

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Brian Anthony Jackson

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

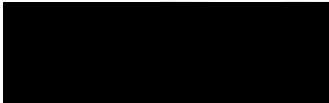
United States District Judge for the Middle District of Louisiana

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:

Liskow & Lewis, APLC
701 Poydras Street, Suite 5000
New Orleans, Louisiana 70139

Residences:



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

1960; New Orleans, Louisiana

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.

1998 to 2000, Georgetown University Law Center, Masters of Laws; October 2000

2000, Tulane University School of Law; no degree awarded (attended courses that were credited to requirements for the Masters of Laws degree conferred by Georgetown University Law Center)

1982 to 1985, Southern University School of Law; Juris Doctor, May 1985

1978 to 1982, Xavier University of Louisiana; Bachelor of Science, May 1982

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.

2002 to present

Liskow & Lewis

701 Poydras St., Suite 5000

New Orleans, Louisiana 70130

I am a shareholder (partner) in the law firm.

1994 to 2002

United States Attorney's Office

Middle District of Louisiana

United States Department of Justice

777 Florida St., Suite 208

Baton Rouge, Louisiana 70801

I served as First Assistant United States Attorney and, in 2001, as Interim United States Attorney for the Middle District of Louisiana.

1998 to 1999

Office of the Deputy Attorney General

United States Department of Justice

950 Pennsylvania Ave, NW

Washington, DC 20530

While detailed to the Office of the Deputy Attorney General from the United States Attorney's Office for the Middle District of Louisiana, I served as an Associate Deputy Attorney General.

1992 to 1994

Executive Office for United States Attorneys

United States Department of Justice

950 Pennsylvania Ave., NW

Washington, DC 20530

I served as the Assistant Director for the Evaluation and Review Staff.

1988 to 1992

United States Attorney's Office
Eastern District of Louisiana
United States Department of Justice
500 Poydras Street, Rm. B210
New Orleans, Louisiana 70130

I served as a Special Assistant United States Attorney and, in 1990, as an Assistant United States Attorney in the Eastern District of Louisiana

1987 to 1988

United States Immigration & Naturalization Service
United States Department of Justice
425 I St., NW
Washington, DC 20536

I served as an Assistant General Counsel for the agency.

1985 to 1987

United States Immigration & Naturalization Service
United States Department of Justice
300 N. Los Angeles St.
Los Angeles, California 90012

I served as a General Attorney for the Los Angeles District Office of the agency.

1979 to 1982

Sears, Roebuck & Company
New Orleans, Louisiana

I served as a supervisor in the company's credit department.

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.

None; however, I registered for the selective service at the age of 18.

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

Academic Scholarship - Southern University School of Law; August 1982 - May 1984

Editor-in-Chief - Southern University Law Review; August 1984 - May 1985

Attorney General's Award for Equal Employment Opportunity (from United States Attorney General William Barr); December 1992

Director's Award for Superior Performance in a Supervisory Role (from the Director of the Executive Office for United States Attorneys), October 1998

President's Award; Louis A. Martinet Society (Baton Rouge Chapter); May, 2002

Chambers USA, America's Leading Lawyers for Business, 2008 and 2009

A/V Rating (highest ranking for legal ability and ethical standards) by Martindale-Hubbell Law Directory

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.

Louisiana State Bar Association, Member; October 1985 to present

Federal Bar Association, New Orleans Chapter, Member of the Board of Directors, January 2005 to present

New Orleans Bar Association, Member; April 2002 to present

New Orleans Bar Foundation, Member of the Board of Directors January 2006 to present

Chief Examiner for Criminal Law and Evidence, Louisiana Supreme Court Committee on Bar Admissions, Member; March 2002 to April 2009

Committee on Character and Fitness; Louisiana Supreme Court Committee on Bar Admissions, Member. April 2009 to present

Federation of Defense and Corporate Counsel, Member; July 2007 to present

American Bar Association, Member; April 2002 to present

National Bar Association, Member; June 2002 to present

Louis A. Martinet Legal Society, Member; May 2003 to present

Louisiana State Bar Association, Bar Governance Committee, Member; 2001 to 2002

Louisiana State Bar Association, Federal Bench Bar Liaison Committee, Member; 2001 to 2002

Baton Rouge Bar Association, Member; 1994 to present

National Black Prosecutors Association, Member; 1992 to 2002

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.

Louisiana Supreme Court, admitted October 1985. There have been no lapses in membership.

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

All Louisiana State Courts, 1985

United States Court of Appeals for the Fifth Circuit, 1988

United States District Court for the Eastern District of Louisiana, 1988

United States District Court for the Middle District of Louisiana, 1994

United States District Court for the Western District of Louisiana, 2008

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.

Metropolitan Crime Commission of New Orleans, Vice-Chairman of the Board of Directors; 2004 to Present

New Orleans Pro Bono Project, Member of the Board of Directors; 2008

Catholic Charities of New Orleans, Member of the Board of Directors, 2004 to 2008

Louisiana Bar Foundation, Fellow; 2003 to present

Office of Racial Harmony, Archdiocese of New Orleans, Chairman of the Implementation Committee; 2005 to present

Ruby Bridges Foundation, Member of the Board of Directors; 2002 to 2007

National Institute of Law and Equity, Member of the Board of Directors, 2003 to 2006

Law Enforcement Coordinating Committee for the Middle District of Louisiana, Chairperson of the Committee, 1996 to 1998

Teach For America (South Louisiana), Member and Chairperson of the Board of Directors; 1996 - 1998

100 Black Men of Metro Baton Rouge, Inc., Member; 1996 to 1998

U.S. Marine Corps Commandant's Diversity Working Group, Member; 1993 to 1994

Alpha Phi Alpha Fraternity, Inc., Member; 1990 to Present

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

I have never been a member of any organization that currently discriminates or formerly discriminated on the basis of race, sex, religion, or national origin.

12. Published Writings and Public Statements:

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

"Take Five: Asserting the 5th Amendment's Protections in Commercial Litigation," The Commercial Law Connection (Newsletter of the National Bar Association's Commercial Law Section), Volume 3, Issue 2, Summer 2006

"Will America's Black Military Personnel Benefit from the Bush Administration's Withdrawal from the International Criminal Court?" The Nile Report (Newsletter of the National Institute for Law & Equity), May/June 2003

"Message From the First Assistant U.S. Attorney," The Middle District Digest (Newsletter of the Law Enforcement Coordinating Committee for the Middle District of Louisiana, Volume IV, Summer 1998

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

None.

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

In March 1999, I testified before the United States Civil Rights Commission as the representative of United States Department of Justice on the Department's efforts to assist young black males to avoid becoming victims or perpetrators of crime. I do not have a copy of my testimony transcript.

- 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.

New Orleans Bar Association, Procrastinator's CLE Seminar, 2008
"Responding To Federal Grand Jury Subpoenas and Target Letters"

Louisiana State Bar Association, Annual White Collar Crime Seminar, 2008
"Charging and Defending Corporations" (with Eileen Gleason and Richard W. Westling)

Louisiana State Bar Association, Ethics Seminar, 2007
"Ethical Considerations in Government Investigations of Corporations"

Paul M. Hebert Law Center (L.S.U.), Criminal Litigation: From the Simple to the Complex, 2006
"Cooperation and Waiver of Privileges by Corporations"

South Texas College of Law, Advanced Civil Trial Conference, 2006
"Civil Practice and Criminal Practice – A Synergy" (with David Gerger)
(Summary: This seminar considered the range of civil law issues that often arise during the course of criminal litigation.)

American Bar Association, Environmental Criminal Enforcement Seminar for Civil and Criminal Practitioners, (Moderator) 2004

“The Enforcement Perspective: Past and Present U.S. Attorneys”

Southern University Law Center, Recent Developments Seminar, 2002

“White Collar Crime Defense in the Post Enron Era”

Louisiana State Bar Association, Ethics and Professionalism Seminar, 2001

“Ethics in the Criminal Law Practice”

(Summary: I reviewed the variety of ethical issues that may arise during internal investigations and the defense of criminal cases.)

United States Department of Justice, Orientation Seminar for New United States Attorneys, (Panelist and Facilitator), 2001

(Summary: I was one of four First Assistant United States Attorneys asked to lead discussions with newly-appointed United States Attorneys to assist them in understanding the range of issue that chief federal prosecutors may confront.)

Baton Rouge Bar Association, Annual Bench Bar Conference, 2001

“Silence on the Border: To Gag or Not to Gag” (Panelist)

(Summary: I served as one of several panelists who discussed the implications of the issuance of suppression orders.)

Louisiana State Bar Association, Summer School for Lawyers Revisited, 2001

“Overview of Today’s White Collar Crime”

(Summary: This was a basic discussion of the white collar defense practice and responses to government investigation. It was provided for the benefit of civil practitioners.)

- 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.

“Tax Law Ruled Unconstitutional; 30 Percent Penalty Set on Delinquencies,” Times-Picayune (New Orleans), October 5, 2007

“Judge Delays Ruling on Memorial Records; Case Closed, Foti Says; Privacy Rights at Issue,” Times-Picayune, August 7, 2007

“Efforts Failing to Extradite Suspects,” The Advocate (Baton Rouge, Louisiana), December 2, 2002

“Longtime Federal Attorney Leaving for Private Practice,” The Advocate, March 22, 2002

“Fowler in Debt, Despite Bankruptcy,” The Advocate, January 1, 2002

“Indictment Alleges Food Stamp Fraud,” The Advocate, September 27, 2001

“Report Slights BR Drug Court on Drug Cases, U.S. Attorney Says,” The Advocate, April 21, 2001

“High Praise for Project Exile,” The Advocate, February 20, 2001

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

I have not served as a judge.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? _____
 - i. Of these, approximately what percent were:

jury trials? ____%; bench trials ____% [total 100%]

civil proceedings? ____%; criminal proceedings? ____% [total 100%]
- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

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

- 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 have not served as a judge.

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.

None. I have had no unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

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

I am a member of the Democratic Party. I have not held a position in the party or played a role in a political campaign.

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

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

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

I have not served as a clerk to a judge.

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

I have never practiced law alone.

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

2002 to present
Liskow & Lewis
701 Poydras St., Suite 5000
New Orleans, Louisiana 70130
I am a shareholder (partner) in the law firm.

1994 to 2002
United States Attorney's Office
Middle District of Louisiana
United States Department of Justice
777 Florida St., Suite 208
Baton Rouge, Louisiana 70801
I served as First Assistant United States Attorney and, in 2001, as Interim United States Attorney for the Middle District of Louisiana.

1998 to 1999
Office of the Deputy Attorney General
United States Department of Justice
950 Pennsylvania Ave, NW
Washington, DC 20530
While detailed to the Office of the Deputy Attorney General from the United States Attorney's Office for the Middle District of Louisiana, I served as an Associate Deputy Attorney General.

1992 to 1994

Executive Office for United States Attorneys
United States Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530

I served as the Assistant Director for the Evaluation and Review Staff.

1988 to 1992

United States Attorney's Office
Eastern District of Louisiana
United States Department of Justice
500 Poydras Street, Rm. B210
New Orleans, Louisiana 70130

I served as a Special Assistant United States Attorney and, in 1990, as an Assistant United States Attorney in the Eastern District of Louisiana

1987 to 1988

United States Immigration & Naturalization Service
United States Department of Justice
425 I St., NW
Washington, DC 20536

I served as an Assistant General Counsel for the agency.

1985 to 1987

United States Immigration & Naturalization Service
United States Department of Justice
300 N. Los Angeles St.
Los Angeles, California 90012

I served as a General Attorney for the Los Angeles District Office of the agency.

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

I have never served as a mediator or arbitrator.

b. Describe:

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

Immediately following graduation from law school 1985, I was hired by the United States Department of Justice and assigned to the Los Angeles District Office for the Immigration & Naturalization Service, where I represented the United States in deportation and removal hearings brought against non-citizens who were alleged to have been in the United States unlawfully. I was later promoted to the position of Assistant Regional Counsel for the agency and later,

in August 1987, was promoted to the position of Assistant General Counsel for the agency, whereupon I was transferred to Immigration & Naturalization Service headquarters in Washington, DC.

In March 1988, I joined the United States Attorney's Office for the Eastern District of Louisiana (New Orleans), where I was initially assigned all immigration cases, both civil and criminal. Later, in 1990, I was assigned to the General Crimes Unit and later still, to the Organized Crime Drug Enforcement Task Force (OCDETF), where I prosecuted major drug cases. During this time, I personally handled several dozen federal prosecutions, including trials and appeals.

In December 1992, I was offered the position of Assistant Director for the Executive Office for United States Attorneys, in charge of the Evaluation and Review Staff. During my tenure in this position, I supervised the inspection of several United States Attorney's Offices across the nation to ensure compliance with Department of Justice policies and applicable regulations. I also provided management advice and support to newly-appointed United States Attorneys.

I accepted the position of First Assistant United States Attorney for the Middle District of Louisiana in June 1994 and transferred to Baton Rouge, Louisiana where I was responsible for assisting the United States Attorney in the day-to-day management of the office. I supervised all investigations and litigation in the office and I personally handled both civil and criminal matters, including trials. In January 2002, I was appointed by the Attorney General to serve as the interim United States Attorney, pending the appointment of a new chief federal prosecutor by then-President Bush.

In June 1998, I was detailed to the Office of the Deputy Attorney General where I served as an Associate Deputy Attorney General. The issues in my portfolio of responsibilities included serving as the Deputy Attorney General's liaison to the 93 United States Attorneys. I was also tasked with coordinating the Department's anti-racial profiling efforts.

In April 2002, I resigned from the Justice Department to accept a shareholder (partner) position with the law firm of Liskow & Lewis in New Orleans. I am currently a member of the firm's board of directors and I previously served as the chair of the firm's diversity committee. I also hold the position of leader of the government investigations practice group. My practice is fairly evenly split between commercial litigation (representing corporate entities in various business disputes) and government investigations/white collar defense (generally, representing businesses and business executives who may be investigated by government agencies). I am also a member of the Criminal Justice Act panel of attorneys appointed to represent indigent criminal defendants in federal court.

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

Early in my government career, my practice was exclusively in the area of immigration law representing the United States. Later, when I joined the United States Attorney's Office in New Orleans, I handled civil immigration cases in the United States District Court, and later was assigned to the criminal division of the office.

Since joining my law firm, my clients have included several major oil and gas exploration companies, including Shell, ExxonMobil, and Chevron. Other clients have included Tenet Healthcare, Monsanto, Delaware North Corporation, as well as several locally owned businesses.

- 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.

From October 1985 through March 1987, my practice was exclusively in United States Immigration Court handling administrative hearings.

From March 1987 through December 1992, my practice was exclusively litigation in the United States District Court in New Orleans. Later, in June 1994 through March 2002, my practice was again exclusively litigation in the United States District Court for the Middle District of Louisiana.

Since April 2002, my practice is 90% litigation. However, the nature of my practice is such that the avoidance of court proceedings is almost always the goal. In the overwhelming number of cases, every effort is made to resolve government investigations with a resolution that avoids the filing of charges and subsequent trials. Accordingly, the frequency of my appearances in court can best be characterized as occasional.

- i. Indicate the percentage of your practice in:

- | | |
|----------------------------|-----|
| 1. federal courts; | 50% |
| 2. state courts of record; | 40% |
| 3. other courts; | 0% |
| 4. administrative agencies | 10% |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings; | 40% |
| 2. criminal proceedings. | 60% |

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

I estimate that I tried over 200 cases in the United States Immigration Courts, all of which were handled as sole counsel for the United States. Each case was tried to final decision.

I have tried approximately 30 cases in the United States District Courts, all of which were tried to verdict before juries. I served as co-chief trial counsel in most of these cases.

I handled approximately 12 litigation matters in the Louisiana state courts, six of which as lead counsel.

i. What percentage of these trials were:

1. jury; 25%
2. non-jury. 75%

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

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

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

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

1. Touro Infirmary vs. Sizeler Architects, 947 So. 2d 740 (2006). Appellate argument was presented in the case before a panel that included Judges Charles R. Jones, Dennis Bagneris Sr., and Roland L. Belsome, of the 4th Circuit Court of Appeals for the State of Louisiana. I represented the client, Omnova Solutions, Inc., in 2006.

I served as appellate counsel for a wall paper manufacturer in a dispute involving warranty provisions in a sales contract. My client was one of several named defendants in the case. The trial court denied Omnova's motion for summary judgment; however, the court of appeal reserved the decision and ruled in favor of Omnova.

Opposing counsel was James M. Garner, 909 Poydras Street, Suite 2800, New Orleans, Louisiana 70112, (504) 299-2100.

2. Freeport-McMoran, Inc. vs. Transcontinental Gas Pipe Line Corp., 924 So. 2d 209 (2005). The case was tried before Honorable Curtis Calloway (19th Judicial District Court for the State of Louisiana). I represented the client, Freeport-McMoran, from 2002 to 2004.

I represented Freeport-McMoran as the plaintiff at trial in a commercial dispute to recover payments of “excess royalties” negotiated under a settlement agreement involving natural gas contracts. Following a week-long trial, the court entered judgment for the defendant in the case.

Opposing counsel was Leo Hamilton, 301 Main Street, 23rd Floor, Baton Rouge, Louisiana 70801, (225) 381-8056.

3. Muriel Land Corporation v. Texaco Refining and Marketing, Inc. and Motiva Enterprises, LLC, et al., Docket No. C-516520. The Honorable Kay Bates (19th Judicial District Court, State of Louisiana) presided in the proceedings. I have represented the client from 2003 to the present.

I represented Texaco Refining and Marketing, Inc and Motiva Enterprises, LLC as defendants in a dispute against the owners of property on which a retail gasoline outlet operated for several years. The property owners claimed that ground soil became contaminated as a result of the operation of the service station on the property. Following pretrial hearings on the issues, the parties reached a negotiated settlement in the case.

Opposing counsel was Benjamin Klein, 918 Government Street, Baton Rouge, Louisiana 70802, (225) 387-3198.

4. State of Louisiana and the Secretary of the Department of Revenue and Taxation vs. Texaco Trading and Transportation Co. at al., Docket No. 423598 “D.” Honorable Janice Clark (19th Judicial District Court, State of Louisiana) presided in the case. I represented Chevron, which acquired named defendant Texaco, in the case since 2002.

The lawsuit was brought against various Texaco entities by the State of Louisiana, which asserted that severances taxes were unpaid or underpaid based upon an alleged improper valuation of crude oil produced and severed from state mineral leases. Numerous pretrial motions were filed and argued in the case. Eventually, the parties reached a negotiated settlement.

Opposing counsel was Robert K. Hammack, 411 Beverly Drive, Lafayette, Louisiana 70503, (337) 237-7483.

5. Duplantier Family Partnership, et al vs. BP Amoco, et al., Docket No. 03-17519, Div. J-13. The presiding judge was Honorable Curtis Calloway (19th Judicial District Court for the State of Louisiana). I represented Devon Energy Production Company ("Devon") in the case, and did so from 2005 to 2008.

Devon and several other oil and gas exploration and production companies were sued by land owners who claimed that production activities resulted in environmental damage. All claims against Devon were dismissed following the filing of a motion for summary judgment.

Opposing counsel was Donald T. Carmouche, 214 W. Cornerview Street, Gonzalez, Louisiana 70707, (225) 644-7777.

6. Roy O. Martin Lumber Co. vs. Mobil Exploration & Producing Co., Docket No. 38,961"B." The Honorable Robin Free (18th Judicial District Court, State of Louisiana, presided in the case. I represented ExxonMobil in the matter from 2005 to 2007.

Exxon Mobil Corporation and other oil and gas exploration companies were sued in a land damage (contamination) action filed by a corporate landowner. Following the filing of several pre-trial motions, the parties reached a settlement agreement.

Opposing counsel was William W. Goodel, Jr., 124 Heymann Boulevard, #201, Lafayette, Louisiana 70505, (337)593-1263

7. Langhoff Properties, LLC et al. vs. American Oil Company, et al., Docket No. 2:06-cv-02410-JCZ-SS. The Honorable Jay C. Zainey (United States District Court, Eastern District of Louisiana) presided in the case. I represented Motiva in the lawsuit and have done so since 2003.

This lawsuit was brought by owners of commercial property on which a retail gasoline outlet operated for several years. The lawsuit was initially filed in state court but was removed to federal court. Plaintiffs asserted that the property sustained environmental damage during the period defendants operated the gasoline station. Following several court-ordered mediation sessions, the parties eventually reached a settlement in the case.

Opposing counsel was Edmond Haase, 1100 Poydras Street, Suite 1500, New Orleans, Louisiana, (504) 582-2310.

8. Shirley Ramsey vs. William Henderson, 286 F.3d 264 (2002). The Honorable James Brady (United States District Court, Middle District of Louisiana) presided in the case. I represented the defendant in the matter, the United States Postal Service, at the trial court and on appeal from 2001 to 2002.

This lawsuit was filed by a United States Postal Service employee who asserted that she was the victim of race discrimination and that a hostile work environment was created by her co-workers and supervisors. She brought suit under Title VII of the Civil Rights Act of 1964. The case was dismissed on summary judgment and the decision of the district court was affirmed by the United States Court of Appeals for the Fifth Circuit.

Opposing counsel was John Courtney Wilson, 1510 Veterans Boulevard, Metairie, Louisiana 70005, (504)832-0585.

9. United States of America vs. Barrow-Veal, Docket No. 97-31 (1998). The case was tried before The Honorable John V. Parker, Jr. (United States District Court, Middle District of Louisiana). The Federal Bureau of Investigation and the Department of Housing and Urban Affairs were the clients in the case. I represented the agencies from 1997 to 1998.

As an Assistant United States Attorney, I prosecuted at trial a defendant who was accused of several acts of fraud against the United States Department of Housing and Urban Development. Charges of mail fraud and money-laundering were included in the indictment. The case was tried to verdict and a jury found the defendant guilty on all counts.

Opposing counsel was Mark Upton, 435 Government Street, Baton Rouge, Louisiana 70801, (225) 344-1704.

10. United States of America vs. Silva-Chavez, 888 F.2d 1481 (1989). The Honorable Patrick Carr (United States District Court for the Eastern District of Louisiana) presided in the case. I represented the client agency in the case, the Immigration and Naturalization Service, in 1989.

As an Assistant United States Attorney, I prosecuted the defendant, an undocumented alien, who unlawfully used a false social security number in applying for a state-issued driver's license. The defendant entered a conditional plea of guilty to the charge and appealed the conviction to the United States Court of Appeals for the Fifth Circuit, where he unsuccessfully argued that Congress did not intend the application of the statute to the facts featured in his case. The defendant's conviction was affirmed.

Opposing counsel was John H. Craft, 825 Barrone Street, New Orleans, Louisiana 70113, (504) 581-9322

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.)

I have represented several individuals and corporate entities in government investigations by federal and state law enforcement authorities. These matters include the following (none of which constituted lobbying activities):

Representation of Allen Canning Company, the nation's largest privately owned cannery, in resolving a Clean Water Act investigation conducted by the Environmental Protection Agency.

On behalf of a non-profit entity, conducted an internal investigation of sweeping employee financial abuses. The matter was referred to federal authorities for possible grand jury investigation. The matter has now been closed without the filing of charges.

Represented a major offshore oil facility (Louisiana Offshore Oil Port, LLC) in assisting the United States Department of Justice in an anti-trust investigation and prosecution of international marine hose manufacturers.

Represented Peter Dicks, the chairman of the board of a British holding company, in a case filed by the District Attorney of St. Landry Parish, Louisiana asserting the facilitation of unlawful internet gaming. The matter was resolved without the filing of criminal charges.

At various times, I have represented vessel masters (captains) of large oceangoing vessels that have been accused of violating international environmental treaties.

Representation of a publicly traded New Orleans-based company that was the subject of hostile takeover attempts by large hedge funds.

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

I have not taught any course during my legal career.

- 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.

Upon resigning from Liskow & Lewis, I am entitled to receive termination compensation in the sum of \$136,000, to be disbursed to me in three annual installments.

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

I have no plans, commitments, or agreements to pursue outside employment during my service with the court.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement

- 24. Potential Conflicts of Interest:**

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

I will carefully consider the potential for conflicts of interests that could arise as a result of my representation of individuals and businesses in the district, or of cases involving my family members, friends and former partners and associates at my former law firm. I will faithfully abide by the provisions of Canon 3 of the Code of Conduct for United States Judges and any other applicable provision.

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

I would faithfully abide by the provisions of Canon 3 of the Code of Conduct for United States Judges, 28 U.S.C. § 455 and other applicable laws that inform the decision on recusal. If the grounds for recusal are present in a case or if the appearance of a conflict of interest arises, I would immediately notify the parties, orally and in writing, of the facts giving rise to the possible conflict of interest and inform the parties of their right to seek my recusal if one or more parties believed that I am unable to be impartial in the case.

For cases in which one or more parties file a disqualification motion seeking my recusal based on allegations of possible conflicts of interest, I would attempt to

arrange to have another judge consider the matter, including holding a hearing on the issue and developing a satisfactory record that may be reviewed on appeal.

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

In 2008, I served on the board of directors of the New Orleans Pro Bono Project, where my duties included soliciting other lawyers and law firms to participate in the program by accepting pro bono cases. Moreover, I am among the lawyers at my firm who assist associates in handling pro bono cases. During my tenure on my firm's board of directors, we developed a policy that permits credited billing hours to be awarded to associates who agree to handle pro bono cases.

26. Selection Process:

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

In January 2009, I was contacted by United States Senator Mary Landrieu regarding the position of United States Attorney for the Eastern District of Louisiana. According to Senator Landrieu, several persons had recommended that I be considered for the position due to my 16 year career in the Justice Department. Grateful for her consideration, I informed Senator Landrieu that I would be honored to return to public service in any capacity that she and the President deemed appropriate.

In April, Senator Landrieu called to inform me of her decision to recommend that current United States Attorney Jim Letten be retained in his position due to his exemplary efforts to reduce crime in the district. However, she added that given my many years of practice in the federal courts, including my service as the interim United States Attorney and First Assistant United States Attorney for the Middle District of Louisiana, she believed that I was well-qualified to serve on the federal bench. Her recommendation that I be appointed to federal bench quickly followed.

I was contacted by the Department of Justice on July 27, 2009 regarding the submission of forms and various paperwork required for the nomination process. I have participated in telephone conversations with Department staff regarding the content of the completed forms. On September 25, 2009 I was interviewed at the

Justice Department by members of the Department of Justice and the White House Counsel's Office staff. My nomination was submitted to the Senate on October 29, 2009.

- 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 such communication has taken place.

AFFIDAVIT

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

10/29/09

(DATE)

Brian A. Jackson

(NAME)

Dana M. Douglas, Bar Roll no. #26866

(NOTARY) Commissioned for Life