

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Timothy Lloyd Brooks

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

United States District Court Judge for the Western District of Arkansas

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.

Taylor Law Partners, LLP
303 East Millsap Road
P.O. Box 8310
Fayetteville, Arkansas 72703

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

1964; Detroit, Michigan

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.

1986 – 1989, University of Arkansas School of Law; J.D., 1989

1983 – 1986, University of Arkansas; B.S.B.A., 1986

1982 –1983, Liberty Baptist College; no degree received

1982 (Spring Semester), University of Arkansas; no degree received

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.

1987 – present
Taylor Law Partners, LLP
(f/k/a Mashburn & Taylor)
303 East Millsap Road
Fayetteville, Arkansas 72703
Partner (1993 – present)
Associate (1989 – 1993)
Law Clerk (1987 – 1989)

1986
First National Bank of Springdale
(n/k/a First Security Bank)
100 West Emma Avenue
Springdale, Arkansas 72764
ATM Operations

Other Affiliations:

2005 – present
Sanity, LLC
(Entity which owns the law office building)
P.O. Box 8310
303 East Millsap Road
Fayetteville, Arkansas 72703
Managing 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 military. I did timely 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.

AV Rated by Martindale-Hubbell (2012 – present)
Member and Research Editor of the *Arkansas Law Review* (1987 – 1989)
First Place, Negotiation Competition, University of Arkansas School of Law
(1988 and 1989)
First Place, Client Counseling Competition, University of Arkansas School of Law
(1989)
Recipient of the United States District Judge John E. Miller Memorial Scholarship (1988)

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

American Association for Justice (1989 – 2010)
American Bar Association (1989 – present)
 Section of Litigation (1989 – present)
 Center for Professional Responsibility (2009 – present)
American Bar Endowment (1989 – present)
American Judicature Society (2012 – present)
Arkansas Bar Association (1989 – present)
Arkansas Supreme Court Committee on Model Jury Instructions – Civil (2011 – present)
Arkansas Trial Lawyers Association (1989 – 2010)
Eighth Circuit Bar Association (2012 – present)
Washington County Bar Association (1989 – present)
William B. Putman American Inn of Court (1997 – present)

10. **Bar and Court Admission:**

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

Arkansas, 1989.

There have been no lapses in membership.

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

United States Supreme Court, 2013
United States Court of Appeals for the Eighth Circuit, 1996
United States District Court for the Western District of Arkansas, 1989
United States District Court for the Eastern District of Arkansas, 1989
Arkansas Supreme Court, 1989

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.

Arkansas Alumni Society (1999 – present)
Blessings Golf Club (2004 – present)
Bridgeport Property Owners Association (1999 – 2004)
Clear Creek Property Owners Association (2004 – present)
Crystal Bridges Museum (2011 – present)
Fayetteville Public Education Foundation (2004 – present)
Fort Smith Marshall's Museum (2012)
Friends of the Fayetteville Public Library Roberta Fulbright Society
(2005 – present)
Friends of the Walton Arts Center (2004 – present)
Holcomb Elementary School PTA (2007 – present)
Northwest Arkansas Community Foundation (2005 – 2009)
Pinnacle Golf Club (2003 – 2004)
Razorback Foundation (1992 – present)
The New School Foundation (2003 – 2007)
United Way Pillars Society (2004 – present)
Walton College Alumni Foundation (2000 – present)

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

To the best of my knowledge, none of the organizations listed above currently or previously discriminated against anyone on the basis of race, sex, religion, or national origin, either with regard to membership requirements or with respect to 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.

School Board v. Arline: Will AIDS Fit the Mold? 41 Ark.L.Rev. 639 (1988).
Copy supplied.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association,

committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

None.

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

As a member of the Arkansas Supreme Court Committee on Model Jury Instructions – Civil since 2011, I participate in the process by which revisions are made to the Arkansas Model Jury Instructions. A new edition is published annually by West Publishing Corporation, and is also available on the Arkansas Judiciary website: <http://government.westlaw.com/linkedslice/default.asp?SP=armji-1000>). Minutes of the Committee meetings have been supplied.

Washington County Bar Association Meeting (January 8, 2007). Meeting minutes supplied.

Joint Letter to the Arkansas Bar Association supporting the election of Judge Paul Danielson, candidate for Arkansas Supreme Court (March 2006). Copy supplied.

Letter to Senator Jim Holt regarding House Bill 1038 (February 7, 2003). Copy supplied.

On January 28, 2003, I spoke to the Judiciary Committee of the Arkansas House of Representatives regarding House Bill 1038. I have no notes, transcript, or recording, but the substance of my testimony would have been substantially similar to the points made in my January 27, 2003 email to Representative Lamoureux, which is provided.

Email to Representative Mike Lamoureux regarding House Bill 1038 (January 27, 2003). Copy supplied.

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

from which you spoke.

My CLE presentations are itemized below. Except as indicated, I have not been able to locate written materials associated with these presentations. My search included a review of all existing paper and computer files in my office, as well as internet searches. I also contacted sponsors of these CLE presentations, who in some instances were able to provide the program brochure, but not any speaking materials. I cannot recall any other CLE presentations or any other speeches or talks which would be responsive to this item.

January 17, 2012: Moderator, "Alternative Sentencing & Diversion Programs in Arkansas," W.B. Putman American Inn of Court, Fayetteville, Arkansas. Handout supplied.

October 20, 2009: Welcome and Introductory Remarks, "Eat, Greet & Compete," Alumni Fundraising Event, Sam M. Walton College of Business, Fayetteville, Arkansas. I have no notes, transcript, or recording. The address of the Sam M. Walton College of Business is 220 North Ozark Avenue, Fayetteville, AR 72701.

June 25, 2009: Speaker, "Obtaining and Preparing Medical Experts for Depositions and Trial," Arkansas Trial Lawyers Association, *Best of CLE* Presentation, Springdale, Arkansas. Written remarks supplied.

March 10, 2006: Speaker, "Obtaining and Preparing Medical Experts for Depositions and Trial," Arkansas Trial Lawyers Association, Medical Malpractice Seminar, Fayetteville, Arkansas. Written remarks supplied.

February 13, 2001: Panelist, Overview of Amendment 80 to the Arkansas Constitution, which revised the Judicial Article in the Arkansas Constitution, W.B. Putman American Inn of Court, Fayetteville, Arkansas. I have no notes, transcript or recording. The address for the W.B. Putman American Inn of Court is Susan Schell – Inn Secretary, University of Arkansas School of Law, 191 Waterman Hall, Fayetteville, AR 72701.

March 26, 1999: Panelist, Trial Demonstration Seminar, Arkansas Trial Lawyers Association, Springdale, Arkansas. I have no notes, transcript or recording. The address for the Arkansas Trial Lawyers Association is 1400 West Markham, Suite 307, Little Rock, AR 72201.

February 2 – 4, 1999: Volunteer Judge, Intramural Client Counseling Competition, University of Arkansas, School of Law, Fayetteville, Arkansas. I have no notes, transcript or recording. The address for the University of Arkansas, School of Law is 1045 West Maple Street, Fayetteville, AR 72701.

January 18, 1999: Panelist, Ethical Considerations in Malpractice Litigation, W.B. Putman American Inn of Court, Fayetteville, Arkansas. I have no notes,

transcript or recording. The address for the W.B. Putman American Inn of Court is Susan Schell – Inn Secretary, University of Arkansas School of Law, 191 Waterman Hall, Fayetteville, AR 72701.

February 16, 1998: Panelist, Ethical Issues in Contacting Former Employees of Opposing Corporate Party, W.B. Putman American Inn of Court, Fayetteville, Arkansas. I have no notes, transcript or recording. The address for the W.B. Putman American Inn of Court is Susan Schell – Inn Secretary, University of Arkansas School of Law, 191 Waterman Hall, Fayetteville, AR 72701.

September 13, 1996: Speaker, “Subrogation Law in Arkansas,” Arkansas Bar Association, Seminar on Personal Injury Law, Fayetteville, Arkansas. I have no notes, transcript or recording. The address for the Arkansas Bar Association is 2224 Cottdale Lane, Little Rock, AR 72202.

November 17, 1994: Speaker, “Workers’ Compensation in 1994: A Respondent’s Perspective,” Arkansas Trial Lawyers Association, Administrative Law Seminar, Fayetteville, Arkansas. I have no notes, transcript or recording. The address for the Arkansas Trial Lawyers Association is 1400 West Markham, Suite 307, Little Rock, AR 72201.

April 29, 1992: Speaker, Arkansas Hot Check Laws, Northwest Arkansas Multi-Housing Association, Annual Meeting, Fayetteville, Arkansas. I have no notes, transcript or recording. The address for the Northwest Arkansas Multi-Housing Association is Post Office Box 293, Lowell, AR 72745.

- 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.

Alex Daniels, *Obama Fills Judge Spot with Fayetteville Lawyer*, Arkansas Democrat-Gazette, June 8, 2013. Copy supplied.

Michelle Bradford, *Wal-Mart, Coughlin Hit \$6.7 Million Deal*, Arkansas Democrat-Gazette, August 22, 2008. Copy supplied.

Robin Mero, *Wal-Mart to Give Coughlin \$6.75 Million*, Morning News, August 21, 2008. Copy supplied.

Robert J. Smith, *Landowner Holds Fate of Tilting Trees*, Arkansas Democrat-Gazette, April 11, 2008. Copy supplied.

Michelle Bradford, *Coughlin Repeats His Claim to Benefits*, Arkansas Democrat-Gazette, November 16, 2007. Copy supplied.

Amy Cotham, *The Quintessential Dream Home*, CitiScapes, March 2006. Copy supplied.

Worth Sparkman, *Local Lawyers Mull Malpractice Melee*, Arkansas Business Journal, January 17, 2005. Copy supplied.

Doug Smith, *Doctor Singled Out by Bush Faces Malpractice Suit*, Arkansas Times, February 20, 2004. Copy supplied.

Kristen Everett, *Bill Aims to Clarify Status of State-Licensed Bingo*, Arkansas Democrat-Gazette, March 3, 1997. Copy supplied.

Dominique Lacasse, *\$11M Suit Against Newbridge Dropped*, Ottawa Citizen, May 5, 1990. Copy supplied.

Dominique Lacasse, *U.S. Customer Sues Newbridge, Claims Product Failed to Work*, April 6, 1990. Copy supplied.

Ottawa Electronic Firm Sued by U.S. Bank, Toronto Star, April 6, 1990. Copy supplied.

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

I have not 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:

I have not served as a judge.

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

15. Public Office, Political Activities and Affiliations:

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

I have not been elected or appointed to any public office. I have not been a candidate for any elective or appointed office.

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

I have not been a member or held office in a political party, nor have I served on an election committee. I have been listed as a “co-host” (or other similar designation) for campaign fundraising events. Such events that I can recall were on behalf of the following candidates: Mike Beebe for Governor (2006); Bill Halter for Lieutenant Governor (2006); Dustin McDaniel for Attorney General (2006); Mark Pryor for U.S. Senate (2002, 2008); Marilyn Edwards for Arkansas House of Representatives (2002); Marilyn Edwards for Washington County Judge (2008); Mary Ann Gunn for Circuit Judge (1996); Mike Mashburn for Circuit Judge (2000); Courtney Henry for Arkansas Court of Appeals (2008); Courtney Henry for Arkansas Supreme Court (2010); Paul Danielson for Arkansas Supreme Court (2006); Jim Hannah for Arkansas Supreme Court (2008); and Niki Cung for Arkansas Court of Appeals (2012). It may be that I have served on other host committees, but after a diligent search of my records I cannot recall or determine any other such campaigns.

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 law clerk to any judge.

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

I have never practiced 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.

1989 – present
Taylor Law Partners, LLP
(f/k/a Mashburn & Taylor)
303 East Millsap Road
Fayetteville, Arkansas 72703
Partner (1993 – present)
Associate (1989 – 1993)

- 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 alternative dispute resolution proceedings.

b. Describe:

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

I have been employed in private practice with Taylor Law Partners, LLP since I graduated from law school in 1989. The firm has a broad general trial practice, including all types of civil litigation, domestic relations, and criminal defense. With some exceptions in the early years, the nature of my practice has focused on civil litigation.

From 1989 to 1993, a large portion of my practice was defending workers' compensation claims. I also represented individuals in personal injury matters, social security disability, domestic relations matters, criminal defense, wills and probate, and property law cases.

From 1993 to 2000, my practice areas narrowed when I became a partner of the firm in 1993. I stopped taking domestic relations and criminal cases, and I began working on corporate transactional matters and commercial litigation. Towards the end of this period I started phasing out my workers' compensation practice and focused more on complex personal injury cases (medical malpractice, product liability, wrongful death, catastrophic injuries) and commercial litigation.

From 2000 to the present time, my focus has been on complex civil litigation, with a heavy emphasis on commercial cases and medical malpractice.

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

The scope of my firm's practice is somewhat unique in that we have a long history of representing both plaintiffs and defendants in civil litigation, as well as providing legal services related to criminal defense, domestic relations, and representing plaintiffs in personal injury matters. Consequently, my practice, beginning as an associate, was a hybrid of these practices.

From 1989 to 1993, my workers' compensation clients consisted primarily of corporate employers, which I represented either directly in their self-insured capacity, through third party administrators, or in some instances through their insurance companies. In the other areas of my practice – personal injury, social security disability, domestic relations, and criminal defense – my clients were individuals, most of whom had very modest earnings.

From 1993 to 2000, I continued to represent corporate employers in the defense of workers' compensation cases. Likewise, I continued to represent personal injury clients, whose only means of affording an attorney was through the use of contingent fee arrangements. I also began representing corporate clients and individuals in commercial cases.

From 2000 to the present, I deemphasized and phased out my workers' compensation practice. My corporate clients in commercial cases have primarily consisted of small to medium sized companies, individuals, and entrepreneurs but also have included some large companies. In the areas of medical malpractice, product liability, discrimination, and the False Claims Act, my clients consist of ordinary 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.

I would describe my practice as consisting of over 95% litigation. I have appeared in court frequently. The percentages listed below reflect the distribution of my civil practice over the last 10 to 15 years. If I included workers' compensation and social security disability cases from the early years of my practice, then, by volume, the percentages would be skewed to reflect a significant percentage of proceedings before administrative agencies.

- i. Indicate the percentage of your practice in:
 - 1. federal courts: 30%
 - 2. state courts of record: 70%

- 3. other courts: 0%
- 4. administrative agencies: 0%

ii. Indicate the percentage of your practice in:

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

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

In total, I have tried more than 80 cases to verdict, judgment, or final decision. This would include 28 jury trials taken to verdict, approximately 15 bench trials taken to judgment, and no less than 40 workers' compensation cases tried to a final decision. Of the jury trials, I was sole counsel in 11 cases, chief counsel in 12 cases, and associate counsel in five cases. I acted as sole counsel in all of the bench trials and workers' compensation cases. The percentages listed below do not include or reflect workers' compensation cases in the early part of my career.

i. What percentage of these trials were:

- 1. jury: 65%
- 2. non-jury: 35%

- 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) *Bank of America, N.A. v. JB Hanna, LLC, et al*, Case No. 2010-5220, in the United States District Court for the Western District of Arkansas, Hon. Brian S. Miller presiding. Jury trial conducted June 18 to 27, 2012. The case is presently pending on appeal to the United States Eighth Circuit Court of Appeals in Case Nos. 12-3239 and 12-3352.

I represented the defendant, JB Hanna, LLC, and related parties. This was a breach of contract case. Bank of America brought suit against my clients alleging multiple defaults and cross-defaults of three separate commercial loan transactions, and sought to recover more than \$14 million. Bank of America had utilized an interest rate derivative – known as a “Swap” – to synthetically fix the interest rate on the loans. One of the loans involved complex refinancing and restructuring of debt totaling \$11 million. The core dispute resulted from the erroneous use of mis-matched maturities as between the promissory note (five-year maturity) and the corresponding Swap (ten-year maturity). Five years into the term, Bank of America declared default of the promissory note, and cross-default as against the corresponding Swap agreement, as well as cross-defaults of the two other notes, corresponding Swap agreements, and all guaranty obligations.

I served as lead counsel. I conducted all of the written discovery, as well as being responsible for the motions practice and summary judgment briefing. I conducted almost all of the discovery depositions, including those of 22 fact witnesses and five expert witnesses. To prepare for jury trial, I reviewed and participated in the pre-trial jury panel analysis. At trial, which commenced on June 18, 2012, I gave the opening statement, cross-examined the Bank’s witnesses, and put on the direct testimony of most of the defense witnesses. I also prepared the defendants’ proposed jury instructions and argued the same at the instruction conference. Following a seven-day trial, the jury returned a complete defense verdict in favor of my clients. I drafted the responses to the Bank’s multiple post-trial motions, all of which were denied. I drafted most of the appellees’ response brief on the pending appeal.

Co-Counsel for Plaintiff, Bank of America:

John K. Baker
Mitchell Williams
425 West Capitol Avenue, Suite 1800
Little Rock, AR 72201
(501) 688-8830

Theresa Davis
Michael Molinaro
Reed Smith LLP
10 South Wacker Drive, Suite 4000
Chicago, IL 60606
(312) 207-2777

Co-Counsel for Defendant, JB Hanna, LLC:

Jeff Mitchell
Taylor Law Partners, LLP
303 East Millsap Road
P.O. Box 8310
Fayetteville, AR 72703
(479) 443-5222

(2) *Thomas v. St. John's Hospital, et al*, Case No. CIV-2007-154, in the Circuit Court of Carroll County, Arkansas, Hon. Gerald Crow presiding. Jury trial conducted July 25 to 29, 2011. An appeal is presently pending in the Arkansas Court of Appeals, Case No. CA-12-231.

I represented the plaintiff, Ms. Thomas, in this medical malpractice litigation against a hospital and surgeon. The allegations were that the surgeon and operating room staff left a six inch steel clamp retained within Ms. Thomas' abdomen following bowel repair surgery. Damages were sought in the sum of approximately \$1 million.

I was lead counsel in the case. I drafted or supervised the drafting of the pleadings, written discovery, motions, and summary judgment briefs. I also took almost all of the depositions, including the depositions of all defense witnesses, defendant medical providers, and all four defense expert witnesses. I appeared and argued on behalf of Ms. Thomas at all of the pre-trial conferences, and I supervised the preparation and organization of the jury panel analysis. A jury trial began on July 25, 2011. I was responsible for our presentation to the jury, from conducting voir dire to drafting and arguing plaintiff's proposed jury instructions. I gave plaintiff's opening and closing statements. I put on the direct testimony of most of the plaintiff's witnesses, including plaintiff's expert witness, and cross-examined the defense witnesses. I also argued the directed verdict motions. On July 29, 2011, the jury returned a defense verdict. I drafted the post-trial motion and brief in support seeking a new trial, which was denied. I appealed the case and drafted the appellant's opening brief and reply brief. The appeal is presently pending in the Arkansas Court of Appeals, Case No. CA-12-231.

Co-Counsel for Plaintiff, Ms. Thomas:

William Burk
(Former Associate at Taylor Law Partners, LLP)
Corporate Counsel
Tyson Foods, Inc.
2200 Don Tyson Parkway, CP004
Springdale, AR 72762
(479) 290-1198

Counsel for Defendant, Nadav Sharon, MD:

Walter B. Cox
Cox, Cox & Estes, PLLC
P.O. Box 878
Fayetteville, AR 72702
(479) 251-7000

Counsel for Defendant, St. John's Hospital:

W. Dale Garrett
Bassett Law Firm LLP
P.O. Box 3618
Fayetteville, AR 72702
(479) 521-9996

(3) *Young, et al v. Smith, et al*, Case No. CV-2007-2372-4, in the Circuit Court of Washington County, Arkansas, Hon. Mary Ann Gunn presiding (now retired). Jury trial conducted August 23, 2010 to September 10, 2010.

I represented the plaintiff, Ms. Young, who brought this medical malpractice case on behalf of her minor twin daughters. Ms. Young's pregnancy was complicated by the development of an in utero anomaly known as twin-to-twin transfusion syndrome. The allegation was that Ms. Young's treating obstetricians were negligent in failing to timely diagnose and treat the complication. It was also alleged that the defendant hospital was negligent when it failed to properly and timely submit ultrasound images – which would have diagnosed the condition – to a radiologist for review. The complication resulted in the twins' premature birth at 26 weeks gestation, which in turn caused profound brain damage and cerebral palsy in one of the twins, and a less severe form of cerebral palsy in the lower extremities of the other twin. It was alleged that timely diagnosis and treatment of the complication would have prolonged gestation and that the twins would not have suffered permanent impairments. Damages were alleged in excess of \$10 million.

I served as lead counsel. I was responsible for the pre-trial discovery, including written discovery, depositions, motions, and jury panel analysis. A jury trial commenced on August 23, 2010. I conducted the voir dire. I gave the opening statement. I put on the direct testimony of most of the plaintiff's witnesses, as well as the cross-examination of most of the defense witnesses. I drafted the plaintiff's proposed jury instructions and argued the same at the instruction conference. After a trial which lasted over three weeks, the jury returned a defense verdict. I subsequently appealed the trial court's summary judgment ruling with regard to the interpretation of the Arkansas John Doe Statute. Even though the mootness doctrine would have prevented a re-trial on the merits, I sought to challenge what I believed to be erroneous legal precedent. The appeal was denied. *Young v. Smith*, 2012 Ark. App. 494.

Co-Counsel for Plaintiff, Ms. Young:

Jeff Mitchell
Taylor Law Partners, LLP
303 East Millsap Road
P.O. Box 8310
Fayetteville, AR 72703
(479) 443-5222

William Burk
(Former Associate at Taylor Law Partners, LLP)
Corporate Counsel
Tyson Foods, Inc.
2200 Don Tyson Parkway, CP004
Springdale, AR 72762
(479) 290-1198

Counsel for Defendant, Washington Regional Medical Center:

Kelly Carithers
Davis, Wright, Clark, Butt & Carithers, PLC
P.O. Box 1688
Fayetteville, AR 72702
(479) 521-7600

Counsel for Defendants, Dr. Smith and Dr. Pickhardt:

Phil Malcom
Malcom Law Firm
2226 Cottondale Lane, Suite 100
Little Rock, AR 72202-2060
(501) 319-7669

(4) *Green, et al. v. AlphaPharma, Inc., et al*, Case No. CV-2003-2150-2, in the Circuit Court of Washington County, Arkansas, Hon. Kim Smith presiding. Jury trial conducted September 3 to 25, 2006. The judgment was appealed to the Arkansas Supreme Court. *Green v. AlphaPharma*, 373 Ark. 378 (2008).

This was a mass tort case. I represented the defendant pharmaceutical company, AlphaPharma, Inc. The plaintiffs alleged that a synthetic arsenic, Roxarsone, manufactured by AlphaPharma, was blended into the poultry feed utilized by major poultry producers, which plaintiffs alleged would eventually be absorbed into the environment and ingested by the plaintiffs. The plaintiffs alleged that the arsenic ingested by the plaintiffs caused a “cancer cluster” in the community. The plaintiffs consisted of approximately 30 separate families, each with one or more family members being afflicted with some type of cancer allegedly caused by the defendants. Approximately ten separate cases were filed, each

with multiple plaintiffs and/or plaintiff families. Five of the major poultry producers in the region were also named as defendants. All of the cases were consolidated for purposes of discovery, but severed for trial purposes. The Green family's case was scheduled to be tried first. Shortly prior to trial, all of the poultry company defendants were dismissed on summary judgment. The Green family's case was taken to trial with Alpharma as the sole defendant. The case was incredibly complex due to the sheer number of parties, different types and nature of cancer claims, the scientific evidence, extensive discovery, a multitude of expert witnesses, summary judgment issues, *Daubert* motions, and extensive motion in limine practice.

Lead counsel for Alpharma was Shook Hardy & Bacon from Kansas City, Missouri. I was associated as local counsel and participated in discovery, motion practice, and trial. The jury trial began on September 3, 2006. I cross-examined the lead plaintiff and his local treating physician. I also put on the direct testimony of the defense expert witnesses in the fields of oncology and arsenic toxicology. After a three-week trial, the jury returned a complete defense verdict. The plaintiff appealed. The judgment on the jury's verdict as to Alpharma was affirmed.

Co-Counsel for the Plaintiff, Green Family:

Jason M. Hatfield
Law Office of Jason M. Hatfield, PA
300 North College, Suite 309
Fayetteville, AR 72701-4203
(479) 439-4160

Russell Winburn
Conrad T. Odom
Odom Law Firm
P.O. Drawer 1868
Fayetteville, AR 72702
(479) 442-7575

Hunter W. Lundy
Lundy, Lundy, Soileau & South, L.L.P.
501 Broad Street
Lake Charles, LA 70601
(337) 513-0292

Co-Counsel for Defendant, Alpharma, Inc.:

Robert T. Adams
John Johnston
Steve Soden
Shook, Hardy & Bacon L.L.P.
2555 Grand Boulevard

Kansas City, MO 64108
(816) 474-6550

(5) *Capper v. McBee, et al.*, Case No. CV-2003-72-6, in the Circuit Court of Washington County, Arkansas, Hon. Mark Lindsay presiding. Jury trial conducted on May 24 to 28, 2004.

I represented the plaintiffs who brought this action on behalf of their minor son. This was a medical malpractice case wherein it was alleged that their son had suffered fetal distress and hypoxia in the birthing process, which resulted in profound brain injury and severe cerebral palsy.

I acted as sole counsel from the beginning to the end of this litigation. The pre-trial discovery was very complex, involving very technical written discovery and including multiple fact and expert witnesses. I also represented my clients in a lengthy mediation process. On the day before trial, the two defendant doctors paid significant settlement monies and were dismissed as parties. On May 24, 2004, the case proceeded to trial against the defendant hospital. I conducted the voir dire of the jury panel. I was responsible for the opening and closing statements. I put on the direct testimony of the plaintiff's witnesses, including the testimony of the settling defendant doctors who were called as hostile witnesses. I also put on the expert testimony of the plaintiff's treating physicians, as well as the testimony of the plaintiff's five expert witnesses. I cross-examined the defense witnesses, including the defense expert witnesses. After five days of trial, the jury returned a defense verdict in favor of the hospital.

Counsel for Defendant, Washington Regional Medical Center:

Kelly Carithers
Davis, Wright, Clark, Butt & Carithers, PLC
P.O. Box 1688
Fayetteville, AR 72702
(479) 521-7600

Counsel for Defendant, Dr. Gorman:

Charles R. Ledbetter
Ledbetter, Cogbill, Arnold & Harrison, LLP
P.O. Box 185
Fort Smith, AR 72902-0185
(479) 782-7294

Counsel for Defendant, Dr. McBee:

Walter B. Cox
Cox, Cox & Estes, PLLC
P.O. Box 878

Fayetteville, AR 72702
(479) 251-7000

(6) *OK Foods, Inc. v. EPCO Carbon Dioxide Products, Inc.*, Case No. CV-2001-463, in the Circuit Court of Sebastian County, Arkansas, Hon. Mark Hewett presiding. Jury trial conducted June 21 to 24, 2002.

I represented the defendant, EPCO, in this matter which involved mutual breach of contract allegations. The plaintiff contended that EPCO had breached a contract to supply its requirements for carbon dioxide. EPCO contended that due to market conditions certain aspects of its performance were excused. EPCO counter-sued for breach of contract to recover remaining monies owed on account.

I served as lead counsel. I handled all of the pretrial discovery, the motion for summary judgment, motions in limine, and all pretrial hearings. The matter went to a jury trial beginning on June 21, 2002. I gave the opening statement. I cross-examined most of the plaintiff's witnesses, and put on a majority of the defense witnesses on direct examination. I argued the motions for directed verdict. I prepared and argued the proposed jury instructions. I gave the closing argument. On June 24, 2002, the jury returned a defense verdict in favor of EPCO on the plaintiff's complaint. EPCO was awarded judgment for the entire amount of its counterclaim, plus attorney fees.

Co-Counsel for Plaintiff, OK Foods:

Walton Maurras
Matt Horan
Smith, Maurras, Redd & Horan, PLC
P.O. Box 10205
Fort Smith, AR 72917
(479) 782-1001

Co-Counsel for Defendant, EPCO Carbon Dioxide Products, Inc.

W.H. Taylor
Taylor Law Partners, LLP
303 East Millsap Road
P.O. Box 8310
Fayetteville, AR 72703
(479) 443-5222

(7) *Salley v. U.S. Department of Veterans Affairs*, Case No. 5:99-CV-05136-JLH, in the United States District Court for the Western District of Arkansas, Hon. Jimm L. Hendren presiding. Jury trial conducted May 25 to 28, 2000.

I represented the plaintiff, Mr. Salley, in this employment discrimination case which was brought pursuant to Title VII of the Civil Rights Act of 1964. Mr. Salley was employed

as a maintenance worker at the Veterans Hospital in Fayetteville, Arkansas. Mr. Salley, an African-American, alleged that certain employee discipline – and his ultimate termination – was racially motivated and the result of a hostile work environment. The United States denied these allegations.

I served as lead counsel for Mr. Salley. I was responsible for the pleadings, written discovery, and the majority of the depositions. I also drafted and responded to all pretrial motions and other line items as required by the Court's pretrial scheduling order. I assisted in the review of the jury panel analysis. The matter went to trial on May 25, 2000. I gave the opening and closing statements. I put on a majority of the plaintiff's witnesses on direct exam and cross-examined most of the defense witnesses. I argued all of the motions made during trial. I prepared the plaintiff's proposed jury instructions. On May 28, 2000, the jury returned its verdict finding that the Veterans Hospital had discriminated against Mr. Salley on account of his race, and awarded him compensatory damages. I drafted a post-trial petition for attorney fees as authorized by Title VII, which were subsequently awarded by the Court.

Co-Counsel for Plaintiff, Mr. Salley:

Scott E. Smith
Taylor Law Partners, LLP
303 East Millsap Road
P.O. Box 8310
Fayetteville, AR 72703
(479) 443-5222

Counsel for Defendant, The United States:

Deborah J. Groom
Assistant United States Attorney
Western District of Arkansas
P. O. Box 1524
Fort Smith, AR 72902
(479) 783-5125

(8) *National Merchandising, et al v. Leisure Time Products, et al*, Case No. 5:99-CV-05005-JLH, in the United States District Court for the Western District of Arkansas, Hon. Jimm L. Hendren presiding. Jury trial conducted December 6 to 10, 1999.

I represented the plaintiffs, National Merchandising and Mr. Royer, in this matter which involved breach of contract. Mr. Royer contended that he and his company had contracted with the defendant, Leisure Time Products, as an independent wholesale seller of its wooden playground sets. Mr. Royer contended that the defendant breached its sales representation agreement when it terminated his affiliation with the company and failed to pay him commissions on sales which resulted from his efforts. The defendant denied these allegations.

I served as lead counsel. I handled the pre-trial discovery, including depositions, motions in limine, pre-trial hearings, and jury panel analysis. The matter went to a jury trial beginning on December 6, 1999. I conducted the voir dire of the jury panel. I gave the opening statement. I put on the direct testimony of most of the plaintiffs' witnesses and cross-examined most of the defense witnesses. I argued the motions made during the trial. I prepared the plaintiffs' proposed jury instructions and argued on behalf of the plaintiffs at the Court's instruction conference. I gave the plaintiffs' closing argument. On December 10, 1999, the jury returned a verdict in the plaintiffs' favor and awarded compensatory contract damages. I filed a post-trial motion for an award of statutory attorney fees in accordance with Arkansas law, which were subsequently awarded by the Court.

Co-Counsel for Plaintiffs, National Merchandising and Ron Royer:

Rick E. Woods
Taylor Law Partners, LLP
303 East Millsap Road
P.O. Box 8310
Fayetteville, AR 72703
(479) 443-5222

Counsel for Defendants, Leisure Time Products:

John Elrod
Vicki Bronson
Conner & Winters
4375 North Vantage Drive, Suite 405
Fayetteville, AR 72703
(479) 582-5711

(9) *Hill v. Panettiere, et al*, Case No. 5:98-CV-05050-JLH, in the United States District Court for the Western District of Arkansas, Hon. Jimm L. Hendren presiding. Jury trial conducted March 1 to 4, 1999.

I represented the plaintiff in this medical malpractice case brought in federal court pursuant to diversity jurisdiction. The defendant oncologist, Dr. Panettiere, diagnosed Mr. Hill with liver cancer. For a period of over two years, Dr. Panettiere treated Mr. Hill with weekly IV chemotherapy treatments. The treatments made Mr. Hill very ill. After two years of these weekly treatments, Mr. Hill obtained a second opinion, which revealed that Mr. Hill did not have liver cancer, nor had he ever had liver cancer. Dr. Panettiere denied these allegations.

I acted as lead counsel in representing Mr. Hill. I was responsible for the pre-trial discovery and jury panel analysis. The matter went to a jury trial beginning on March 1, 1999. I conducted the voir dire examination of the jury panel. I put on the testimony of

the plaintiff's treating physicians, as well as the testimony of the plaintiff's medical experts. I cross-examined the defendant and the defense experts. I argued all of the motions made during trial. I gave the closing argument. On March 4, 1999, the jury returned a verdict in favor of Mr. Hill and awarded compensatory damages.

Co-Counsel for Plaintiff, Mr. Hill:

Sean Keith
Keith, Miller, Butler, Schneider & Pawlik
1106 West Poplar Street
Rogers, AR 72756
(479) 621-0006

Counsel for Defendant, Dr. Panettiere:

Walter B. Cox
Cox, Cox & Estes, PLLC
P.O. Box 878
Fayetteville, AR 72702
(479) 251-7000

(10) *Cargill, Inc. v. Storms Agri Enterprises, Inc.*, Case No. CV-91-652, in the Circuit Court of Washington County, Arkansas, Hon. Kim Smith presiding. This case was actually tried to a jury twice. The first trial resulted in a directed verdict in favor of the defendant. The trial court's ruling was reversed on appeal, *Cargill v. Storms Agri Enterprises*, 46 Ark. App. 237 (1994). On remand, the case went to a second jury trial on June 26 to 28, 1995.

I represented the plaintiff, Cargill, Inc. This was a commercial sales case brought pursuant to the Uniform Commercial Code. Cargill was a seller of cottonseed, a byproduct of the cotton-ginning process. Defendant was a dairy farmer which used cottonseed as an additive to its cattle feed. Cargill alleged that the defendant had agreed to purchase 17 truckloads of cottonseed at a fixed price for future delivery. After accepting delivery of a portion of those loads, the price of cottonseed on the spot market decreased, and the defendant repudiated its agreement to purchase the remaining loads.

I acted as sole counsel on behalf of Cargill at the first trial, on appeal, and during the second trial on remand. The case went to a jury trial a second time on June 26, 1995. I conducted the voir dire examination of the jury panel. I gave the opening statement. I put on all of the plaintiff's witnesses on direct examination. I cross-examined all of the defendant's witnesses. I argued the motions made to the Court during the trial. I gave the closing argument. On June 28, 1995, the jury returned a verdict in favor of Cargill for the full amount of its contract damages. After the trial I filed a motion for attorney fees pursuant to Arkansas statutory law, which were ultimately awarded by the Court.

Counsel for Defendant, Mr. Storms:

John C. Everett
Everett, Wales & Comstock
P.O. Box 8370
Fayetteville, AR 72703
(479) 443-0292

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 a young lawyer I had the very good fortune of being thrust into an active workers' compensation practice. My senior partner entrusted me to work up and try many of these cases in my first year out of law school. I eventually took over his workers' compensation docket. Litigation before the Arkansas Workers' Compensation Commission is not complex, but it is a great forum in which to develop one's skill. Each case typically involves the drafting of pleadings, motions, written discovery, taking depositions, and the drafting of trial briefs. Hearings before an Administrative Law Judge involve the examination and cross-examination of witnesses and the introduction of documents and records in accordance with the Rules of Evidence. In my first ten years out of law school, I estimate that I litigated more than 150 such claims. I conservatively estimate that I took more than 40 of those cases to trial.

I have also accrued significant experience in alternative dispute resolution. I would conservatively estimate that I have taken the lead in representing my clients in more than 25 mediations. I have also tried two cases in arbitration proceedings to a final decision.

Since 2011, I have served as a Member of the Arkansas Supreme Court Committee on Model Jury Instructions – Civil. The committee is tasked with the responsibility to review and analyze recently released appellate court decisions, new and revised statutes, and other legal authority to create or revise the model jury instructions, and the comments to the instructions, to accurately reflect the current state of Arkansas law. The committee meets once a month at the Arkansas Supreme Court in Little Rock. The work of the committee involves a significant time commitment, including substantial research and drafting assignments. I have found the return to this academic aspect of the law to be a richly rewarding experience.

I have not performed lobbying activities on behalf on any client or organization.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe

briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I have not taught any courses.

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

If I were to be confirmed, I would receive a portion of my accrued fees billed but not yet paid or liquidated. I have a 401(k) plan through my firm as well. I also anticipate receiving passive income from a family owned limited liability company of which I am part owner. The company holds family investments, such as a family farm which is presently leased as pasture land. Any future distribution is unknown and not guaranteed as the assets are intended to be held long term.

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.

If confirmed, I would evaluate actual and potential conflicts of interest in accordance with the Code of Conduct for United States Judges, and in particular Canon 3, which pertains to conflicts of interest. I would also determine and apply all other applicable policies and procedures of the United States Courts.

If confirmed, I would recuse from any matters and/or cases that I handled or supervised as an attorney at Taylor Law Partners, LLP. For an appropriate period of time, I would recuse from all cases in which members of my firm appear as an attorney of record. For an appropriate period of time, I would likewise recuse from any new cases in which one of my current clients may appear as a party. I would look to any and all applicable rules, customs, and practices of the United States Courts, the Eighth Circuit, and the Western District of Arkansas, to determine the appropriate duration of such conflicts.

In addition, I would recuse myself in certain circumstances based on my personal relationships. My wife is an officer and director of the Bank of Fayetteville in Fayetteville, Arkansas. If confirmed, I would recuse myself from all matters in which the Bank of Fayetteville is a party. My father-in-law is *of counsel* to Hardin, Jesson & Terry, PLC, in Fort Smith, Arkansas, and my nephew is a transactional lawyer with Friday, Eldredge & Clark in Rogers, Arkansas. If confirmed, I would follow 28 U.S.C. § 455, the Code of Conduct for United States Judges, including Canon 3 of the Code, and all applicable policies and procedures of the United States Courts, and recuse as appropriate.

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

If confirmed, I would evaluate actual, potential, and perceived conflicts of interest in accordance with the Code of Conduct for United States Judges, and in particular Canon 3. I would also determine and apply all other applicable policies and procedures of the United States Courts, such as 28 U.S.C. § 455. I would also look to any and all applicable rules, customs, and practices within the Eighth Circuit generally, and the Western District of Arkansas, specifically. I will diligently keep apprised of my financial and personal interests and will address conflicts, potential conflicts, and the appearance of conflicts, as appropriate.

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

I have served as a volunteer lawyer for Ozark Legal Services and Arkansas Legal Aid since I was first licensed as an attorney. In the early years of my practice I took indigent referrals of domestic relations cases. I also dealt with some property issues and simple will and/or probate matters on a pro bono basis. More recently I have been asked to

assist indigent referrals with various issues where it was necessary to establish guardianship of a minor, a sibling, or a disabled person.

I have also served as counsel to the Junior League of Northwest Arkansas. The mission of the Junior League is promoting voluntarism, developing the potential of women and improving communities through the effective action and leadership of trained volunteers. Its purpose is exclusively educational and charitable. Its goal is to serve the needs of the community. In 2002, I volunteered my services to incorporate this local chapter as a nonprofit 501(c)(3) corporation. Since then I have advised the League with regard to various contract matters, advised it with respect to potential liability associated with fundraising events, and counseled it when confronted with actual liability occurrences.

I have also represented indigent clients on a pro bono basis who sought my services as a private attorney, but were unable to afford my fees. This has ranged from one time initial consultations for advice and direction, to the preparation of simple wills for the elderly, to long term representation in guardianship cases. One example is a family of four siblings ranging in age from 13 to 20. Due to family circumstances, the oldest sibling has effectively been the primary care provider of her younger sisters. I have represented this family in a fairly complex guardianship matter for the last ten years.

I have also donated considerable time to the improvement of the law by my service on the Arkansas Supreme Court on Model Jury Instructions – Civil.

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.

There is no selection commission in Arkansas for vacancies on the federal bench. In November 2012, I sent Senators Mark Pryor and John Boozman letters expressing my interest in being considered for this position, along with my resume. On or about December 12, 2012, Senator Boozman called to discuss the consideration process. On January 23, 2013, I had a phone interview with Senator Pryor. On March 6, 2013, Senator Pryor called to inform me that he was recommending me and three other candidates to the President. I have been in contact with officials from the Office of Legal Policy at the Department of Justice since March 14, 2013. On March 21, 2013, I met separately with Senators Boozman and Pryor in Washington, D.C. On April 17, 2013, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice

in Washington, D.C. On June 7, 2013, 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) Brooks, Timothy L.	2. Court or Organization U. S. District Court, Western District of Arkansas	3. Date of Report 06/07/2013
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) District Court Judge	5a. Report Type (check appropriate type) ☒ Nomination Date 06/07/2013 ☐ Initial ☐ Annual ☐ Final	6. Reporting Period 01/01/2012 to 06/03/2013
	5b. ☐ Amended Report	
7. Chambers or Office Address P.O. Box 8310 303 E. Millsap Road Fayetteville, AR 72703		
IMPORTANT NOTES: <i>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>		

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	Taylor Law Partners, LLP
2. Managing Member	TLB & MBB Family Investments, LLC
3. Managing Member	Sanity, LLC
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.	
2.	
3.	

FINANCIAL DISCLOSURE REPORT

Page 2 of 6

Name of Person Reporting

Brooks, Timothy L.

Date of Report

06/07/2013

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. 2013	Taylor Law Partners, LLP	\$73,148.00
2. 2012	Taylor Law Partners, LLP	\$250,472.00
3. 2011	Taylor Law Partners, LLP	\$185,447.00
4.		

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

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1. 2013	Bank of Fayetteville, salary
2. 2013	Bank of Fayetteville, board fees
3. 2012	Bank of Fayetteville, salary
4. 2012	Bank of Fayetteville, board fees

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.				
5.				

FINANCIAL DISCLOSURE REPORT

Page 3 of 6

Name of Person Reporting

Brooks, Timothy L.

Date of Report

06/07/2013

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.	Signature Bank	Business related line of credit	None
2.			
3.			
4.			
5.			

FINANCIAL DISCLOSURE REPORT

Page 4 of 6

Name of Person Reporting

Brooks, Timothy L.

Date of Report

06/07/2013

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.)

1.	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)
1.	Alliance Bernstein Growth & Income Fund A	A	Dividend	J	T	Exempt				
2.	Bank of Fayetteville Common Stock	D	Dividend	L	T					
3.	Baron Small Cap Retail Fund	A	Dividend	J	T					
4.	BlackRock Small Cap Growth Equity Fund A	A	Dividend	K	T					
5.	Davis New York Venture Fund A	A	Dividend	K	T					
6.	Federated Capital Appreciation Fund A	A	Dividend	K	T					
7.	Federated Kaufmann Fund A	A	Dividend	J	T					
8.	Janis Forty Class Fund S	A	Dividend	K	T					
9.	MFS Core Equity Fund A	A	Dividend	L	T					
10.	Nationwide S & P 500 Index Svc	A	Dividend	K	T					
11.	Oppenheimer Value Fund	A	Dividend	K	T					
12.	TLB & MBB Family Investments LLC		None	K	W					
13.	Sanity, LLC		None	K	W					
14.	Taylor Law Partners, LLP		None	K	U					
15.	Bank of Fayetteville Deposit Accounts	A	Interest	J	T					
16.	Bank of Fayetteville Vested Stock Options		None	O	T					
17.										

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 5 of 6

Name of Person Reporting

Brooks, Timothy L.

Date of Report

06/07/2013

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

FINANCIAL DISCLOSURE REPORT

Page 6 of 6

Name of Person Reporting

Brooks, Timothy L.

Date of Report

06/07/2013

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/ **Timothy L. Brooks**

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		14	721	Notes payable to banks-secured			
U.S. Government securities				Notes payable to banks-unsecured			
Listed securities – see schedule		289	012	Notes payable to relatives			
Unlisted securities – see schedule		781	647	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-add schedule	1	158	483
Real estate owned – see schedule	1	693	000	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		107	500				
Cash value-life insurance							
Other assets itemize:							
				Total liabilities	1	158	483
				Net Worth	1	727	397
Total Assets	2	885	880	Total liabilities and net worth	2	885	880
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor		200	000	Are any assets pledged? (Add schedule)	No		
On leases or contracts				Are you defendant in any suits or legal actions?	No		
Legal Claims				Have you ever taken bankruptcy?	No		
Provision for Federal Income Tax							
Other special debt							

FINANCIAL STATEMENT

NET WORTH SCHEDULES

Listed Securities

AllianceBernstein Growth & Income fund	\$ 14,364
Bank of Fayetteville stock	78,755
Baron Small Cap Retail Fund	8,991
BlackRock Small Cap Growth Equity Fund	25,566
Davis New York Venture Fund	12,314
Federated Capital Appreciation Fund	35,212
Federated Kaufmann Fund	8,724
Janis Forty Class Fund	9,173
MFS Core Equity Fund	48,224
Nationwide S&P 500 Index Fund	24,659
Oppenheimer Value Fund	23,030
Total Listed Securities	<u>\$ 289,012</u>

Unlisted Securities

Bank of Fayetteville vested stock options	\$ 692,750
TLB & MBB Family Investments, LLC	40,000
Sanity, LLC	20,000
Taylor Law Partners, LLP	28,897
Total Unlisted Securities	<u>\$ 781,647</u>

Real Estate Owned

Personal residence	\$ 1,650,000
Timeshare	43,000
Total Real Estate Owned	<u>\$ 1,693,000</u>

Real Estate Mortgages Payable

Personal residence – primary mortgage	\$ 859,697
Personal residence – secondary mortgage	298,786
Total Real Estate Mortgages Payable	<u>\$ 1,158,483</u>

AFFIDAVIT

I, Timothy L. Brooks, do swear
that the information provided in this statement is, to the best
of my knowledge, true and accurate.

June 7, 2013 T.L.B.
(DATE) (NAME)

Sheri Craig
(NOTARY)

