no notes, transcripts, or recordings of these meetings.

As a member of the North Carolina State Advisory Council on Juvenile Justice and Delinquency Prevention from 1999 to 2000, I participated in meetings focused on North Carolina's juvenile justice system. The Council's role was to assist the Department of Juvenile Justice and Delinquency Prevention to improve the juvenile justice system in North Carolina. I have no notes, transcripts, or recordings of these meetings, but the Council's activities are summarized in the 2000 Annual Report, which I have supplied.

As a member of the Governor's Task Force on Youth Violence and School Safety from 1997 to 1999, I participated in meetings where we formulated recommendations designed to reduce youth violence and increase school safety. I have no notes, transcripts, or recording of these meetings. In addition, although I did not personally draft any recommendations, I did contribute to their creation. These recommendations were published in the Governor's Task Force on Youth Violence and School Safety Executive Summary Report in 1999, which I have supplied.

As a member of the Mayor's Violence Reduction Task Force for Winston-Salem from 1993 to 1995, I participated in meetings called by the mayor that focused on implementing programs and initiatives designed to reduce violence in the local community. I have no notes, transcripts, or recordings of these meetings.

As a member of the State Legislative Council to Revise the Juvenile Code in 1994, I participated in monthly meetings where we discussed and evaluated North Carolina's criminal statutes pertaining to juveniles. I have no notes, transcripts, or recordings of these meetings.

- 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.

During my legal career and particularly during my tenure as a state district court judge, federal prosecutor and court of appeals judge, I spoke frequently. After reviewing my files and public databases, I have provided information for all of the presentations that I can recall, although there may be events that have been omitted inadvertently.

2008 – 2012: Guest Lecturer, Dean Suzanne Reynolds' and Joslin Davis' Advanced Family Law Class, Wake Forest University School of Law, Winston-Salem, North Carolina. I have been a lecturer for their classes on a number of occasions. I have generally discussed issues related primarily to financial aspects of a family law case to include post separation support, alimony, and equitable distribution. I have no notes, transcript, or recording. The address for the Wake Forest University School of Law is 1834 Wake Forest Road, Winston-Salem, North Carolina 27109.

September 14, 2012: Presenter, "Pants on Fire, Evidence, Available Sanctions Under the North Carolina Rules of Civil Procedure and the North Carolina Family Law Statutes," North Carolina Bar Association Family Law Fall Meeting, Grandover Conference Center, Greensboro, North Carolina. PowerPoint and manuscript supplied.

My previous firm, Davis Harwell & Biggs, P.A., filmed several short video presentations in which I discuss my professional qualifications, experience, and expertise. The firm's website is no longer active, but the videos may be accessed at the following hyperlinks:

April 5, 2012: Video entitled "Loretta Biggs Website Intro 2012."
Available at: <http://vimeo.com/39835691>.

April 5, 2012: Video entitled "DHB Website Intro." Available at:
<http://vimeo.com/39833907>.

December 24, 2010: Video entitled "Loretta Biggs Introduction."
Available at: <http://vimeo.com/18153390>.

December 24, 2010: Video entitled "Davis Harwell & Biggs Introduction." Available at: <http://vimeo.com/18150921>.

February 24, 2012: Speaker, Discover Law Day, Wake Forest University School of Law, Winston-Salem, North Carolina. I spoke to high school students about preparation for law school, law school life, the legal profession, and the admissions process. I have no notes, transcript or recording. The address for the

Wake Forest University School of Law is 1834 Wake Forest Road, Winston-Salem, North Carolina 27109.

2011: Speaker, Spelman Summer Research Program, Wake Forest University, Winston-Salem, North Carolina. As an alumna of Spelman College, I interacted with Spelman College students during a program dinner where we discussed careers, future opportunities, and the various research programs each Spelman student was performing at Wake Forest. I have no notes, transcript or recording. The address for the Wake Forest University School of Law is 1834 Wake Forest Road, Winston-Salem, North Carolina 27109.

2009: Presenter, "As a Way of Life (What Would Lincoln Say?)," North Carolina Bar Association Continuing Legal Education, Cary, North Carolina. Remarks supplied.

January 5, 2009: Speaker, Chapter Chat, The First Tee of the Triad, Clemmons, North Carolina. I spoke about my personal and professional experiences and successes. I have no notes, transcript or recording. The address for The First Tee of the Triad is PO Box 236, Clemmons, North Carolina 27012.

October 6, 2006: Speaker, Winston-Salem University Founders' Day Convocation, Winston-Salem State University, Winston-Salem, North Carolina. Remarks supplied.

September 14, 2006: Speaker, "Professionalism," Academy of Trial Lawyers, Raleigh, North Carolina. Remarks supplied.

March 18, 2005: Speaker, "Unsticking the Stuck Mediation: What Motivates People to Settle Through Mediation, Avoiding Impasse," North Carolina Bar Association Continuing Legal Education, Grandover Conference Center, Greensboro, North Carolina. Manuscripts supplied.

2004: Panelist, "Professionalism in Practice," Lawyers Mutual, Winston-Salem, North Carolina. The panel discussed the role of professionalism in the practice of law. I have no notes, transcript, or recording. The address for Lawyers Mutual is 5020 Weston Parkway, Suite 200, Cary, North Carolina 27513.

October 14, 2004: Speaker, "The Spirit of Professionalism," Forsyth County Bar CLE, Winston-Salem, North Carolina. Remarks supplied.

September 15, 2004: Panelist, "The Changing Face of Leadership," Forsyth County Women Attorneys Association, Winston-Salem, North Carolina. The panel discussed the expanding role of women in positions of leadership. I have no notes, transcript, or recording. The address for the Forsyth County Women Attorneys Association is 2135 New Walkertown Road, Winston-Salem, North Carolina 27101.

August 14, 2004: Speaker, "Women and the Law," Forsyth County Women Attorneys, Winston-Salem, North Carolina. Remarks supplied.

February 2004, October 2003: Presenter, "Divorce Value: Standards of Value for Professional Practices and Closely Held Businesses," Intensive Family Law Continuing Legal Education, North Carolina Bar Association and the American Academy of Matrimonial Lawyers, Wilmington and Charlotte, North Carolina. Manuscript supplied.

October 7, 2003: Panelist, "Conscience and the Vietnam War: Readings," North Carolina School of the Arts, Winston-Salem, North Carolina. I do not recall this event nor do I remember ever speaking about the Vietnam War, but I have included it here because I have found an event announcement for it in performing my searches during this nomination process. I have no notes, transcript or recording. The address for the North Carolina School of the Arts is 1533 South Main Street, Winston-Salem, North Carolina 27127.

January 2003: Speaker, "Domestic Violence/Dating Violence, Is It Any Less a Crime?," Family Services of North Carolina, Winston-Salem, North Carolina. Remarks supplied.

January – November 2002: While running to retain my seat as a judge on the North Carolina Court of Appeals, I gave a number of campaign speeches and participated in candidate forums and debates. I spoke to numerous civic, political and professional organizations throughout the state of North Carolina. Although I do not recall every group or organization to which I spoke, such organizations would have included local churches; the North Carolina Democratic Party in numerous counties; the various rotary clubs in numerous counties; the Chambers of Commerce in numerous cities and counties; and local colleges and universities, including Winston-Salem State University, Wake Forest University, and Salem College and Academy. After reviewing my files and public records, I could not determine the specific dates or locations of these meetings. At all events, I shared my qualifications, experience, and community involvement. I have no notes, transcripts, or recordings.

September 18, 2002: Speaker, "Judge Loretta Biggs, North Carolina Court of Appeals," Reynolda Rotary Club, Clemmons, North Carolina. At this meeting I discussed and answered questions about my experience as a judge on the North Carolina Court of Appeals. I have no notes, transcript or recording. The address for the Reynolda Rotary Club is 3331 Union Knoll Drive, Winston-Salem, North Carolina 27107.

August 14, 2002: Speaker, "Professionalism," North Carolina Central School of Law, Durham, North Carolina. Remarks supplied.

April 5, 2002: Speaker, 2002 Leadership Institute, Winston-Salem University, Winston-Salem, North Carolina. Partial copy of remarks supplied.

February 22, 2002: Speaker, “Dedicated, Committed, and Ready to Serve,” Black Law Students Association Banquet, Wake Forest University School of Law, Winston-Salem, North Carolina. Remarks supplied.

January 14, 2002: Speaker, Martin Luther King Memorial Breakfast, Lexington Municipal Club, Winston-Salem, North Carolina. I spoke about Dr. Martin Luther King, Jr. and his impact on the nation. I have no notes, transcript or recording. The address for the Lexington Municipal Club is 200 Country Club Blvd, Lexington, North Carolina 27292.

2001: Speaker, “Creating Partnerships between Systems and Community,” Conference of Juvenile Justice Councils, Winston-Salem, North Carolina. Remarks supplied.

2001: Speaker, “Responding to a Culture of Violence,” Community Responses to Violence Conference, Winston-Salem, North Carolina. Remarks supplied.

2001: Remarks, Swearing-in Ceremony of Loretta C. Biggs, North Carolina Court of Appeals, Raleigh, North Carolina. Remarks supplied.

November 29, 2001: Speaker, Forsyth County Criminal Defense Lawyers, Harvey Lupton Dinner, Piedmont Club, Winston-Salem, North Carolina. Remarks and partial copy of notes supplied.

November 9, 2001: Panelist, Family Law Intensive Seminar, North Carolina Bar Association, Charlotte, NC. Partial copy of remarks supplied. .

October 17, 2001: Luncheon Speaker, General Remarks, Democratic Women of Forsyth County, Winston-Salem, North Carolina. Notes supplied.

October 8, 2001: Speaker, New Role as Judge on Court of Appeals, Forsyth County Bar Association Meeting, Winston-Salem, North Carolina. Remarks supplied.

July 12, 2001: Panelist, “Professionalism as a Way of Life – Not Just the Practice of Law,” Womble Carlyle Sandridge & Rice, LLP, Raleigh, North Carolina. Partial copy of remarks supplied.

June 1, 2001: Speaker, General Remarks, Salem Academy and College, Baccalaureate Ceremony, Winston-Salem, North Carolina. Remarks supplied.

May 16, 2001: Speaker, Governor’s Academy of Preventive Professionals, Adam’s Mark Hotel, Winston-Salem, North Carolina. Remarks supplied.

2000: Speaker, "Strategic Approach to Combatting Gun and Drug Violence." After a diligent search, I have been unable to identify the organization or place where this speech was delivered. Notes supplied.

July 2000: Panelist, "The 21st Century Lawyer: Problem Solver or Case Processor," American Bar Association Annual Meeting, New York, New York. The panel discussed the evolving role of lawyers, particularly prosecutors as problem solvers as distinguished from their traditional role as case processors. I have no notes, transcript or recording. The address for the American Bar Association is 1050 Connecticut Avenue, N.W., Suite 400, Washington, D.C. 20036.

April 2000: Speaker, "Bridges to Unleash Opportunities," Third Annual San Francisco Mayor's Conference for Women, San Francisco, California. Draft remarks supplied.

February 29, 2000: Panelist, "The Role of JCPC in Addressing Juvenile School-Related Violence," Third Annual Safe Schools' Conference, Winston-Salem Forsyth County Schools, Winston-Salem, North Carolina. The panel discussed how juvenile crime prevention councils can help deter school violence. I have no notes, transcript or recording. The address for the Winston-Salem Forsyth County School System is 475 Corporate Square Drive, Winston-Salem, North Carolina 27105.

February 8, 2000: Panelist, Symposium on Crime and Making Communities Safer Conference: Office of Justice Programs as a Resource for United States Attorneys and their Districts, Washington, D.C. The panel discussed various resources available through the Department of Justice to assist U.S. Attorneys in implementing violence reduction strategies. I have no notes, transcript or recording. The address for the Office of Justice Programs of the Department of Justice is 810 Seventh Street, NW, Washington, DC 20531.

December 1999: Speaker, "Responding to a Culture of Violence," University of North Carolina School of Medicine, Chapel Hill. I used the same notes supplied for the 2001 event with the same event title.

October 14, 1999: Speaker, "New Faces of Justice: Challenges of Women Judges," 21st Annual Association of Women Judges Conferences, Miami, Florida. Notes supplied.

September 15, 1999: Speaker, "Strategic Prevention Approach," Forsyth County Women Attorneys, Winston-Salem, North Carolina. Remarks supplied.

June 1999: Panelist, "Safety and Strength in Our Homes, Streets, and Schools," Vice President Al Gore's Family and Community Conference, Vanderbilt

Institute for Public Policy Studies, Nashville, Tennessee. The panel discussed the need for comprehensive strategies to make communities safer. I have no notes, transcript or recording. The address for the Vanderbilt Institute for Public Policy Studies is 360 Commons Center, Nashville, Tennessee 37235.

April 1999: Panelist, Community Meeting to Stop Church Arson, The National Coalition for Burned Churches and Community Empowerment, Emmanuel Baptist Church, Winston-Salem, North Carolina. The panel discussed the growing trend of church burnings and what steps the community could take proactively to prevent these crimes. I have no notes, transcript or recording. The address for Emmanuel Baptist Church is 1075 Shalimar Drive, Winston-Salem, North Carolina 27107.

April 24, 1999: Speaker, "Addressing Violence in Urban Settings," Minority Family and Health Forum, Northwest Area Health Education Center Wake Forest University School of Medicine, Winston-Salem, North Carolina. Remarks supplied.

March 1999: Panelist, "Creating a Safe Environment for Families: Putting Our Heads Together, Exploring A Vision for the Children of North Carolina," North Carolina Department of Health and Human Services Division of Social Services and the Jordan Institute for Families, University of North Carolina at Chapel Hill, Chapel Hill, North Carolina. The panel discussed the impact of violent crime on communities and families and how social service agencies could work with law enforcement and others to coordinate services. I have no notes, transcript or recording. The address for the North Carolina Department of Health and Human Services Division of Social Services is 820 South Boylan Avenue, Raleigh, North Carolina 27603.

January 22, 1999: Keynote Speaker, Dedication Ceremony of the Women's Resource Center for Forsyth Technical Community College, Winston-Salem, North Carolina. Remarks supplied.

1995 – 1998: Panelist, General Remarks, First Year Law Students' Orientation, Wake Forest University School of Law, Winston-Salem, North Carolina. Remarks supplied.

1998: Speaker, Council on Legal Education Opportunities Scholars, Council on Legal Education Opportunities Program, Wake Forest University School of Law, Winston-Salem, North Carolina. Partial copy of remarks supplied.

October 1997: Speaker, "Neighbors for Better Neighborhoods," Community Leaders Breakfast, Winston-Salem Foundation, Winston-Salem, North Carolina. The panel discussed how individual members of the community can work together and with law enforcement to make their communities safe. I have no notes, transcript or recording. The address for the Winston-Salem Foundation is

860 West 5th Street, Winston-Salem, North Carolina 27101.

September 1997: Guest Lecturer, "Race and the Law," Department of History of Wake Forest University, Winston-Salem, North Carolina. My remarks addressed the various ways race comes into play in the criminal justice system including the selection of jurors. I have no notes, transcript or recording. The address for Wake Forest University is 1834 Wake Forest Road, Winston-Salem, North Carolina 27106.

May 13, 1997: Panelist, "Children at Risk in the Roanoke Valley, Can We Do More?," American Pediatric Association, Roanoke, Virginia. Remarks supplied.

May 8, 1997: Panelist, "The Criminal Justice System – Rising to the Challenge of Domestic Violence," Family Services of Winston-Salem, Forsyth County District Attorney's Office, Winston-Salem Police Department and Northwest AHEC Mental Health Section, Bowman Gray School of Medicine of Wake Forest University, Winston-Salem, North Carolina. Remarks supplied.

April 1997: Speaker, "Striving for Excellence," First Annual Visions of Excellency Banquet, Visionworks Youth Services, Inc., Winston-Salem, North Carolina. I discussed the importance of seeking excellence in all undertakings. I have no notes, transcript or recording. Upon information and belief Visionworks Youth Services, Inc. no longer exists as an agency in the Winston-Salem, North Carolina community.

April 1997: Speaker, "The Future We Are Creating Now," Leadership Winston-Salem Criminal Justice Day, Winston-Salem, North Carolina. Remarks supplied.

February 1997: Speaker, Remarks, New Hope African Methodist Episcopal Zion Church, Winston-Salem, North Carolina. I gave remarks concerning lifting our communities and strengthening communities through joint action. I have no notes, transcript, or recording. The address for the New Hope African Methodist Episcopal Zion Church is 7000 Shallowford Road, Lewisville, North Carolina 27023.

January 1997: Speaker, DARE Graduation, Griffith Elementary School, Winston-Salem, North Carolina. My remarks dealt with encouraging youth to stay away from drugs and to strive to achieve excellence. I have no notes, transcript or recording. The address for Griffith Elementary School is 1385 West Clemmons Road, Winston-Salem, North Carolina 27127.

January 15, 1997: Panelist, "How Can We Achieve Collaboration? The Roles of Government and Non-Profit Agencies," The Duke Endowment for Children and Families, Duke University, Durham, North Carolina. Remarks supplied.

1996: Speaker, "Community Safety," Neighborhood Watch Awards, Winston-

Salem Police Department, Winston-Salem, North Carolina. Remarks supplied.

December 1996: Speaker, Remarks, Winston Lake Family YMCA 71st Annual Meeting and Awards Reception, Winston-Salem, North Carolina. My remarks were in recognition of those youth who excelled in sports and academics. I have no notes, transcript or recording. The address for Winston Lake Family YMCA is 901 Waterworks Road, Winston-Salem, North Carolina 27101.

September 19, 1996: Speaker, "Prevention: Challenge for the Community," Community Service Awards Banquet, The Coalition for Drug Abuse Prevention, Winston-Salem, North Carolina. Partial copy of remarks supplied.

July 1996: Speaker, "Addressing School Violence," North Carolina Association of School Resource Officers, Raleigh, North Carolina. My remarks addressed the role of school resource officers in deterring violent crime in schools. I have no notes, transcript or recording. The address for the North Carolina Association of School Resource Officers is 4201 Mail Service Center, Raleigh, North Carolina 27699-4201.

May 1996: Speaker, "School Safety," Education Summit, The Forsyth Common Vision Council of Winston-Salem, Winston-Salem, North Carolina. My remarks addressed the role of schools as partners in addressing youth violence. I have no notes, transcript or recording. The address for The Forsyth Commission Vision Council is 101 North Main Street, Winston-Salem, North Carolina 27101.

April 4, 1996; April 10, 1996: Speaker, "Overview of the System," Leadership Winston-Salem Criminal Justice Day, Leadership Winston-Salem, Winston-Salem, North Carolina. Remarks and handout supplied.

March 1996: Speaker, "Public Safety and Economic Development," The Piedmont Triad Leadership Network, Greensboro, North Carolina. My remarks addressed how public safety issues influence and impact economic development. I have no notes, transcript or recording. The address for The Piedmont Triad Leadership Network is 1300 Spring Garden Street, Greensboro North Carolina 27402.

February 1996: Speaker, "Women Working for Girls," Salvation Army Boys and Girls Club Banquet, The Third Women Working for Girls Luncheon, Winston-Salem, North Carolina. My remarks addressed the need to empower and support girls to become future leaders. I have no notes, transcript or recording. The address for the Salvation Army Boys and Girls Club is 2100 Reynolds Park Road, Winston-Salem, North Carolina 27107.

January 1996: Judge, Frederick Douglass Moot Court Competition, Black Law Students' Association Southern Region, Wake Forest University School of Law, Winston-Salem, North Carolina. I served as a judge for mock trials involving law

students. I have no notes, transcript or recording. The address of the Wake Forest University School of Law is 1834 Wake Forest Road, Winston-Salem, North Carolina 27109.

January 1996: Lecturer, “Building a Strong Community,” Salem College and Academy, Winston-Salem, North Carolina. My remarks addressed how we must create partnerships to create strong communities. I have no notes, transcript or recording. The address of the Salem College and Academy is 601 South Church Street, Winston-Salem, North Carolina 27101.

1994 – 1996: Guest Lecturer for Adjunct Professor Lawrence Fine’s Juvenile Law Class, Wake Forest University School of Law, Winston-Salem, North Carolina. I discussed the strategic approach to reducing juvenile violence being employed by the United States Attorney’s Office. I have no notes, transcripts, or recordings. The address for Wake Forest University School of Law is 1834 Wake Forest Road, Winston-Salem, North Carolina 27109.

1995: Speaker, “The Challenges of the Working Woman,” American Business Women, Winston-Salem-Greensboro Chapter, Greensboro, North Carolina. Remarks and handout supplied.

September 1995: Speaker, “The Federal Youth Hand Gun Safety Act, Creating Safe School Communities,” North Carolina Center for the Prevention of School Violence, Raleigh, North Carolina. I discussed the newly enacted legislation as a tool to address youth violence in schools. I have no notes, transcript or recording. The address of the North Carolina Center for the Prevention of School Violence is 4201 Mail Service Center, Raleigh, North Carolina 27699.

September 1995: Panelist, “Rising to the Challenge of Change – Reinventing Justice in America for the Year 2000,” Second Annual Community Relations Issues Symposium, North Carolina Chapter of the National Association of Human Rights Workers, North Carolina Human Relations Commission, and Youth Advocacy and Involvement Office, Raleigh, North Carolina. The panel addressed the use of prevention strategies as a tool in fighting juvenile crime. I have no notes, transcript or recording. The address of the National Association of Human Rights Workers is 300 West Washington Street, Greensboro, North Carolina 27402.

August 1995: Speaker, Remarks, Mount Pleasant Baptist Church Summer Day Camp Program, Mount Pleasant Baptist Church, Winston-Salem, North Carolina. My remarks were made to youth and were motivational in nature, encouraging them to strive for excellence. I have no notes, transcript or recording. The address for Mount Pleasant Baptist Church is 495 NW Crawford Place, Winston-Salem, North Carolina 27105.

June 1995: Speaker, “Safe Communities,” Second Annual Crime Reduction

Conference, Housing Authority of the City of Winston-Salem, Winston-Salem, North Carolina. My remarks addressed strategic approach to reducing crime. I have no notes, transcript or recording. The address for the Housing Authority of the City of Winston-Salem is 500 West 4th Street, # 300, Winston-Salem, North Carolina 27101.

June 1995: Speaker, "Delinquency: Conflict, Diversity, Our Problem, Our Challenge," North State Law Enforcement Officers' Association, Raleigh, North Carolina. Remarks supplied.

May 1995: Speaker, Guilford County Schools Mediation Showcase, North Carolina Department of Crime Control and Public Safety, Governor's Crime Commission, Raleigh, North Carolina. My remarks addressed mediation as a tool in addressing conflicts in schools early before escalating to criminal behavior. I have no notes, transcript or recording. The address for the Governor's Crime Commission is 4201 Mail Service Center, Raleigh, North Carolina 27699-4201.

May 1995: Speaker, Stop the Violence Neighborhood Unity Day Celebration, Mayor's Violence Reduction Task Force, Winston-Salem, North Carolina. My remarks addressed the need for the community to take ownership in stopping violent crime in their communities and working with law enforcement to do so. I have no notes, transcript or recording. The address for the Mayor's Violence Reduction Task Force is 100 North Main Street, # 150, Winston-Salem, North Carolina 27101.

March 1995: Speaker, "Reflection on Our Local Juvenile Justice System," Forsyth County Juvenile Justice Council, Winston-Salem, North Carolina. Partial copy of remarks supplied.

1994: Speaker, "Criminal Justice System – Is It Broke?" Juvenile Justice Council, Winston-Salem, North Carolina. Remarks supplied.

1987 – 1994: Guest Lecturer, Wake Forest University School of Law School Clinical Program, Winston-Salem, North Carolina. I was a guest lecturer on a number of occasions discussing issues related to courtroom etiquette, professionalism, and trial practice. I have no notes, transcripts, or recordings. The address at Wake Forest University School of Law is 1834 Wake Forest Road, Winston-Salem, North Carolina 27109.

1987 – 1994: Guest Lecturer, Adjunct Professor Gary Tash's Juvenile Law Class, Wake Forest University School of Law, Winston-Salem, North Carolina. I have been a guest lecturer for this class on a number of occasions. I typically discussed juvenile law and procedure as well as the court's goals and unique approach to trying and sentencing juvenile offenders. I have no notes, transcript, or recording. The address for the Wake Forest University School of Law is 1834 Wake Forest Road, Winston-Salem, North Carolina 27109.

1993: Speaker, “Violent Juveniles,” Mayor’s Task Force on Youth Violence, Winston-Salem, North Carolina. Partial copy of notes supplied.

1990 – 1993: Speaker, New Attorneys’ Orientation, Forsyth County Hall of Justice, Forsyth County Bar Association, Winston-Salem, North Carolina. Remarks supplied.

January – November 1992: While running to retain my seat as a state district court judge for the 21st Judicial District of Forsyth County, North Carolina, I gave a number of campaign speeches, and participated in candidate forums and debates. I spoke to numerous civic, political and professional organizations. Although I do not recall every group or organization to which I spoke, such organizations would have included local churches, the Forsyth County Democratic Party, the various rotary clubs of Forsyth County, the Winston-Salem Chamber of Commerce, and local colleges and universities, including Winston-Salem State University, Wake Forest University, and Salem College and Academy. After reviewing my files and public records, I could not determine the specific dates or locations of these meetings. At all events, I shared my qualifications, experience, and community involvement. I have no notes, transcripts, or recordings.

May 1992: Speaker, Law Enforcement Memorial Service, Winston-Salem Police Department, Winston-Salem, North Carolina. Notes supplied.

January – November 1988: While running to retain my seat as a state district court judge for the 21st Judicial District of Forsyth County, North Carolina, I gave a number of campaign speeches and participated in candidate forums and debates. I spoke to numerous civic, political and professional organizations. Although I do not recall every group or organization to which I spoke, such organizations would have included local churches, the Forsyth County Democratic Party, the various rotary clubs of Forsyth County, the Winston-Salem Chamber of Commerce, and local colleges and universities, including Winston-Salem State University, Wake Forest University, and Salem College and Academy. After reviewing my files and public records, I could not determine the specific dates or locations of these meetings. At all events, I shared my qualifications, experience, and community involvement. I have no notes, transcripts, or recordings.

- 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.

Layla Garms, Hayes Set Example of Excellence, Winston-Salem Chronicle, February 14, 2013. Copy supplied.

Layla Garms, Drones Come Out for Judge's Send-Off Celebration, Winston-Salem Chronicle, December 14, 2012. Copy supplied.

Emery P. Dalesio, NASCAR CEO Tries to Keep Court Hearings Private, USA Today, September 25, 2012. Copy supplied.

Phoebe Zerwick, Why Didn't They Stop Him?, O, The Oprah Magazine, August 1, 2009. Copy supplied.

Suzanne Reynolds, Suzanne Reynolds Declares Candidacy for NC Supreme Court, Blue Ridge News, November 13, 2007. Copy supplied.

Jeanne Sturiale, Business Milestones, Winston-Salem Journal, February 11, 2007. Copy supplied.

Elizabeth Amon, Not All Black And White, American Lawyer, May 2004. Copy supplied.

John Railey, King's Words Will Resound Again In Series Of Readings Local Leaders Will Read From Controversial Speeches That He Made In The Two Years Before He Died, Winston-Salem Journal, September 10, 2003. Copy supplied.

Theo Helm, Woman Gets Legal Custody of 2 Children Estranged Husband Stabbed Her, Killed Her Daughter Last Fall, Winston-Salem Journal, March 18, 2003. Copy supplied.

Special to the Chronicle, Biggs Joins Local Firm, Winston-Salem Chronicle, January 30, 2003. Copy supplied.

Kristi E. Swartz, Biggs, Former Judge, Joins Local Practice, Winston-Salem Journal, January 30, 2003. Copy supplied.

Judge Loretta C. Biggs, Biggs Seat, The Defender, Fall 2002. Copy supplied.

John Hinton, Judicial Challenger Makes Direct Appeal Steelman Says He's More Qualified; Biggs Disappointed by "Potshot," Winston-Salem Journal, October 7, 2002. Copy supplied.

Emery P. Dalesio, Court Rules Burger King Employee Can't Sue and Take Workers' Comp, Star News Online, August 21, 2002. Copy supplied.

Uncredited, Covering the Courts System Helps Journalists, AOC News, June 10, 2002. Copy supplied.

Courtney Gaillard, Black Law School Students Hear from Biggs at Annual Banquet, Winston-Salem Chronicle, February 28, 2002. Copy supplied.

Jill Doss-Raines, Help Children Achieve Their Dreams, Speaker Says, The-Dispatch, January 22, 2002. Copy supplied.

T. Kevin Walker, Starting Early, Appeals Court Judge Loretta Biggs Already Campaigning for November 2002, Winston-Salem Chronicle. I have been unable to determine the exact date of the publication. Copy supplied.

Felecia P. McMillian, Biggs Runs for Court of Appeals; The AC Phoenix, December 2001. Copy supplied.

Wade Rawlins, Three Judges Must Run in 2002, The News & Observer, December 19, 2001. Copy supplied.

Editorial, Reducing Juvenile Crime, Winston-Salem Journal, April 11, 2001. Copy supplied.

Editorial, Community Safety, Winston-Salem Journal, March 30, 2001. Copy supplied.

T. Kevin Walker, Local Woman Does Well, Winston-Salem Chronicle, February 22, 2001. Copy supplied.

Matthew Eisley, Appeals Bench Lacks One Judge, The News & Observer, February 17, 2001. Copy supplied.

David Rice, Biggs Appointed to Seat on Court of Appeals, Winston-Salem Journal, January 6, 2001. Copy supplied.

Special to the Chronicle, Biggs To Receive Award For Work In Building Safer Communities, Winston-Salem Chronicle, December 14, 2000. Copy supplied.

John Hinton, Talk, Then Do: Biggs Honored for Guiding Juvenile-Justice Efforts, Winston-Salem Journal, December 8, 2000. Copy supplied.

Former Judge Biggs Receives Attorney General's Award, The AC Phoenix, August 1999. Copy supplied.

Felecia P. McMillian, Biggs Honored by Attorney General, Winston-Salem Chronicle, July 22, 1999. Copy supplied.

Patrick Flanigan, Center Provides a Safe Haven, The Herald-Sun, May 30, 1999. Copy supplied.

Paula Christian, Man Gets Prison Sentence In Child Pornography Case, Greensboro News & Record, February 25, 1998. Copy supplied.

Felecia P. McMillian, Law & Order, Winston-Salem Chronicle Community Focus, July 10, 1997. Copy supplied.

Jeri Rowe, Man Gets Jail, Fine In Child Porn Case, Greensboro News & Record, March 22, 1996. Copy supplied.

Jeri Rowe, Shape Up, Community's Owners Told, Greensboro News and Record, October 7, 1995. Copy supplied.

Jeri Rowe, Other Areas May Copy Complex's Crime Fight, Greensboro News & Record, September 11, 1995. Copy supplied.

Biggs Receives Youth Services Award, Winston-Salem, December 1, 1994. Copy supplied.

Ian Hoffman, Search is on for a District Court Judge to Replace Biggs, Winston-Salem Journal, July 22, 1994. Copy supplied.

Richard L. Williams, Judge Biggs to Join U.S. Attorney's Office, Winston-Salem Chronicle, July 7, 1994. Copy supplied.

Richard L. Williams, Biggs Could Be Positioned for Federal Judgeship, Winston-Salem Chronicle, July 7, 1994. Copy supplied.

Richard L. Williams, Lawyers, Judges Happy for Judge Biggs, Heap Her with Praise, Winston-Salem Chronicle, July 7, 1994. Copy supplied.

Leigh A. Dyer and Ian Hoffman, Biggs Expected to Leave Judgeship to Take Assistant U.S. Attorney Job, Winston-Salem Journal, July 6, 1994. Copy supplied.

Mark R. Moss, It's Like Winning the Nobel Prize, Winston-Salem Chronicle, March 10, 1994. Copy supplied.

Richard L. Williams, Mendez, Biggs, Graham-Wheeler: Man, Women of the Year, Winston-Salem Chronicle, February 13, 1994. Copy supplied.

Kelly Thompson, Theater Is The Star At Festival, Greensboro News & Record, August 3, 1993. Copy supplied.

Tom Sieg, No-Nonsense Loretta Biggs, Style, May 6-12, 1992. Copy supplied.

Judge Biggs To Seek Re-Election In 1992. I have been unable to identify the date of the article. Copy supplied.

Special to the Chronicle, Easley Names Biggs to Campaign Financing Council, Winston-Salem Chronicle. I have been unable to identify the date of the article. Copy supplied.

Winston-Salem Journal Staff Report, Judge Biggs Says She'll Run for Re-Election, Winston-Salem Journal, December 17, 1991. Copy supplied.

Winston-Salem Journal Staff Report, Reno Will Honor 2 Who Help Local Youths, Winston-Salem Journal. I have been unable to identify the date of the article. Copy supplied.

Robert Brown, Here Comes the Judge! From Ivory Tower To People Court, The AC Phoenix, February 1987. Copy supplied.

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

In 1987, I was appointed by Governor James G. Martin to fill the unexpired term for a retired judge on the North Carolina State District Court, 21st Judicial District. I was retained in elections to four-year terms in 1988 and 1992. I left the state court bench in 1994 to accept the appointment as an Assistant United States Attorney. The district courts have divisions that include civil, criminal, juvenile, and magistrate matters. This includes jurisdiction over civil cases involving matters with generally less than \$10,000 in controversy and criminal cases involving misdemeanors, infractions, and probable cause hearings for felony cases. The district courts also have original jurisdiction over divorce, child custody, and child support cases. While in the court, I presided over cases from the civil (including child custody and child support matters), criminal, and juvenile divisions.

In 2001, I was appointed by Governor James B. Hunt, Jr., to serve as an associate judge on the North Carolina Court of Appeals, the state's intermediate appellate court. The seat on the court to which I was appointed was a newly created seat by the state legislature, which required that I run a state-wide race for election to the court in November 2002. I was not successful in my bid for election to the seat. The North Carolina Court of Appeals has jurisdiction over all civil and criminal cases appealed from the superior and district courts (state trial courts), except in capital murder cases where death is imposed, which go directly to the North Carolina Supreme Court. In addition, the North Carolina Court of Appeals also hears direct appeals from certain of the state's administrative agencies.

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

As a state district court judge I presided over hundreds of cases each month, depending on the case load in the court rotation to which I was assigned. Most of these cases were resolved by verdict, judgment, guilty pleas, or mediated settlements. Approximately one fourth of these cases required trials, most of which were bench trials. As a court of appeals judge, I did not preside over cases in the traditional sense.

- i. Of these, approximately what percent were:

jury trials:	10%
bench trials:	90%
civil proceedings:	50%
criminal proceedings:	50%

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

See attached list.

- 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).

As a state district court judge I presided over hundreds of cases, none of which were transcribed except that the verdict, judgment, guilty plea or other resolution was written in the case file or file jacket. The files for these cases are kept at the Forsyth County clerk's office in Winston-Salem, North Carolina. When the clerk's office automated its files in 1998, the judge's name assigned to the case was not a required entry. The files are indexed by the names of litigants and file numbers. The clerk's office is unable to query by judge's name, which has precluded the identification of cases that I heard during the time I was in district court.

Although I did not preside over the trial of cases in the traditional sense as an appellate judge, I have provided information related to ten cases for which I wrote the opinion for the court and for which I sat on the panel that presided during oral argument of the appeal:

1. Durling v. King, 146 N.C. App. 483, 554 S.E.2d 1 (2001)

This case involved a lawsuit between contracting sales representatives and subcontracting sales representatives alleging claims that included breach of contract and unfair and deceptive trade practices under North Carolina's

Unfair and Deceptive Trade Practices Statute. The defendant appealed from a jury verdict in superior court in favor of the plaintiff's breach of contract claim and the jury's finding that there was a basis for an unfair and deceptive trade practices claim. The plaintiff also appealed a denial by the trial court to award treble compensatory damages and attorney fees pursuant to the unfair and deceptive trade practices statute. I wrote the opinion for the court, affirming in part and reversing in part. We affirmed the jury verdict in favor of the plaintiff's breach of contract claim and the trial court's ruling in favor of the defendant that the evidence did not establish unfair or deceptive trade practices so as to justify an award of treble damages or attorney's fees. We reversed and vacated the jury's finding that there was a basis for unfair and deceptive trade practices.

Attorney for appellant: Michael J. Newman
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Attorneys for appellee: Daniel G. Cahill
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919-783-6400

Kieran J. Shanahan
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2. Hobbs v. Clean Control Corp., 154 N.C. App. 433, 571 S.E.2d 860 (2002)

This case involved an appeal from an opinion of the North Carolina Industrial Commission denying the plaintiff's claim for worker's compensation and concluding that plaintiff failed to establish the requisite elements of a compensable occupational disease. Within eight months of starting work for her employer conducting sales demonstrations for customers, the plaintiff consulted a physician for arm and elbow pain. After surgery, the pain continued, and the plaintiff sought worker's compensation benefits. After the Commission denied her claim, the plaintiff appealed. I wrote the opinion for the court of appeals, which affirmed the judgment of the Commission, concluding that the Commission's findings were supported by competent evidence and the findings justified its conclusions.

Attorneys for appellee: Jeffrey A. Misenheimer
Timothy S. Riordan
Lewis & Roberts, PLLC
3700 Glenwood Avenue
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919-981-0191

Attorneys for appellant: Michael W. Ballance
Dickie McCamey, Attorneys At Law
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Cary, North Carolina 27518-8580
919-337-4644

George W. Lennon
Lennon, Camak & Bertics, PLLC
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Raleigh, North Carolina 27606
919-856-9000

3. In re Will of Allen, 148 N.C. App. 526, 559 S.E.2d 556 (2002)

This case involved a challenge to the validity of a holographic will. Upon Mr. Allen's death, a handwritten will was found among other papers in a wooden bowl on the kitchen counter. The will included phrases that appeared to be written with a different pen. Caveators alleged that the will was not a validly executed holographic will and moved for a directed verdict at the close of the propounder's evidence and again at the close of all the evidence. The motions were denied by the superior court and the issue of the validity of the will was submitted to the jury, which returned a verdict in favor of the propounders. Caveators argued on appeal that the superior court erred in its denial of their motion for a directed verdict. I wrote the opinion for the court. We affirmed the trial court, stating that the trial court's ruling on a directed verdict motion is addressed to the court's discretion, and will not be overturned absent an abuse of discretion. We concluded that the trial court properly submitted the case to the jury in that there were questions of fact to present to the jury related to the authorship of the will, whether the remainder of the will expressed Mr. Allen's intention irrespective of the phrases written with a different pen, and the location where the will was found.

Attorney for appellant: Jimmy L. Love, Sr.
Love & Love, P.A.
315 McIntosh Street
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919-775-7119

Attorney for appellee: Eddie S. Winstead, III
Harrington, Gillenland, Winstead, Feindel &
Lucas, L.L.P.
1410 Elm Street
Sanford, North Carolina 27330
919-776-4131

4. North Carolina State Bar v. Talford, 147 N.C. App. 581, 556 S.E.2d 344 (2001)

This case involved a direct appeal from an Order of Disbarment by the North Carolina State Bar Disciplinary Hearing Commission. The commission had found that the attorney had violated North Carolina's Rules of Professional Conduct regarding maintenance of client funds and imposed the sanction of disbarment. I wrote the opinion for the court affirming in part and reversing and remanding in part. Because no issue of legal interpretation was raised on appeal, the standard of review applied by the appellate court was abuse of discretion. We held that the commission did not abuse its discretion in its finding that the defendant-appellant had violated the North Carolina Rules of Professional Conduct governing the attorney's maintenance of client's funds held in his trust account. We reversed the imposition of the sanction of disbarment finding that the commission-appellee had abused its discretion and remanded the case to the trial court with instructions to impose a sanction consistent with the court's opinion.

Attorney for appellant: Irving Joyner
North Carolina Central University
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640 Nelson Street
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Attorney for appellee: Carolin Bakewell
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Raleigh, North Carolina 27612
919-306-0116

Clayton W. Davidson, III
(current business contact information
unavailable)

5. Occaneechi Band of Saponi Nation v. North Carolina Commission of Indian Affairs, 145 N.C. App. 649, 551 S.E.2d 535 (2001)

This case arose from a petition by the Eno Occaneechi Indian Association to the North Carolina Commission of Indian Affairs requesting recognition as a North Carolina Indian Tribe. Although the administrative law judge initially recommended that the tribe be granted recognition, the commission denied tribal recognition. On appeal to the trial court, the petitioner argued that because the commission had not rendered its decision within the statutorily-prescribed time, the administrative law judge's decision was the operative decision. In affirming the commission's decision, even though it was outside of the statutory period, the trial court stated that the time limit was intended to be presumptive, not absolute, and thus if the agency could demonstrate reasonableness in the delay, the statute did not apply. I wrote the opinion for the court, wherein we reversed and remanded the case to the trial court. We concluded that the commission-appellee did not issue its final decision in accordance with the statutory requirements, and that by operation of the statute the recommended decision by the administrative law judge became the final decision.

Attorneys for appellant: Alan McSurely
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109 North Graham Street, Suite 100
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919-967-3311

Ashley Osment
(deceased)

Attorneys for appellee: Michael F. Easley
(Formerly of North Carolina Attorney
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McGuireWoods
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Raleigh, North Carolina 27601
919-755-6600

D. David Steinback Jr.
(retired)

6. Prior v. Pruett, 143 N.C. App. 612, 550 S.E.2d 166 (2001)

This case involved a wrongful death claim brought by the administrators of a shooting victim's estate pursuant to §1983 for a violation of the plaintiff-decedent's civil rights and a claim for relief under North Carolina

common law for wrongful death. The case was initially brought in the superior court of Burke County and was subsequently removed to federal court by the estate administrators. The federal district court granted defendants' motion for summary judgment on the §1983 action, declined to exercise supplemental jurisdiction over the state claims, and remanded the state claims to superior court. On remand, the superior court denied the defendants' motion for judgment on the pleadings. Defendants appealed, and the court of appeals affirmed the superior court. On remand the defendant-appellees moved for summary judgment on the state claim of negligence and contributory negligence, which the superior court granted, and it is this decision that was the subject of this appeal. I wrote the opinion of the court, wherein we reversed the grant of summary judgment on the claims of negligence and contributory negligence by the superior court. We held that the trial court erred in granting summary judgment in favor of the defendants in that there existed genuine issues of fact precluding summary judgment.

Attorney for appellant: C. Frank Goldsmith Jr.
Goldsmith, Goldsmith & Dew, P.A.
57 South Main Street
Marion, North Carolina 28752
828-652-3000

Attorneys for appellee: G. Michael Barnhill
W. Clark Goodman
Womble Carlisle Sandridge & Rice
One Wells Fargo Center, Suite 3500
301 South College Street
Charlotte, North Carolina 28202
704-331-4900

7. State v. Johnson, 143 N.C. App. 307, 547 S.E.2d 445 (2002)

This case involved the conviction of a defendant in superior court for felonious possession with intent to sell and deliver cocaine and maintaining a dwelling for keeping and selling cocaine. The trial court denied the defendant's motion to suppress physical evidence seized pursuant to a search warrant. The defendant then entered a guilty plea, reserving the right to appeal the validity of the strip search conducted by the officer. The defendant appealed the denial of the motion to suppress, contending that the strip search performed by the officer violated his rights under the Fourth Amendment of the U.S. Constitution and under Article 1 of the North Carolina Constitution. I wrote the opinion for the court. We affirmed defendant-appellant's conviction and sentence, holding that the strip search did not exceed the scope of the warrant and that the search was not unreasonable under the circumstances.

Attorneys for appellant: Malcolm R. Hunter Jr.
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201 West Main Street, Suite 301
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919-956-9545

Constance E. Wideham
(current business contact information
unavailable)

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8. State v. Tarlton, 146 N.C. App. 417, 553 S.E.2d 50 (2001)

This case involved the defendant's stop at a driving-while-impaired checkpoint. The defendant filed a motion to suppress alleging the stop was unconstitutional. The district court denied the motion. After being convicted in district court, the defendant appealed the denial of his motion to suppress to superior court. The superior court denied his motion to suppress once again. I wrote the opinion for this court. We affirmed the defendant-appellant's conviction holding that the stop was constitutionally permissible under the Fourth Amendment.

Attorneys for appellant: John D. Loftin
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J. Matthew Martin
Martin & Martin, P.C.
7250 Frankford Avenue

Philadelphia, Pennsylvania 19135
215-331-2630

Attorney for appellee: Isaac T. Avery, III
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919-829-2523

9. Town of Ayden v. Town of Winterville, 143 N.C. App. 136, 544 S.E.2d 821 (2001)

This case involved issues of annexation. With the consent of the neighborhood in question, the Town of Winterville (“Winterville”) had annexed an adjoining neighborhood in the Town of Ayden (“Ayden”). Ayden filed suit for a declaratory judgment invalidating the annexation ordinance. The trial court granted Winterville’s motion for dismissal, and Ayden appealed. I wrote the opinion for the court of appeals. We affirmed the trial court’s holding that Ayden-appellant did not have standing to challenge the annexation and that there was no justiciable controversy between the towns.

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Robert E. Hornick Jr.
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Attorneys for appellee: E. Keen Lassiter
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Robin Tatum Morris
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10. Zimmerman v. Appalachian State University, 149 N.C. App. 121, 560 S.E.2d 374 (2002)

This case involved a faculty member at Appalachian State University who petitioned Appalachian State University's chancellor and trustees to be reappointed to the faculty. The administration denied the petition, and the petitioner appealed to the board of governors. The board of governors denied the petition, and the petitioner appealed to the superior court. The trial court held that the board of governors' decision was arbitrary and ordered that petitioner be reinstated. Respondents appealed to the court of appeals. I wrote the opinion of the court, which reversed the trial court's ruling, holding that the university administrators had the authority and the power to overrule the dean's recommendation of the faculty member's reappointment and further that there was insufficient evidence to support faculty member's allegations that decisions by university administrators to not reappoint him were wrongful.

Attorney for appellant: John W. Gresham
Tin Fulton Walker & Owen, PLLC
301 East Park Avenue
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704-338-1220

Attorney for appellee: Roy A. Cooper
Attorney General
9001 Mail Service Center
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919-716-6400

- 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. Durling v. King, 146 N.C. App. 483, 554 S.E.2d 1 (2001)

Attorney for appellant: Michael J. Newman
Van Camp Meacham & Newman, PLLC
Two Regional Circle

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2. Hobbs v. Clean Control Corp., 154 N.C. App. 433, 571 S.E.2d 860 (2002)

Attorneys for appellee: Jeffrey A. Misenheimer
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Attorneys for appellant: Michael W. Ballance
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8000 Regency Parkway, Suite 485
Cary, North Carolina 27518
919-337-4644

George W. Lennon
Lennon, Camak & Bertics, PLLC
4700 Homewood Court, Suite 310
Raleigh, North Carolina 27606
919-856-9000

3. In re Will of Allen, 148 N.C. App. 526, 559 S.E.2d 556 (2002)

Attorney for appellant: Jimmy L. Love, Sr.
Love & Love, P.A.
315 McIntosh Street
Sanford, North Carolina 27330
919-775-7119

Attorney for appellee: Eddie S. Winstead, III
Harrington, Gillenland, Winstead, Feindel &
Lucas, L.L.P.
1410 Elm Street
Sanford, North Carolina 27330
919-776-4131

4. North Carolina State Bar v. Talford, 147 N.C. App. 581, 556 S.E.2d 344 (2001)

Attorney for appellant: Irving Joyner
North Carolina Central University
School of Law
640 Nelson Street
Durham, North Carolina 27707
919-530-6293

Attorney for appellee: Carolin Bakewell
Bakewell & Belo, PLLC
3201-141 Edwards Mill Road
PMB# 127
Raleigh, North Carolina 27612
919-306-0116

Clayton W. Davidson, III
(current business contact information
unavailable)

5. Occaneechi Band of Saponi Nation v. North Carolina Commission of Indian Affairs, 145 N.C. App. 649, 551 S.E.2d 535 (2001)

Attorneys for appellant: Alan McSurely
McSurely & Turner, PLLC
109 North Graham Street, Suite 100
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919-967-3311

Ashley Osment
(deceased)

Attorneys for appellee: Michael F. Easley
(Formerly of North Carolina Attorney
General's Office)
McGuireWoods
434 Fayetteville Street, Suite 2600

Raleigh, North Carolina 27601
919-755-6600

D. David Steinback Jr.
(retired)

6. Prior v. Pruett, 143 N.C. App. 612, 550 S.E.2d 166 (2001)

Attorney for appellant: Frank C. Goldsmith Jr.
Goldsmith, Goldsmith & Dew, P.A.
57 South Main Street
Marion, North Carolina 28752
828-652-3000

Attorneys for appellee: Michael C. Barnhill
Womble Carlisle Sandridge & Rice
One Wells Fargo Center, Suite 3500
301 South College Street
Charlotte, North Carolina 28202
704-331-4900

Clark W. Goodman
Womble Carlisle Sandridge & Rice
One Wells Fargo Center, Suite 3500
301 South College Street
Charlotte, North Carolina 28202
704-331-4900

7. State v. Demos, 148 N.C. App. 343, 559 S.E.2d 17 (2002)

Attorney for appellant: David G. Belser
Belser Law Firm
17 North Market Street
Asheville, North Carolina 28801
828-258-1500

Attorney for appellee: Roy A. Cooper
Attorney General
9001 Mail Service Center
Raleigh, North Carolina 27603
919-716-6400

8. State v. Tarlton, 146 N.C. App. 417, 553 S.E.2d 50 (2001)

Attorneys for appellant: John D. Loftin
Loftin & Loftin, P.A.

117 North Churton Street
Hillsboro, North Carolina 27278
919-732-9748

J. Matthew Martin
Martin & Martin, P.C.
7250 Frankford Avenue
Philadelphia, Pennsylvania 19135
215-331-2630

Attorney for appellee: Isaac T. Avery, III
2904 Oberry Street
Raleigh, North Carolina 27607
919-829-2523

9. Town of Ayden v. Town of Winterville, 143 N.C. App. 136, 544 S.E.2d 821 (2001)

Attorneys for appellant: Michael B. Brough
Brough Law Firm
1829 East Franklin Street, Suite 800A
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919-929-3905

Christopher R. Edwards
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252-753-5111

Robert E. Hornick Jr.
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Chapel Hill, North Carolina 27514
919-929-3905

Attorneys for appellee: E. Keen Lassiter
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252-355-1135

Robin Tatum Morris
Poyner Spruill, LLC
301 Fayetteville Street, Suite 1900
Raleigh, North Carolina 27601
919-783-6400

10. Zimmerman v. Appalachian State University, 149 N.C. App. 121, 560 S.E.2d 374 (2002)

Attorney for appellant: John W. Gresham
Tin Fulton Walker & Owen, PLLC
301 East Park Avenue
Charlotte, North Carolina 28203
704-338-1220

Attorney for appellee: Roy A. Cooper
Attorney General
9001 Mail Service center
Raleigh, North Carolina 27699
919-716-6400

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

State v. Johnson, No. COA00-1336, 2002 WL 276219 (N.C. App. Feb. 5, 2002), *cert. denied*, 537 U.S. 838 (2002).

- 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.

Goodwin v. Webb, 152 N.C. App. 650, 568 S.E.2d 311 (2002), *rev'd*, 357 N.C. 40, 577 S.E.2d 621 (2003), *rev'd*, 357 N.C. 40, 577 S.E.2d 621 (2003).

Writing for the majority in Goodwin, I reversed the trial court's entry of summary judgment for decedent's estate, holding that a genuine issue of material fact as to whether the decedent's wife had ratified a separation agreement precluded summary judgment. Judge Greene dissented, stating that he did not believe that a genuine issue of fact existed as to ratification because the plaintiff had accepted all the benefits under the agreement and was not under duress at the time she accepted those benefits. The North Carolina Supreme Court reversed the majority opinion for the reasons stated by Judge Greene's dissent.

City of New Bern v. Carteret-Craven Elec. Membership Corp., 145 N.C. App. 140, 548 S.E.2d 845 (2001), *rev'd*, 356 N.C. 123, 567 S.E.2d 131 (2002).

Writing for the court in City of New Bern, I affirmed the trial court's entry of partial summary judgment for the municipal electric company ("plaintiff"), entitling it to permanent injunctive relief and damages from the electric

membership corporation (“defendant”), and held that the plaintiff had an exclusive statutory right to serve the animal hospital’s new building, based on an interpretation of the word “premises” under North Carolina law. The North Carolina Supreme Court reversed the decision, concluding that the new animal hospital buildings constituted separate premises under the statutes, and thus plaintiff did not have an exclusive right to service the new building.

Campbell v. N. Carolina Dep’t. of Human Res., 153 N.C. App. 305, 569 S.E.2d 670 (2002), abrogation recognized by Wos v. E.M.A. ex rel. Johnson, 133 S. Ct. 1391 (2013).

Writing for the court in Campbell, I affirmed the trial court’s order directing the minor (“plaintiff”) to reimburse the Department of Human Resources, Division of Medical Assistance for medical assistance benefits it paid to the plaintiff’s medical providers for services rendered to plaintiff following an automobile accident. We agreed with the trial court’s finding that plaintiff was a beneficiary and recipient under N.C. Gen. Stat. §§ 108A-57 and 108A-59, respectively. In Wos v. E.M.A. ex rel. Johnson, 133 S. Ct. 1391 (2013), the United States Supreme Court held that the federal Medicaid anti-lien statute, 42 U.S.C. § 1396p(a)(1), preempts N.C. Gen. Stat. §108A-57. In explaining its decision in Wos, the United States Supreme Court used Campbell and other North Carolina cases to illustrate how North Carolina cases had interpreted its statute to allow for Medicaid reimbursement in a way that the Supreme Court later found inconsistent with federal law.

- 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.

None of my opinions as a district court judge were published. They were not transcribed and are housed in the Office of the Clerk of Superior Court of Forsyth County. When the cases were automated in 1998, the judge’s name was not a required entry. As a result, the opinions are not searchable by judge.

Approximately half of the court of appeals opinions, concurrences, and dissents written by me (65 of 126 opinions) are unpublished. The disposition in the unpublished decisions appears in a reporter table in the North Carolina Court of Appeals Reporters. The full opinions of these unpublished decisions are available on Westlaw and LexisNexis.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

State v. Carter, No. COA01-1230, 2002 WL 31056696 (N.C. App. Sept. 17, 2002).

State v. Colbert, 146 N.C. App. 506, 553 S.E.2d 221 (2001).

State v. Covington, No. COA02-131, 2002 WL 1797084 (N.C. App. Aug. 6, 2002).

State v. Davenport, No. COA01-163, 2002 WL 1013527 (N.C. App. May 21, 2002).

Holcomb v. Holcomb, No. COA01-59, 2002 WL 416985 (N.C. App. March 19, 2002).

State v. Johnson, 143 N.C. App. 307, 547 S.E.2d 445 (2001).

State v. Kinlock, 152 N.C. App. 84, 566 S.E.2d 738, (2002) aff'd, 357 N.C. 48, 577 S.E.2d 620 (2003) (dissenting opinion).

State v. Quick, No. COA01-192, 2002 WL 485371 (N.C. App. April 2, 2002).

State v. Sutton, No. COA01-760, 2002 WL 1542816 (N.C. App. July 16, 2002).

State v. Tarlton, 146 N.C. App. 417, 553 S.E.2d 50 (2001).

- 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 never 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.

I do not recall ever recusing myself from a case or being asked to recuse myself. In the jurisdiction in which I presided, recusal determinations are made on a case-by-case basis with the presiding judge making his/her own decision as to whether a recusal should occur.

15. Public Office, Political Activities and Affiliations:

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

From 2007 to 2010, I served on the North Carolina Innocence Inquiry Commission after being appointed by Governor Michael F. Easley.

In 2006, I was appointed to the Commission for Judicial Campaign Finance Reform by Governor Michael F. Easley. The Commission was never convened.

From 2000 to 2006, I served on the Military Academy Selection Board for the Fifth Congressional District after being appointed by then-Congressman Richard M. Burr (now Senator Richard M. Burr).

From 1999 to 2000, I served on the North Carolina State Advisory Council on Juvenile Justice and Delinquency Prevention after being appointed by Governor James B. Hunt.

From 1997 to 1999, I served on the Governor's Task Force on Youth Violence and Community Safety after being appointed by Governor James B. Hunt.

From 1993 to 1995, I served on the Mayor's Violence Reduction Task Force for the City Of Winston-Salem, after being appointed by Mayor Martha Wood.

In February 1994, I was appointed to serve on the State Legislative Council to Revise the Juvenile Code by Daniel T. Blue, Jr., the Speaker of the North Carolina House of Representatives. I resigned from the Council upon my appointment as an Assistant United States Attorney later that year.

In 2002, I ran unsuccessfully to retain my seat on the North Carolina Court of Appeals.

- 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.

In 2014, I endorsed Judge Mark Davis in his bid to retain his seat on the North Carolina Court of Appeals and Judge Robin Hudson in her bid to retain her seat on the North Carolina Supreme Court. On August 29, 2013, I co-hosted a fundraiser for Senator Kay Hagan in her reelection campaign to retain her U.S Senate seat. In 2010, I endorsed North Carolina Court of Appeals Judge Bob C. Hunter in his bid to become a North Carolina Supreme Court Justice. In 2008, I endorsed Professor Suzanne Reynolds in her bid to become a North Carolina Supreme Court Justice. In September 2006, I hosted a fundraiser for former North Carolina Supreme Court Justice Patricia Timmons-Goodson, who was running to retain her seat on the court.

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

1979 – 1982
The Coca-Cola Company
One Coca-Cola Plaza
Atlanta, Georgia 30303
Staff Counsel

1984 – 1987
21st Judicial District, Forsyth County
200 North Main Street
Winston-Salem, North Carolina 27101
Assistant District Attorney

1994 – 2001
U.S. Attorney's Office
Middle District of North Carolina
101 South Edgewood Street
Greensboro, North Carolina 27401
Assistant United States Attorney (1994 – 1997)
Executive Assistant United States Attorney (1997 – 2001)

2003 – May 2014
Davis Harwell & Biggs, P.A.
380 Knollwood Street, Suite 720
Winston-Salem, North Carolina 27103
Managing Shareholder

May 2014 – present
Allman Spry Davis Leggett & Crumpler, P.A.
380 Knollwood Street, Suite 700
Winston-Salem, North Carolina 27103
Partner

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

I have not served as a mediator or arbitrator in any dispute resolution proceeding.

b. Describe:

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

I began my law career in 1979 as in-house counsel for the General Counsel's office of The Coca-Cola Company headquartered in Atlanta, Georgia. As a new attorney, I was assigned to do research and write briefs and legal memoranda. During my tenure at the company, I was assigned to work with the Products Liability and Securities' Counsel on the merger of the company with Minute Maid Orange Juice, Inc., which required that I review contracts, research pertinent industry information, and review and draft filings to the Securities and Exchange Commission.

Following my move to North Carolina in 1984, I became an Assistant District Attorney in Forsyth County, North Carolina, from 1984 to 1987. For the first two years as an Assistant District Attorney, I litigated misdemeanor criminal offenses, traffic cases, and juvenile cases as the

representative for the State of North Carolina. I was in court daily and tried hundreds of cases. In my third year, I was assigned to the superior court rotation to handle all child sex related crimes, many of which were tried before a jury.

After serving as a state district court judge from 1987 to 1994, I became an Assistant United States Attorney and then an Executive Assistant United States Attorney for the Middle District of North Carolina from 1994 to 2001. I oversaw the planning and coordination of the office's violence reduction strategy in the 24-county area that makes up the Middle District of North Carolina. I developed the model for the Juvenile Crime Prevention Councils which has been institutionalized by the Governor in all 100 counties in North Carolina. I also handled certain criminal prosecutions that were directly related to the communities where we engaged in crime prevention and violence reduction strategies.

After serving on the North Carolina Court of Appeals from 2001 to 2003, I joined Davis Harwell & Biggs, P.A., and became the managing shareholder of the law firm. My practice includes primarily litigation of complex family law cases; however, we also engage in mediation and arbitration. My cases often involve commercial litigation, business valuations, and in-depth financial analysis in high asset equitable distribution, alimony, and child support cases. I also litigate interstate and international child custody cases. I either handle or assist with all appellate work done by my firm to include brief writing and oral argument before the North Carolina appellate courts. In 2014, Davis Harwell & Biggs, P.A., merged with Allman Spry Leggett & Crumpler, P.A., where I have continued my family law practice.

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

My sole client during the time I worked for Coca-Cola was the company. My client during my tenure as an Assistant District Attorney was the State of North Carolina. My client during my tenure with the United States Attorney's Office was the United States of America and its agencies. My clients during my tenure with Davis Harwell & Biggs, P.A. and now Allman Spry Davis Leggett & Crumpler, P.A., have generally been individuals.

- 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.

Overall, approximately 40% of my practice has been in litigation. While working at Coca-Cola, I served as in-house counsel and managed outside counsel

representing the company in various litigation matters involving the company. Although I did not personally try any cases while I worked for the company, I reviewed, evaluated, and edited pleadings and other documents to be filed on behalf of the Coca-Cola Company. As an Assistant District Attorney from 1984 to 1987, my practice involved daily litigation. From 1994 to 2001 as an Assistant United States Attorney and Executive Assistant United States Attorney, approximately 5% of my work involved litigation activities, including involvement in the investigative stage through indictment, pretrial, and plea bargain. I appeared in court, on occasion, to handle guilty pleas and conduct detention hearings principally related to select cases that were a part of the office's violence reduction strategies. From 2003 to the present, I have been actively engaged in civil litigation and appeals related to cases handled in my practice. I am in court regularly as a part of my practice.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 5% |
| 2. state courts of record: | 95% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

ii. Indicate the percentage of your practice in:

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

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

As an Assistant District Attorney, I tried more than 100 cases to verdict or judgment. As an Assistant United States Attorney I handled guilty pleas in select cases that resulted from the violence reduction strategies that I coordinated for the United States Attorney's Office. In my current practice, I have tried more than 50 cases to final judgment or decision.

i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 10% |
| 2. non-jury: | 90% |

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.

None.

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

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

1. Austin v. Austin, 13 CVD 2128, Forsyth County District Court, Winston-Salem, North Carolina.

This case involves the parties' respective claims for equitable distribution. The parties are 87 and 88 years of age. Over the years, the defendant, whom I represent, amassed an estate valued at more than \$15 million. The defendant preserved these assets for his family by creating revocable and irrevocable trusts, as well as a limited liability partnership that held substantial beach property. One of the first issues to be addressed was the parties' date of separation. The issue of the parties' date of separation involved a week-long trial with the plaintiff asserting that the date of separation occurred in 2008 and the defendant asserting that the date of separation occurred in 2013. The court agreed with the defendant that the parties' date of separation occurred in 2013. This determination may determine whether the marital estate is valued at approximately \$4 million, or a substantially greater valuation as contended by the plaintiff. The case involves substantial appraisals of property to include the trust and the parties' limited liability partnership. The case is ongoing.

Date of representation: 2013 – present

Court: Forsyth County District Court

Judge: The Honorable George A. Bedsworth

Co-Counsel: Reginald F. Combs
Reginald F. Combs, P.C.
Post Office Box 24009
Winston-Salem, North Carolina 27114-4009
336-725-8165

Attorneys for plaintiff: John F. Morrow Sr. and John C. Vermitsky

Morrow Porter Vermitsky Fowler & Taylor
Post Office Box 25226
Winston-Salem, North Carolina 27114-5226
336-760-1400

2. Wright v. Wright, 08 CVD 1835, Cabarrus County, North Carolina.

This case involved issues of equitable distribution, child custody, child support, post-separation support, and alimony. I represented the defendant-wife throughout the litigation. The husband was an NFL player with the New York Giants when the case began, and the case involved a total estate valued at \$1.5 million. The three-day equitable trial involved the valuation of retirement, pension, and disability benefits. The plaintiff-husband appealed the equitable distribution judgment and was successful on one of the issues involving the characterization of certain disability benefits as his separate property. On behalf of the defendant-wife I obtained a post-separation support and child support award totaling \$25,000 per month. Following the appeal of the equitable distribution judgment, the parties resolved all issues by consent order.

Date of representation: 2008 – 2014

Court: Cabarrus County District Court

Judge: The Honorable William G. Hamby, Jr.

Attorney for plaintiff: Matthew F. Ginn, Esquire
Ginn and Link
One Buffalo Avenue, Northwest, Suite 3305
Concord, North Carolina 28025
704-786-5008

3. Dickman v. Dickman, 09 CVD 645, Davie County District Court, 140 South Main Street, Mocksville, North Carolina 27028

The case involved a 27-year marriage and was litigated for more than three years. I represented the defendant-wife. The issues involved a contested divorce, and claims of post-separation support, alimony, and equitable distribution. The parties had a net marital estate valued in excess of \$1 million. Plaintiff initially moved for a summary judgment divorce based on one year of separation as required by North Carolina law, alleging that his move to another state for employment constituted a separation as contemplated by the North Carolina divorce statutes. The Honorable Jimmy Myers heard and denied the plaintiff's motion after several hours of argument by counsel. A second contested issue involved the parties' date of separation, which was tried over two days before the Honorable Carlton Terry. Following the court's determination of the parties' date of separation, a trial on

equitable distribution began. Midway through the trial the parties resolved each party's claim for equitable distribution by consent order.

Date of representation: 2009 – 2013

Court: Davie County District Court

Judge: The Honorable Jimmy Myers
The Honorable Carlton Terry

Attorney for plaintiff: Theodore M. Molitoris
Theodore M. Molitoris, Attorney at Law
823 West Fifth Street
Winston-Salem, North Carolina 27101
336-725-0625

4. France v. France, 08 CVD 28389 and 08 CVD 20661, Mecklenburg County District Court, Charlotte, North Carolina.

This case involved a confidentiality provision in the parties' contract of separation, property settlement, child support, child custody and alimony agreement. The litigants were a NASCAR CEO and his former wife. I was co-counsel for the defendant-wife. In the trial court, the plaintiff sought to have the parties' custody and child support litigation heard in a courtroom closed to the public. The trial court denied the plaintiff's motion to seal the courtroom and the plaintiff appealed. In this first appeal, which is reported in France v. France, 209 N.C. App. 406, 705 S.E.2d 399 (2011), the issue was whether the parties' custody and child support case would be heard in an open or closed courtroom. The appeal raised significant constitutional issues related to the appropriate balance between public access to civil court proceedings and individuals' rights to contract. The appellate court affirmed the trial court's ruling that the case would be heard in an open courtroom and remanded to the trial court for the parties' issues to be litigated in an open courtroom. On remand, the district court conducted a hearing on The Charlotte Observer's request that all records and pleadings be unsealed. The trial court allowed the newspaper's motion, and the plaintiff once again appealed. In the second appeal, which is reported in France v. France, 738 S.E.2d 180 (2012), the North Carolina Court of Appeals once again affirmed the trial court and remanded the case back to the trial court for a hearing on the merits. The plaintiff then petitioned the North Carolina Supreme Court for discretionary review, which was denied. I wrote the briefs for both appeals and argued before the North Carolina Court of Appeals on both occasions. The parties have now resolved all custody and child support issues with a confidential settlement agreement.

Date of representation: 2008 – 2013

Court: Mecklenburg County District Court

Judge: The Honorable Jena P. Culler

Co-Counsel: Joslin Davis
Allman Spry Davis Leggett & Crumpler, P.A.
380 Knollwood Street, Suite 700
Winston-Salem, North Carolina 27103
336-722-1534

Martin L. Brackett Jr.
Robinson, Bradshaw & Hinson, P.A.
101 North Tryon Street, Suite 1900
Charlotte, North Carolina 28246
704-377-2536

Attorneys for Mr. France: Gena Graham Morris
Horack Talley Pharr & Lowndes, P.A.
301 South College Street, Suite 2600
Charlotte, North Carolina 28202
704-377-2500

John E. Stephenson Jr.
Alston & Bird, LLP
1201 West Peachtree Street
Atlanta, Georgia 30309
404-881-7697

Attorneys for Media Movants: Raymond E. Owens Jr.
The Charlotte Observer Christopher C. Lam
K & L Gates
214 North Tryon Street, 47th Floor
Charlotte, North Carolina 28202
704-331-7400

5. Bramblett v. Bramblett, 09 CVD 8611, Forsyth County District Court, Winston-Salem, North Carolina.

This case involved issues of child custody and child support involving two severely disabled children. The children required constant care, numerous medications, treatments, equipment, and very expensive diets. I represented the plaintiff-mother in the state district court case and the appeal that followed. The trial court determined that the motion for custody by the defendant-father was frivolous because he had been out of the children's lives, did not know how to care for them, and had put little effort into providing proper documentation to the mother during discovery. The defendant-father refused to reimburse the plaintiff-

mother for the substantial costs she incurred in caring for the children. The court awarded \$30,000 in attorney's fees to the plaintiff-mother. On appeal, the North Carolina Court of Appeals affirmed the trial court's award of attorney's fees. The appeal is reported in Bramblett v. Bramblett, No. COA11-970, 2012 WL 381767 (N.C. App. Feb. 7, 2012).

Date of representation: 2010 – 2012

Court: Forsyth County District Court

Judge: The Honorable George A. Bedsworth

Attorney for defendant/appellant: W. Eugene Metcalf
Metcalf & Beal, L.L.P.
380 Knollwood Street, Suite 450
Winston-Salem, North Carolina 27103
336-777-0067

6. Manca v. Pujol, 05 CVD 9838, Guilford County District Court, Greensboro, North Carolina.

This case implicated the Hague Convention and involved the registration and enforcement of an Italian custody order awarding exclusive custody of the minor child to my client, the defendant-father. We first sought registration of the Italian order. On September 23, 2008, the district court, following a contested hearing, entered an order registering and confirming the Italian custody order. Immediately following the entry of the order, I filed a petition for expedited enforcement of the child custody determination and requesting immediate physical custody of the minor child. On September 25, 2008, a second contested hearing was held on the defendant-father's motion for expedited enforcement. The court granted this motion and ordered that the defendant-father take immediate physical custody of the minor child. The order registering the custody order was appealed, which was later dismissed by the plaintiff-mother.

Date of representation: 2008 – 2010

Court: Guilford County District Court

Judge: The Honorable William Turner and The Honorable Wendy M. Enochs

Attorney for plaintiff: Arlene M. Reardon
Wyatt Early Harris Wheeler, LLP
Post Office Drawer 2086
High Point, North Carolina 27261
336-884-4444

7. K. Williams and C. Williams, Petitioners for the Adoption of A. Williams) v. Carlson, Intervener, 06 SP 1888 (2006), Forsyth County District Court, Winston-Salem, North Carolina.

This case involved a challenge to an adoption. I represented the biological father of the minor child, and the intervener in the adoption. My client moved to dismiss the adoption, asserting that the form purporting to relinquish his rights to his child was procedurally defective and therefore void, or, in the alternative, that he had properly and timely executed a revocation of the relinquishment. Based on my client's challenge to the adoption, the matter was moved from the superior court to the district court. Numerous depositions were taken, and, after a two-day trial, the court entered an order dismissing and setting aside the petition for adoption. In a separate action, I filed a complaint for exclusive custody of the minor child on behalf of the intervener-father, which the district court granted.

Date of representation:	2008 – 2010
Court:	Forsyth County District Court; Forsyth County Superior Court
Judge:	The Honorable Denise S. Hartsfield and the Honorable Todd Owens
Attorney for petitioners:	Gary R. Tash Tash & Kurtz, PLLC 3305 Healy Drive Winston-Salem, North Carolina 27103 336-768-1515
Attorney for family services:	Brinton Wright 324 West Wendover Avenue, Suite 170 Greensboro, North Carolina 27408 336-373-1500
Attorney for birth mother:	Elise Morgan Whitley Tash & Kurtz, PLLC 3305 Healy Drive Winston-Salem, North Carolina 27103 336-768-1515

8. Steffen v. Steffen, 04 CVD 900, Forsyth County District Court, Winston-Salem, North Carolina.

The case began as a child custody, child support, and equitable distribution case with claims that the defendant-mother intended to remove the minor child from

the jurisdiction of the court to England. I represented the plaintiff-father and immediately sought an order prohibiting the removal of the child from the United States. The parties initially resolved their outstanding claims by consent order. Several years later, the defendant-mother developed a brain tumor and her parents, who lived in England, sought to intervene in the original custody action, requesting that the court give them custody of the minor child. The trial court allowed the grandparents to intervene but denied them custody of the minor child. The court did, however, allow the child to travel to England for visits, which required that a mirror order through the Hague Convention be obtained in England to ensure that the Forsyth County trial court's order would be recognized while the child was in England. My client and I consulted with counsel in England, who obtained a mirror order on my client's behalf.

Date of Representation: 2004 – 2009

Court: Forsyth County District Court

Judge: The Honorable George A. Bedsworth

Attorney for defendant: Robin Stinson and Monica Guy
Bell, Davis & Pitt, P.A.
Post Office Box 21029
Winston-Salem, North Carolina 27120
336-722-3700

Attorney for interveners: Gary R. Tash
Tash & Kurtz, PLLC
3305 Healy Drive
Winston-Salem, North Carolina 27103
336-768-1515

9. Reid v. Reid, 07 CVD 6721, Forsyth County District Court, Winston-Salem, North Carolina.

This case arose from the defendant-father's motion in the cause for reduction of child support involving four minor children. I represented the plaintiff-mother. The original order was entered in another state years before this litigation when the defendant-father earned approximately \$40,000 per month. The determination of his income in this litigation was complicated by the fact that the father owned closely held businesses in which there was significant manipulation of his ownership interest during the course of litigation. After a six-day trial, the judge granted a reduction in child support.

Date of representation: 2007

Court: Forsyth County District Court

Judge: The Honorable George A. Bedsworth

Attorney for defendant: Gary B. Tash
Tash & Kurtz, PLLC
3305 Healy Drive
Winston-Salem, North Carolina 27103
336-768-1515

10. United States v. Lassiter, No. 94-5626, 1995 WL 86423 (4th Cir. March 3, 1995).

The defendant appealed the sentence the district court imposed after revoking his probation. His attorney filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967), raising one sentencing issue, but asserting that there were no meritorious issues for appeal. On appeal, I, along with co-counsel, submitted a brief on behalf of the United States arguing that the district court's determination of an individual's sentence within the properly calculated guideline range is not subject to appellate review, and because the defendant did not challenge the calculation of the guideline range, his challenge did not state an appealable question. The Fourth Circuit agreed that there were no meritorious issues for appeal and affirmed defendant's sentence. This prosecution was a part of a greater violence reduction strategy by the U.S. Attorney's Office for the Middle District of North Carolina. My role was to assist in identifying relevant prosecutions, assist in the investigation of the defendant, assist with the indictment as well as the trial or guilty plea of the defendant, and further to assist with preparation of the brief on appeal.

Date of representation: 1994 – 1995

Court: United States District Court for the Middle District of North Carolina

Judge: The Honorable Norwood Carlton Tilley, Jr.

Co-Counsel: Walter C. Holton Jr.
(Formerly of the United States Attorney's Office for the Middle District of North Carolina)
Holton Law Firm
301 North Main Street
Winston-Salem, North Carolina 27101
336-777-3480

Attorneys for appellant: William E. Martin
William S. Trivette
The Office of the Federal Public Defender

301 North Elm Street, Suite 410
Greensboro, North Carolina 27401
336-333-5455

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

As an Executive Assistant United States Attorney, I oversaw the planning and coordination of all violence reduction strategies for the Middle District of North Carolina which included a 24-county area. In 1995, I, along with others, initiated crime and violence reduction strategies in a number of crime ridden and drug infested neighborhoods. The strategy included bringing all the stakeholders to the table to develop comprehensive violence reduction strategies. The stakeholders included federal law enforcement, local law enforcement, city leaders, school officials, community organizations, and clergy that assisted with planning. In various communities, agreements were reached with property management and the Department of Housing and Urban Development to correct deficient living circumstances. In addition, the major criminal actors in the communities were identified using crime data and were prosecuted and removed from the communities. I also participated in several of those prosecutions.

During my tenure at the Coca-Cola Company, the completion of the merger between the company and Minute Maid Orange Juice required substantial research, drafting briefs and legal memoranda, drafting contracts, and preparing Securities and Exchange Commission filings.

I have never performed lobbying activities.

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

From 1984 to 1987, I served as an Adjunct Professor for the Wake Forest Clinic Litigation Program tutoring students in litigation skills and practices. No syllabus available.

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

customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

None.

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

If confirmed, I have no plans to pursue outside employment.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement

24. **Potential Conflicts of Interest:**

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

I am not aware of any family members or other persons, parties, categories of litigation, or financial arrangements that are likely to present potential conflicts-of-interest. If a conflict did present itself I would immediately request that the case presenting the conflict be reassigned. If it is unclear whether a conflict actually exists, I will consult the Code of Conduct for United States Judges and all relevant statutes, canons, and rules to determine whether recusal is the appropriate course of action.

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

If confirmed, I would refer to 28 U.S.C. § 455, the Code of Conduct for United States Judges and the Advisory Opinions of the Committee on Codes of Conduct, and all other applicable rules.

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

Over the years, I have provided legal advice at reduced rates for those who could not afford my fees. For example, in the case of *Bramblett v. Bramblett*, 09 CVD 8611, Forsyth County, North Carolina, I devoted over 300 hours to representing a mother of two in a custody and child support case in litigation that lasted nearly two years. The case also involved an appeal. Though the court awarded attorney's fees, it was less than one-third of the actual time and resources spent on the case.

I also regularly participate in community outreach programs, including speaking at churches, civic and community organizations, and schools regarding selective legal topics. Each year, I participate in the Ask A Lawyer program with the Winston-Salem Bar Association, in which we visit churches in the area and give free legal advice.

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 26, 2014, I submitted a letter of interest to Senator Kay Hagan and Senator Richard Burr. On March 19, 2014, I interviewed with Senator Hagan's chief of staff in Winston-Salem, North Carolina, and, on April 15, 2014, I interviewed with a staffer from Senator Burr's office in Winston-Salem, North Carolina. On June 27, 2014, I received a call from Senator Hagan's chief of staff informing me that the Senators intended to recommend me to the President. On June 30, 2014, I received a call from a staffer in Senator Burr's Office informing me of this as well. Since July 1, 2014, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On August 12, 2014, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. On September 18, 2014, the President submitted my nomination to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or

implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

FINANCIAL DISCLOSURE REPORT NOMINATION FILING

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

1. Person Reporting (last name, first, middle initial) Biggs, Loretta C.	2. Court or Organization US District Court Middle District of North Carolina	3. Date of Report 09/24/2014
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) Nominee, US District Judge	5a. Report Type (check appropriate type) ☒ Nomination Date 09/18/2014 ☐ Initial ☐ Annual ☐ Final 5b. ☒ Amended Report	6. Reporting Period 01/01/2013 to 09/18/2014
7. Chambers or Office Address 380 Knollwood Street, Suite 700, Winston-Salem, North Carolina 27103		
IMPORTANT NOTES: The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information.		

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

☐ NONE (No reportable positions.)

<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1. Partner	Allman Spry Davis Leggett & Crumpler, P.A.
2. Partner	Davis Harwell & Biggs, P.A.
3. Board Member	United Way of Forsyth County
4.	
5.	

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

☐ NONE (No reportable agreements.)

<u>DATE</u>	<u>PARTIES AND TERMS</u>
1. 2004	State of North Carolina Judicial Retirement defined benefit - no control
2.	
3.	

FINANCIAL DISCLOSURE REPORT

Page 2 of 9

Name of Person Reporting

Biggs, Loretta C.

Date of Report

09/24/2014

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

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1. 2014	Allman Spry Davis Leggett & Crumpler, P.A. - salary	\$69,355.00
2. 2014	Davis Harwell & Biggs, P.A. - salary	\$44,000.00
3. 2014	State of North Carolina Retirement - pension	\$24,225.00
4. 2013	Davis Harwell & Biggs, P.A. - salary	\$215,810.00
5. 2013	State of North Carolina Retirement - pension	\$28,301.00
6. 2012	Davis Harwell & Biggs, P.A. - salary	\$234,797.00
7. 2012	State of North Carolina Retirement - pension	\$28,161.00

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

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1.	
2.	
3.	
4.	

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

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

FINANCIAL DISCLOSURE REPORT

Page 3 of 9

Name of Person Reporting

Biggs, Loretta C.

Date of Report

09/24/2014

5.

FINANCIAL DISCLOSURE REPORT

Page 4 of 9

Name of Person Reporting

Biggs, Loretta C.

Date of Report

09/24/2014

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

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

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

	<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1.	First Tennessee Bank	Business Loan	K
2.	Department of Education	Loan	K
3.			
4.			
5.			

FINANCIAL DISCLOSURE REPORT

Page 5 of 9

Name of Person Reporting

Biggs, Loretta C.

Date of Report

09/24/2014

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

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

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
1. IRA #1	A	Int./Div.	L	T	Exempt				
2. - First Tennessee Bank Deposit Sweep Program									
3. - Global X FDS Global X MSCI Argentina ETF									
4. - Ishares Trust MSCI Denmark Capped INV MKT									
5. - Ishares Trust MSCI Finland Capped Investable MKT									
6. - Ishares MSCI Ireland Capped ETF									
7. - Ishares MSCI Israel Capped ETF									
8. - Ishares MSCI Italy Capped ETF									
9. - Ishares MSCI Spain Capped ETF									
10. - First TR S&P Reit Index FD									
11. - First Trust Portfolios Large Cap Growth OPPS Alpha Fund ISIN									
12. - First TR Exchange-Traded FD VII First Global Tactical Commodity									
13. - First TR Exchange-Traded Alphadex FD II Taiwan Alphadex FD									
14. - First TR Exchange Traded FD II Health Care Alphadex FD Annual									
15. - First TR Exchange Traded FD II Energy Alphadex FD Annual									
16. - First TR Exchange Traded FD II Indls Prod Durabl Alphadex FD Annl									
17. - Ishares 7-10 Year Treasury Bond ETF									

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

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

B = \$1,001 - \$2,500
G = \$100,001 - \$1,000,000

C = \$2,501 - \$5,000
H1 = \$1,000,001 - \$5,000,000

D = \$5,001 - \$15,000
H2 = More than \$5,000,000

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

2. Value Codes
(See Columns C1 and D3)

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

K = \$15,001 - \$50,000
O = \$500,001 - \$1,000,000

L = \$50,001 - \$100,000
P1 = \$1,000,001 - \$5,000,000

M = \$100,001 - \$250,000
P2 = \$5,000,001 - \$25,000,000

3. Value Method Codes
(See Column C2)

Q = Appraisal
U = Book Value

R = Cost (Real Estate Only)
V = Other

P4 = More than \$50,000,000
S = Assessment
W = Estimated

T = Cash Market

FINANCIAL DISCLOSURE REPORT

Page 6 of 9

Name of Person Reporting

Biggs, Loretta C.

Date of Report

09/24/2014

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

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

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	(2)	(3)	(4)	(5)
	Amount Code 1 (A-H)	Type (e.g., div., rent, or int.)	Value Code 2 (J-P)	Value Method Code 3 (Q-W)	Type (e.g., buy, sell, redemption)	Date mm/dd/yy	Value Code 2 (J-P)	Gain Code 1 (A-H)	Identity of buyer/seller (if private transaction)
18. - Ishares Trust MSCI India Index FD									
19. - Ishares 20+ Year Treasury Bond ETF									
20. 401K #1	B	Int./Div.	N	T					
21. - PIMCO Total Return Fund Inst									
22. - Oppenheimer International Bond Fnd									
23. - Vanguard Trgt Retire 2015 Fnd Inv									
24. - Vanguard Balanced Index Fund Sign									
25. - American Funds Washington Mutual R6									
26. - American Funds Fdmntl Inv R6									
27. - American Funds Growth Fnd R6									
28. - Vanguard Small-Cap Index Fund Sign									
29. - DFA Global Real Estate Sec Port Inst									
30. - Munder Mid-Cap Core Growth Fund R6									
31. - American Funds EuroPacific R6									
32. - American Funds Nw Prspctv R6									
33. Brokerage Account #1	A	Dividend	M	T					
34. - First Tennessee Treasury Fund Daily Money Class	A	None	J	W					

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

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

B = \$1,001 - \$2,500
G = \$100,001 - \$1,000,000

C = \$2,501 - \$5,000
H1 = \$1,000,001 - \$5,000,000

D = \$5,001 - \$15,000
H2 = More than \$5,000,000

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

2. Value Codes
(See Columns C1 and D3)

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

K = \$15,001 - \$50,000
O = \$500,001 - \$1,000,000

L = \$50,001 - \$100,000
P1 = \$1,000,001 - \$5,000,000

M = \$100,001 - \$250,000
P2 = \$5,000,001 - \$25,000,000

3. Value Method Codes
(See Column C2)

P3 = \$25,000,001 - \$50,000,000
Q = Appraisal
U = Book Value

R = Cost (Real Estate Only)
V = Other

P4 = More than \$50,000,000
S = Assessment
W = Estimated

T = Cash Market

FINANCIAL DISCLOSURE REPORT

Page 7 of 9

Name of Person Reporting

Biggs, Loretta C.

Date of Report

09/24/2014

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

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

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
35. - Spartan Intl Index FID Adv Class	A	Dividend	J	W					
36. - Spartan Small Cap Index Investor CI	A	Dividend	J	W					
37. - Spartan 500 Index FD Advantage Class	A	Dividend	K	W					
38. - PMC Diversified Equity Fund	A	Dividend	K	W					
39. - Deutsche Managed Muni Bond FD S	A	Dividend	J	W					
40. - Deutsche Intermediat Tax/AMT Free FD S	A	Dividend	J	W					
41. - Wells Fargo Short Term Muni BD-Invest	A	Dividend	J	W					
42. - American Cen Inter Term Tax-Free BD Inv	A	Dividend	J	W					
43. Prudential Variable Appreciable Life	B	Dividend	K	T					
44. Wells Fargo Bank "Account" A	A	Interest	J	T					
45. State Employees Credit Union "Account" A	A	Interest	J	T					
46. First Tennessee Bank "Account" A	A	Interest	J	T					

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

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

B = \$1,001 - \$2,500
G = \$100,001 - \$1,000,000

C = \$2,501 - \$5,000
H1 = \$1,000,001 - \$5,000,000

D = \$5,001 - \$15,000

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

2. Value Codes
(See Columns C1 and D3)

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

K = \$15,001 - \$50,000
O = \$500,001 - \$1,000,000

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

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

3. Value Method Codes
(See Column C2)

Q = Appraisal
U = Book Value

R = Cost (Real Estate Only)
V = Other

S = Assessment
W = Estimated

T = Cash Market

FINANCIAL DISCLOSURE REPORT

Page 8 of 9

Name of Person Reporting

Biggs, Loretta C.

Date of Report

09/24/2014

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

FINANCIAL DISCLOSURE REPORT

Page 9 of 9

Name of Person Reporting

Biggs, Loretta C.

Date of Report

09/24/2014

IX. CERTIFICATION.

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

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

Signature: **s/ Loretta C. Biggs**

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

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

FINANCIAL STATEMENT

NET WORTH

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

ASSETS				LIABILITIES			
Cash on hand and in banks		10	600	Notes payable to banks-secured (autos)		31	900
U.S. Government securities				Notes payable to banks-unsecured		111	144
Listed securities – see schedule		508	017	Notes payable to relatives			
Unlisted securities				Notes payable to others			
Accounts and notes receivable:				Accounts and bills due			
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable – personal residence		310	965
Real estate owned – see schedule		460	000	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		280	000	Education loans		49	600
Cash value-life insurance		22	486				
Other assets itemize:							
				Total liabilities		503	609
				Net Worth		777	494
Total Assets	1	281	103	Total liabilities and net worth	1	281	103
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

American Century Intermediate-Term Tax-Free Bond Fund	\$ 8,063
American Funds EuroPacific Growth Fund	3,187
American Funds Fundamental Investors Fund	3,458
American Funds Growth Fund of America	26,670
American Funds New Perspectives Fund	1,378
American Funds Washington Mutual Investors Fund	49,741
DFA Global Real Estate Securities Portfolio	2,032
Deutsche Tax/AMT Free Fund	9,506
Deutsche Managed Municipal Bond Fund	5,854
First Tennessee Bank Deposit Sweep Program	11,332
First Tennessee Treasury Fund Daily Money Class	2,749
First Trust Energy Alpha DEX Fund	8,022
First Trust Global Tactical Commodity Strategy Fund	8,351
First Trust Health Care Alpha DEX Fund	9,858
First Trust Industrials/Producer Durables Alpha DEX Fund	9,226
First Trust Large Cap Growth Alpha Fund ISIN	8,311
First Trust S&P REIT Index Fund	8,516
First Trust Exchange Traded Alpha DEX Taiwan	2,194
Global X FDS Argentina 20 ETF	2,074
iShares 20+ Year Treasury Bond ETF	4,636
iShares 7-10 Year Treasury Bond ETF	4,218
iShares MSCI Denmark Capped ETF	1,860
iShares MSCI Finland Capped ETF	1,766
iShares MSCI India ETF	2,452
iShares MSCI Ireland Capped ETF	2,285
iShares MSCI Israel Capped ETF	2,235
iShares MSCI Italy Capped ETF	1,738
iShares MSCI Spain Capped ETF	1,808
Munder Mid Cap Core Growth Fund	38,002
Oppenheimer International Bond Fund	8,343
PIMCO Total Return Fund	3,848
PMC Diversified Equity Fund	31,417
Spartan 500 Index Fund	36,436
Spartan International Index Fund	11,809
Spartan Small Cap Index Fund	5,197
Vanguard Balanced Index Fund	55,069
Vanguard Small Cap Index Fund	1,161
Vanguard Target Retirement 2015 Fund	107,529
Wells Fargo Short-Term Municipal Bond Fund	5,686
Total Listed Securities	<u>\$ 508,017</u>

Real Estate Owned

Personal residence	\$ 400,000
Vacation home	60,000
Total Real Estate Owned	<u>\$ 460,000</u>

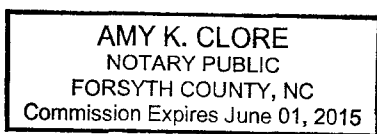
NB: Most of the amount of the unsecured notes disclosed previously is related to the real estate that I own. Specifically, I have approximately \$95,000 in unsecured loans that were used to add an addition to my primary residence and to purchase my vacation home.

AFFIDAVIT

I, Loretta Copeland Biggs , do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

September 19, 2014
(DATE)

Loretta Copeland Biggs
(NAME)



Amy K. Clore
(NOTARY)